



**BRITISH COLUMBIA
UTILITIES COMMISSION**

ORDER T-38-83
NUMBER _____

PROVINCE OF BRITISH COLUMBIA

BRITISH COLUMBIA UTILITIES COMMISSION

IN THE MATTER OF the Utilities Commission
Act, S.B.C. 1980, c. 60, as amended

and

IN THE MATTER OF an Application for a
Certificate of Public Convenience and
Necessity by Onyx Systems Corp.

BEFORE: M. Taylor,)
Chairman;)
R.J. Ludgate,) May 24, 1983
Commissioner; and)
W. Wolfe,)
Commissioner)

O R D E R

WHEREAS the Lieutenant Governor in Council issued
Order-in-Council No. 194 February 1, 1982 and directed the
Commission to hold hearings on any Applications received for
a Certificate of Public Convenience and Necessity for the
construction and operation of a system of cable undertaking;
and

WHEREAS the Commission issued a public notice
advising of the terms of reference of Order-in-Council
No. 194; and

WHEREAS Onyx Systems Corp. applied for a Certi-
ficate of Public Convenience and Necessity by an Application
dated July 30, 1982; and

WHEREAS the Application was heard by the Commis-
sion in Vancouver on April 21, 1983.

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NOW THEREFORE the Commission orders as follows:

1. A Certificate of Public Convenience and Necessity will be issued to Onyx Systems Corp. covering the ownership, construction and operation of a system of cable undertaking for the conveyance or transmission of information, messages or communications other than broadcast signals for compensation serving The City of Vancouver, British Columbia, all as more particularly described in the Application and hearing record, upon Onyx Systems Corp. satisfying the following conditions:
 - (a) The Commission assumes that Onyx Systems Corp. will enter into agreement with British Columbia Telephone Company ("B.C. Tel") prior to the construction of the above named system.
 - (b) A copy of the agreement between Onyx Systems Corp. and B.C. Tel is to be filed with the Commission Secretary.
 - (c) Onyx Systems Corp. will commence construction of the said system of cable undertaking prior to December 31, 1984.
 - (d) Onyx Systems Corp. will prepare and file a schedule of rates and terms of service for the service area.
 - (e) Onyx Systems Corp. will place any funds received as deposits or advance payments by prospective subscribers into a trust account with a chartered bank until the system of cable is completed and an appropriate Certificate is issued, provided however, that such funds are refundable with bank interest upon application at any time prior to the issue of the said Certificate.
 - (f) The system of cable must be constructed to technical standards equivalent to Part 4 of Department of Communications BP-23 for cable systems.
 - (g) Quarterly reports related to the progress made by Onyx Systems Corp. should be filed with the Commission Secretary.

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2. A complaint which the Commission finds is related to a matter which may be in contravention of the guidelines for enforcement of the obscenity provisions, Criminal Code of Canada may be referred to the Attorney General for investigation and the Commission may suspend the Certificate until such matter is concluded.
3. No variation or alteration in this Order may be made without the approval of the Commission first obtained.

DATED at the City of Vancouver, in the Province
of British Columbia, this *31st* day of May, 1983.

BY ORDER

M. Taylor
Chairman