



BRITISH COLUMBIA UTILITIES COMMISSION	
ORDER	
NUMBER	<u>G-9-89</u>

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 a Complaint by
Bella Bella Fisheries Ltd.

BEFORE:	J.D.V. Newlands,)	
	Deputy Chairman; and)	January 26, 1989
	W.M. Swanson, Q.C.,)	
	Commissioner)	

O R D E R

WHEREAS by letter dated May 24, 1988 Bella Bella Fisheries Ltd. ("Bella Bella"), pursuant to various sections of the Utilities Commission Act ("the Act"), has complained that the rates charged for electric service by the British Columbia Hydro and Power Authority ("B.C. Hydro") are unduly discriminatory in that the rates exceed those provided for in the filed and approved Electric Tariff in Rate Zone II, for Rate Schedule 1266 - General Service (35 KW and over); and

WHEREAS the charges for electric service are provided for in Appendix A to a special contract (undated) entered into by Bella Bella and B.C. Hydro in March 1988; and

WHEREAS the contract was executed under protest by Bella Bella, which expressly reserved the right to dispute before the Commission the rates so charged ; and

WHEREAS the contract expressly provides for the electricity service supplied to be subject to the terms and conditions of Electric Tariff Schedule 1952 of B.C. Hydro as filed with and approved by the Commission; and

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WHEREAS neither the contract nor Schedule 1952 has been made part of the Electric Tariff of B.C. Hydro as filed and approved by the Commission; and

WHEREAS pursuant to section 67 of the Act the only lawful, enforceable and collectable rates for service of a public utility are those contained in schedules filed with and approved by the Commission, or as they may be amended with the consent of the Commission; and

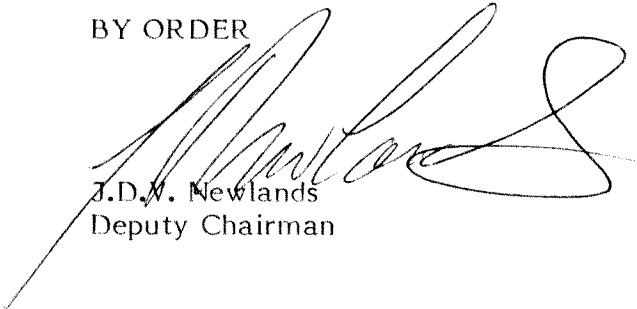
WHEREAS written submissions to the Commission by the parties have been exchanged and have been reviewed and considered by the Commission.

NOW THEREFORE the Commission hereby orders as follows:

1. That in the absence of the filing with and approval by the Commission of appropriate amendments to its Electric Tariff to provide electric service to Bella Bella at rates different from those provided for in existing Rate Schedule 1266, the charges to Bella Bella shall be in accordance with Rate Schedule 1266 - General Service (35 KW and over).
2. That to the extent, if at all, Bella Bella has been charged and has paid any amounts greater than those provided for in Rate Schedule 1266, those amounts be refunded with interest calculated from the date of payment.

DATED at the City of Vancouver, in the Province of British Columbia, this 30th day of January, 1989.

BY ORDER


J.D.W. Newlands
Deputy Chairman