

LAWSON LUNDELL

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January 13, 2004

DELIVERED

B.C. Utilities Commission
6th Floor, 900 Howe Street
Box 250
Vancouver, B.C.
V6Z 2N3

Attention: Robert J. Pellatt, Commission Secretary

Dear Mr. Pellatt:

Re: BC Hydro Energy Supply Contract Filing

Pursuant to section 71 of the *Utilities Commission Act* (the Act) and the Commission's Rules regarding Electricity Supply Contracts (the Rules), BC Hydro is pleased to file for approval the following electricity purchase agreements (the Agreements):

1. McNair Creek Hydro / Renewable Power Corporation (including two amendments to the original agreement)
2. Mears Creek Project / Synex Energy Resources (including one amendment to the original agreement)
3. Rutherford Creek Hydro Project / Rutherford Creek Power Ltd.
4. Upper Mamquam Project / Canadian Hydro Developers

BC Hydro is filing the Agreements on behalf of itself and on behalf of the counterparties to them.

Information regarding the Agreements required by paragraph 1.4 of the Rules is attached as Appendix A to this letter.

As with the energy supply agreements filed under cover of letter dated October 21, 2003, the Agreements were all entered into in good faith before May 29, 2003 when the definition of "energy supply contract" in the Act changed and brought them within the scope of section 71. Because the circumstances of these agreements are the same as the circumstances of the October 21 agreements, BC Hydro believes that no public hearing into the Agreements is necessary or desirable. It has provided an explanation of the prices paid under the Agreements in its revenue requirements application filed December 15, and will make witnesses available at the oral hearing of that application to provide further information.

As with the October 21 filing, BC Hydro and the counterparties to the Agreements request that pursuant to section 1.9 of the Rules the Agreements and Appendix A be kept confidential.

BC Hydro will also be providing copies of this letter to intervenors and participants in the revenue requirement proceeding, consistent with the Commission's request regarding the October 21 filing letter.

Finally, BC Hydro also takes the opportunity to file amendments to two of the October 21 agreements, being the Armstrong Wood Waste Co-Gen Project and the Furry Creek Project (numbered 5 and 9, respectively, in the October 21 letter). Again, BC Hydro requests that these amending agreements be kept confidential.

Yours very truly

LAWSON LUNDELL

Jeff Christian

JC/sal

Enc.

cc. Counterparties to Agreements, w/out Appendix A or enclosures
Furry Creek Power Ltd., w/out Appendix A or enclosures
RFP Power Ltd., w/out Appendix A or enclosures
Client, w/Appendix A and enclosures



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Log No. 5015

ROBERT J. PELLATT
COMMISSION SECRETARY
Commission.Secretary@bcuc.com
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VIA FACSIMILE
9, 604-623-4407

March 17, 2004

Mr. Richard Stout
Chief Regulatory Officer
British Columbia Hydro and Power Authority
17th Floor, 333 Dunsmuir Street
Vancouver, B.C. V6B 5R3

Dear Mr. Stout:

Re: British Columbia Hydro and Power Authority
Energy Supply Contract Filing

This is in response to B.C. Hydro's filing through Lawson Lundell of January 13, 2004. Attached is Order No. E-1-04 accepting the four Contracts (with Addendums) and two Addendums listed in that letter as filed as energy supply contracts pursuant to Section 71 of the Utilities Commission Act. In addition, the Commission requires that B.C. Hydro to provide a copy of this Order and the Lawson Lundell application letter of January 13, 2004 to all interested parties and registered intervenors to the B.C. Hydro Revenue Requirements public hearing process.

Yours truly,

A handwritten signature in black ink, appearing to read "R. Pellatt".

Robert J. Pellatt

RWR/cms
Attachment

**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER E-1-04**

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IN THE MATTER OF
the Utilities Commission Act, R.S.B.C. 1996, Chapter 473

and

An Application by British Columbia Hydro and Power Authority
for Approval of
Electricity Purchase Agreements and Amending Agreements between
British Columbia Hydro and Power Authority and

- Renewable Power Corporation (McNair Creek Hydro)
- Synex Energy Resources (Mears Creek)
- Rutherford Creek Power Ltd. (Rutherford Creek Hydro Project)
- Canadian Hydro Developers Inc. (Upper Mamquam Project)
- RFP Power Ltd. (Armstrong Wood Waste Co-gen Project)
- Furry Creek Power Ltd. (Furry Creek Project)

BEFORE: R.H. Hobbs, Chair)
L.A. Boychuk, Commissioner) March 17, 2004

O R D E R

WHEREAS:

- A. Pursuant to Section 71 of the Utilities Commission Act, British Columbia Hydro and Power Authority ("BC Hydro") filed Electricity Purchase Agreements with the Commission on January 13, 2004, for the supply of electricity with the following companies:
- Renewable Power Corporation for electricity from the McNair Creek Hydro Project (including two amending agreements);
 - Synex Energy Resources for electricity from the Mears Creek (formerly ZZ Creek) Hydro Project (including one amending agreement);
 - Rutherford Creek Power Ltd. for electricity from the Rutherford Creek Hydro Project;
 - Canadian Hydro Developers Inc. for electricity from the Upper Mamquam River Hydro Project; and
- B. On January 13, 2004, BC Hydro also filed amending agreements for the following Electricity Purchase Agreements previously approved by Commission Order No. E-10-03:
- RFP Power Ltd., for electricity from the Armstrong Wood Waste Cogeneration project;

**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER E-1-04**

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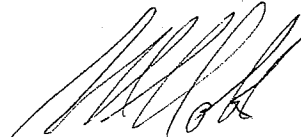
- Furry Creek Power Ltd., for electricity from the Furry Creek small hydro project, collectively the “Agreements”; and
- C. The Agreements have been negotiated with the companies pursuant to BC Hydro’s August 24, 2001, request for proposals for projects under 40 GW.h and a 2001 request for proposals for green energy over 40 GW.h; and
- D. BC Hydro advises that the Agreements were entered into in good faith before or shortly after May 29, 2003, when the definition of “energy supply contract” was amended in the Utilities Commission Act; and
- E. BC Hydro has requested that for competitive reasons the Commission keep the Agreements confidential; and
- F. The Commission has considered the Agreements and has considered the execution dates of the Agreements in the context of the changes to the Utilities Commission Act and the request of BC Hydro.

NOW THEREFORE the Commission orders as follows:

1. The Agreements are accepted as filed as energy supply contracts pursuant to Section 71 of the Utilities Commission Act.
2. The Commission will hold the Agreements confidential at this time.

DATED at the City of Vancouver, in the Province of British Columbia, this 17 day of March 2004.

BY ORDER



Robert H. Hobbs
Chair