

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

and

IN THE MATTER OF an Application by
Westcoast Power Inc. and
Canadian Utilities Limited

BEFORE: J.D.V. Newlands,)
Deputy Chairman;)
N. Martin,) January 17, 1991
Commissioner; and)
W.M. Swanson, Q.C.,)
Commissioner)

ORDER

WHEREAS:

- A. On September 14, 1990, Westcoast Energy Inc. ("WEI") and Canadian Utilities Limited ("CUL"), collectively known as ("Wescup"), filed with the British Columbia Utilities Commission ("the Commission") an application ("the Application") for exemption from provisions of the Utilities Commission Act ("the Act"), other than Part 2; and
- B. By Order No. C-13-90 dated October 18, 1990 the Commission issued to Wescup a Certificate of Public Convenience and Necessity ("CPCN") to construct and operate a 144 kV substation and transmission line from a point on the B.C./Alberta border, 48 km west of Rainbow Lake, Alberta, to Fort Nelson, B.C., a distance of approximately 170 km and at an estimated total capital cost for the project of \$16.5 million; and
- C. By Order No. E-7-90 dated October 18, 1990, the Commission approved the Electricity Purchase Agreement covering the purchase of power by British Columbia Hydro and Power Authority ("B.C. Hydro") from Wescup via the 144 kV transmission line; and
- D. On November 20, 1990 WEI applied to the Commission for approval to assign and transfer its interests in the project to its wholly-owned subsidiary, Westcoast Power Inc. ("WPI") to substitute WPI in the place of WEI in the said Orders; and
- E. On December 5, 1990 B.C. Hydro, CUL and Alberta Power Limited provided the Commission with letters indicating their consent to such assignment ; and
- F. The Commission has considered the Application for approval of the assignment, and the substitution of WPI; and is satisfied that an Order exempting Wescup from certain sections of the Act properly conserves the public interest; and
- G. On January 11, 1991 the approval of the Lieutenant-Governor-in-Council was given to the said exemption by Order-in-Council No. 1, 1991 and is attached as Appendix A; and
- H. The Commission may, pursuant to Section 114 of the Act, reconsider, vary or rescind an Order made by it.

NOW THEREFORE pursuant to its powers under Section 103(3) of the Act the Commission orders that:

1. The sale of power between Wescup (WPI and CUL) and B.C. Hydro pursuant to the Electricity Purchase Agreement dated May 23, 1990 be exempt from the Act other than Section 114 and Part 2.
2. Orders No. C-13-90 and E-7-90 are hereby amended by substituting WPI in the place of WEI wherever the name WEI appears, so that Wescup now refers to WPI and CUL.
3. Westcoast Power Inc. and Canadian Utilities Limited are exempted from the application of the provisions of Part 3 of the Act, other than Section 51, to the extent that those provisions would otherwise apply by reason of their ownership and operation of the Project.

DATED at the City of Vancouver, in the Province of British Columbia, this th 8 day of January, 1991.

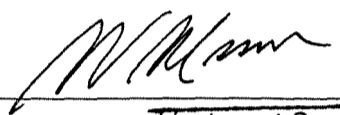
BY ORDER


J.D.V. Newlands
Deputy Chairman

Attachment
/cms
BCUC/Orders/WEI/Wescup

PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. **1**, Approved and Ordered JAN. 11. 1991



~~Lieutenant Governor~~
Administrator

Executive Council Chambers, Victoria JAN. -9. 1991

On the recommendation of the undersigned, the ~~Lieutenant Governor~~ ^{Administrator} by and with the advice and consent of the Executive Council, orders that approval is given to the B.C. Utilities Commission making an Order substantially in the form as set out in the schedule.



Minister of Energy, Mines
and Petroleum Resources



Presiding Member of
Executive Council

(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, section 103(3).

Other (specify): _____

(QP 4033)

DRAFT



SCHEDULE

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Canadian Utilities Limited

BEFORE:

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WHEREAS:

- A. On September 14, 1990, Westcoast Energy Inc. ("WEI") and Canadian Utilities Limited ("CUL"), collectively known as ("Wescup"), filed with the British Columbia Utilities Commission ("the Commission") an application ("the Application") for exemption from provisions of the Utilities Commission Act ("the Act"), other than Part 2; and
- B. By Order C-13-90 dated October 18, 1990 the Commission issued to Wescup a Certificate of Public Convenience and Necessity ("CPCN") to construct and operate a 144 kV substation and transmission line from a point on the B.C./Alberta border, 48 km west of Rainbow Lake, Alberta, to Fort Nelson, B.C., a distance of approximately 170 km and at an estimated total capital cost for the project of \$16.5 million; and
- C. By Order E-7-90 dated October 18, 1990, the Commission approved the Electricity Purchase Agreement covering the purchase of power by British Columbia Hydro and Power Authority ("B.C. Hydro") from Wescup via the 144kV transmission line; and
- D. On November 20, 1990 WEI applied to the Commission for approval to assign and transfer its interests in the project to its wholly owned subsidiary, Westcoast Power Inc. ("WPI") to substitute WPI in the place of WEI in the said Orders; and
- E. On December 5, 1990 B.C. Hydro, CUL and Alberta Power Limited provided the Commission with letters indicating their consent to such assignment ; and
- F. The Commission has considered the Application for approval of the assignment, and the substitution of WPI; and is satisfied that an Order exempting Wescup from certain sections of the Act properly conserves the public interest; and
- G. The approval of the Lieutenant-Governor-in-Council has been given to the said exemptions; and
- H. The Commission may, pursuant to Section 114 of the Act, reconsider, vary or rescind an Order made by it; and

.../2

NOW THEREFORE pursuant to its powers under Section 103(3) of the Act the Commission orders that:

1. The sale of power between Wescup (WPI and CUL) and B.C. Hydro pursuant to the Electricity Purchase Agreement dated May 23, 1990 be exempt from the Act other than Section 114 and Part 2.
2. Orders C-13-90 and E-7-90 are hereby amended by substituting WPI in the place of WEI wherever the name WEI appears.
3. In respect of the ownership and operation of the project, Wescup is exempt from the application of the provisions of Part 3 of the Act, other than Section 51.

DATED at the City of Vancouver, in the Province of British Columbia, this day
of December, 1990.

BY ORDER

/Im
BCUC/Orders/WEI/Wescup