



ORDER NUMBER
G-71-16

IN THE MATTER OF
the *Utilities Commission Act*, RSBC 1996, Chapter 473

and

Bakerview EcoDairy Ltd.
Application for Exemption from Part 3 of the Utilities Commission Act for
Electric Vehicle Charging Service Providers

BEFORE:

D. M. Morton, Commissioner
D. J. Enns, Commissioner
H. G. Harowitz, Commissioner
R. I. Mason, Commissioner

on May 19, 2016

ORDER

WHEREAS:

- A. On November 24, 2015, EcoDairy filed an application for exemption from Part 3 of the UCA in relation to EcoDairy's proposed resale of electricity via the electric vehicle (EV) DCFC station on its property at 1356 Sumas Way, Abbotsford, BC (Application). EcoDairy plans to implement a \$0.35 per kilowatt-hour fee for the provision of EV charging services to the public;
- B. On August 25, 2014, Bakerview EcoDairy Ltd. (EcoDairy) signed a *Direct Current Fast Charging (DCFC) Equipment Lease Agreement* with British Columbia Hydro and Power Authority to participate in a pilot project involving the acquisition, installation, and operation of DCFC stations for Electric Vehicles (EV) at locations around the province of British Columbia (Pilot Project). The Pilot Project is part of the Clean Energy Vehicle Program that is designed to offer British Columbians with more affordable clean transportation options;
- C. EcoDairy, located at 1356 Sumas Way, Abbotsford, BC, is the first private sector fast charging station host/operator participating in the Pilot Project. Other station hosts/operators in the Pilot Project are municipalities that are not regulated by the British Columbia Utilities Commission (Commission). As per the *Utilities Commission Act* (UCA) definition, a "public utility ... does not include a municipality or regional district in respect of services provided by the municipality or regional district within its own boundaries." ;
- D. On May 12, 2015, EcoDairy's DCFC station came in service. The EV charging service has been free to the public since then;
- E. On December 18, 2015, the Commission issued Order G-205-15 that established a regulatory timetable for the review of the Application;

- F. The UCA defines a “public utility”, in part, as “a person, or the person’s lessee ... who owns or operates in British Columbia, equipment or facilities for the production, generation, storage, transmission, sale, delivery or provision of electricity ... to or for the public or a corporation for compensation.”;
- G. With the \$0.35 per kilowatt-hour fee for the provision of EV charging services to the public, EcoDairy’s EV DCFC station will then be operating for resale of electricity to the public for compensation. It will therefore be a public utility as defined by the UCA;
- H. Section 88(3) of the UCA provides that the Commission may, on conditions it considers advisable, with the advance approval of the Minister responsible for administration of the *Hydro and Power Authority Act*, exempt a person, equipment or facilities from the application of all or any provisions of the UCA;
- I. The Commission has considered the Application and is satisfied that it is appropriate to issue an order under section 88(3) of the UCA exempting EcoDairy from the requirements of Part 3 of the UCA except for sections 25, 38, 42, 43, 44, and 49. The Commission considers the requirement to submit a report referred to in section 43(1)(b)(ii) of the UCA is not required for EcoDairy; and
- J. By Minister’s Order number M 167, dated May 9, 2016 and attached as Appendix A to this order, the Minister responsible for the administration of the *Hydro and Power Authority Act* granted advance approval to the Commission to exempt EcoDairy from the requirements of Part 3 of the UCA, except for certain sections as noted above.

NOW THEREFORE the British Columbia Utilities Commission orders as follows:

- 1. Pursuant to section 88(3) of the *Utilities Commission Act* (UCA), the Commission, having been granted advance approval by the Minister responsible for the administration of the *Hydro and Power Authority Act*, exempts from Part 3 of the UCA, except for sections 25, 38, 42, 43, 44, and 49, Bakerview EcoDairy Ltd. for the resale of electricity via the Electric Vehicle Direct Current Fast Charging station on its property at 1356 Sumas Way, Abbotsford, BC, effective the date of this order.
- 2. Bakerview EcoDairy Ltd. is not required to submit a report referred to in section 43(1)(b)(ii) of the UCA and is therefore exempt from this section.
- 3. The exemption of Bakerview EcoDairy Ltd. granted pursuant to this order shall remain in effect until either of the following takes place:
 - Bakerview EcoDairy Ltd. and British Columbia Hydro and Power Authority cancel or terminate the *Direct Current Fast Charging Equipment Lease Agreement*.
 - Further order of the Commission for reasons that may include the determination of any complaint the Commission receives from a person whose interests are affected, pursuant to section 83 of UCA.
- 4. Pursuant to section 38 of the UCA, Bakerview EcoDairy Ltd. shall operate and maintain its facilities to ensure safe, reliable and adequate service.
- 5. Pursuant to section 49 of the UCA, the Commission directs Bakerview EcoDairy Ltd. to provide an Annual Report to the Commission by February 15 each year in the form set out in Appendix B or as the Commission may otherwise require.

6. Pursuant to section 117 of the UCA, Bakerview EcoDairy Ltd. must pay fees to the Commission in the amounts that the Commission determines are required to defray costs associated with this proceeding and any future proceeding before the Commission related to this exemption for Bakerview EcoDairy Ltd.

DATED at the City of Vancouver, in the Province of British Columbia, this 19th day of May 2016.

BY ORDER

Original signed by:

D. M. Morton
Commissioner

Attachments

PROVINCE OF BRITISH COLUMBIA
ORDER OF THE MINISTER OF ENERGY AND MINES AND
MINISTER RESPONSIBLE FOR CORE REVIEW

Utilities Commission Act

Ministerial Order No. M 167

I, Bill Bennett, Minister responsible for the *Hydro and Power Authority Act*, order that pursuant to Section 88 (3) of the *Utilities Commission Act*, approval is given to the British Columbia Utilities Commission to make the exemptions from the indicated provisions of the *Utilities Commission Act* (related to Bakerview EcoDairy Ltd.) as set out in the attached draft order of the British Columbia Utilities Commission.

May 9, 2016

Date



Minister of Energy and Mines and
Minister Responsible for Core Review

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Utilities Commission Act*, R.S.B.C. 1996, s. 88 (3)

Other: _____



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on DATE

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- C. EcoDairy, located at 1356 Sumas Way, Abbotsford, BC, is the first private sector fast charging station host/operator participating in the Pilot Project. Other station hosts/operators in the Pilot Project are municipalities that are not regulated by the British Columbia Utilities Commission (Commission). As per the *Utilities Commission Act* (UCA) definition, a "public utility ... does not include a municipality or regional district in respect of services provided by the municipality or regional district within its own boundaries.";
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- I. The Commission has considered the Application and is satisfied that it is appropriate to issue an order under section 88(3) of the UCA exempting EcoDairy from the requirements of Part 3 of the UCA except for sections 25, 38, 42, 43, 44, and 49. The Commission considers the requirement to submit a report referred to in section 43(1)(b)(ii) of the UCA is not required for EcoDairy; and
- J. By Minister’s Order number xxx, dated xx and attached as Appendix A to this order, the Minister responsible for the administration of the *Hydro and Power Authority Act* granted advance approval to the Commission to exempt EcoDairy from the requirements of Part 3 of the UCA, except for certain sections as noted above.

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- 1. Pursuant to section 88(3) of the *Utilities Commission Act* (UCA), the Commission, having been granted advance approval by the Minister responsible for the administration of the *Hydro and Power Authority Act*, exempts from Part 3 of the UCA, except for sections 25, 38, 42, 43, 44, and 49, Bakerview EcoDairy Ltd. for the resale of electricity via the Electric Vehicle Direct Current Fast Charging station on its property at 1356 Sumas Way, Abbotsford, BC, effective the date of this order.
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Order G-xx-xx
Page 3 of 3

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DATED at the City of Vancouver, in the Province of British Columbia, this day of [Month] 2016.

BY ORDER

(X. X. last name)
Commissioner

Attachment

[Ministerial Order from the Ministry of Energy and Mines]

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Application for Exemption from Part 3 of the Utilities Commission Act for
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ANNUAL REPORTING REQUIREMENTS

(Bakerview EcoDairy Ltd. is to file Reports by February 15 each year)

1. Previous Year Actuals

- Contact information
- Confirmation that the station remains in operation/use
- Number of charging sessions
- Annual energy dispensed
- Annual Revenue
- Any complaints
- Safety incidents

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