

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

and

IN THE MATTER OF Commission Decision and
Order No. G-77-90 and
British Columbia Court of Appeal Judgement CA 013604
dated March 26, 1992

BEFORE: J.G. McIntyre,)
Chairman;)
J.D.V. Newlands,)
Deputy Chairman; and) May 8, 1992
N. Martin,)
Commissioner)

ORDER

WHEREAS:

- A. By Commission Order No. G-77-90 dated October 17, 1990 the Commission issued its Decision ("the Decision") into Hemlock Valley Electrical Services Ltd. ("HVES") May 31, 1990 Rate Application; and
- B. By letter dated November 8, 1990, HVES requested ("the Request") the Commission to reconsider certain aspects of the Decision, pursuant to Section 114 of the Utilities Commission Act ("the Act"); and
- C. Commission Order No. G-84-90 accepted the HVES Request and required Registered Intervenors to make any additional representations in writing by November 28, 1990 which was subsequently extended to December 21, 1990; and
- D. The Commission reviewed the information and evidence filed regarding the Request, and by Commission Order No. G-11-91 dated January 30, 1991, with Reasons attached, denied the variance; and
- E. HVES appealed Commission Order No. G-11-91, which had affirmed Commission Order No. G-77-90, to the British Columbia Court of Appeal ("the Court"); and
- F. On March 26, 1992, the Court allowed the HVES Appeal with costs and referred the matter back to the Commission with the direction that it permit HVES to file new electric tariff rate schedules enabling it to earn 13 percent on its rate base from July 1, 1990, and to make an Order for the disposition of the funds held in trust.

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BRITISH COLUMBIA
UTILITIES COMMISSION

ORDER
NUMBER G-39-92

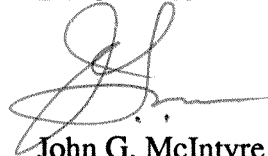
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NOW THEREFORE the Commission orders as follows:

1. The Commission will accept amendments to its Electric Tariff, General Service Rate Schedule that will confirm the interim rate of 12.35 cents per kW.h for the period July 1, 1990 to April 30, 1992 and confirm the final rate of 12.42 cents per kW.h, effective May 1, 1992;
2. Lawson Lundell Lawson & McIntosh, Barristers & Solicitors, are directed to pay the trust funds held by them in this matter to HVES;
3. The shortfall between the interim rate of 12.35¢ per kW.h and the final rate of 12.42 cents per kW.h is to be charged against the consumption recorded by HVES during the period July 1, 1990 to April 30, 1992 and placed in a rate base account together with the costs of the Appeal, to be amortized over a three year period.

DATED at the City of Vancouver, in the Province of British Columbia, this *22nd* day of May, 1992.

BY ORDER


John G. McIntyre
Chairman



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