



## GSX Concerned Citizens Coalition

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The Georgia Strait Crossing Concerned Citizens Coalition

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### **Duke Point Power opponents continue Appeals Court fight**

**Victoria** – The GSX Concerned Citizens Coalition (GSXCCC), the BC Sustainable Energy Association (BCSEA) and the Society Promoting Environmental Conservation (SPEC) will continue their BC Court of Appeal challenge to the BC Utilities Commission decision that approved BC Hydro's plan to buy power from the Duke Point Power's gas-fired generation plant.

"We want our day in court," said **Tom Hackney, President of the GSXCCC**. "We are convinced there is an apprehension of bias in the Utilities Commission decision; and the evidence shows the Duke Point power plant is unnecessary, costly and contrary to our Kyoto commitment to reduce greenhouse gases."

"We carefully reviewed the reasons Judge Thackray gave for dismissing our appeal application," said Hackney "We are not satisfied that he grasped the facts of the case or understood our strong reasons for claiming an apprehension of bias. This goes to the heart of people's ability to trust in the fairness of the Utilities Commission's decisions on matters affecting Hydro rates and the public interest."

On 28 February, the GSXCCC, BCSEA and SPEC applied to the Court of Appeal for leave to appeal the Utilities Commission's 17 February decision, which approved BC Hydro's electricity purchase agreement with Duke Point Power LP to buy the output from a 252 MW plant that is scheduled to be built this year at Duke Point.

GSXCCC, *et al* claim there is a reasonable apprehension of bias that the Commission panel reviewing the purchase agreement had made up its mind in favour of the power plant before having heard all the evidence and arguments. GSXCCC, *et al* also claim the Commission panel conducted itself improperly during an *in camera* session and exceeded its jurisdiction in disregarding potential cost liability of using natural gas – a known source of greenhouse gases – in the power plant. The Joint Industry Electricity Steering Committee, representing industrial users of electricity, also filed for an appeal, on similar grounds.

On 6 April, GSXCCC, *et al* and JIESC argued their applications for leave to appeal before Judge Thackray of the Court of Appeal. On 12 April, Thackray dismissed both applications, issuing reasons on 20 April.

The GSXCCC, *et al* will shortly file documents to ask a three-judge panel to review and reconsider Judge Thackray's dismissal.

**For more information, call Tom Hackney at (250) 381-4463.**