



ORDER NUMBER
G-88-16

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

and

Creative Energy Platforms Inc.
Application for Approval of the Restated and Amended
Northeast False Creek and Chinatown Neighbourhood Energy Agreement

BEFORE:

H. G. Harowitz, Commissioner/Panel Chair Commissioner
R. D. Revel, Commissioner

on June 16, 2016

ORDER

WHEREAS:

- A. On April 17, 2015, Creative Energy Platforms Vancouver Inc. (Creative Energy) applied to the British Columbia Utilities Commission (Commission) for an order approving a Neighbourhood Energy Agreement between Creative Energy and the City of Vancouver (Prior NEA) and granting a Certificate of Public Convenience and Necessity (CPCN) to construct and operate a new Neighbourhood Energy System to serve new developments in the Northeast False Creek (NEFC) and Chinatown neighbourhoods of Vancouver (Prior Proceeding);
- B. By Order C-12-15, the Commission granted a Certificate of Public Convenience and Necessity (CPCN) for the NEFC area (excluding the Chinatown area), and did not approve the Prior NEA;
- C. On February 5, 2016, in response to Order C-12-15, Creative Energy filed an application with the Commission seeking approval under section 45 of the *Utilities Commission Act* (UCA) of the Restated and Amended NEFC and Chinatown Neighbourhood Energy Agreement (Amended NEA), and filed for information only a Bylaw Enactment Agreement (BEA)(Application);
- D. By Order G-23-16, the Commission established a preliminary Regulatory Timetable including a procedural conference for the review of the Application. Interveners included the City of Vancouver, FortisBC Energy Inc., FortisBC Alternative Energy Services Inc., Commercial Energy Consumers Association of British Columbia, the British Columbia Old Age Pensioners' Organization *et al.* and the BC Sustainable Energy Association and the Sierra Club of BC;
- E. Following the Procedural Conference, by Order G-29-16A, the Commission incorporated the evidentiary recorded of the Prior Proceeding, amended the Regulatory Timetable to proceed to final submissions, and set the scope to include matters relevant to whether or not the Amended NEA and the BEA are necessary for the public convenience and properly conserve the public interest;

- F. By March 18, 2016, interveners provided their final arguments and on March 29, 2016, Creative Energy provided its reply. Following Creative Energy's reply, the Commission sought further submissions on whether or not the Commission has the jurisdiction to approve a shorter franchise term and, if it did, should it do so. On April 15, 2016, Creative provided its further submissions and by April 22, 2016 interveners provided their further submissions. Creative Energy's reply was received on April 28, 2016; and
- G. The Commission considered the evidence and submissions from all the parties and does not find the applied-for franchise to be in the public interest in its current form.

NOW THEREFORE, pursuant to section 45(8) of the *Utilities Commission Act*, for reasons set out in the Decision that is issued concurrently with this order, the British Columbia Utilities Commission does not approve the applied-for franchise.

DATED at the City of Vancouver, in the Province of British Columbia, this 16th day of June 2016.

BY ORDER

Original signed by:

H. G. Harowitz
Commissioner