

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

and

IN THE MATTER OF an Application by
ESI Power - Walden Corporation

BEFORE: J.G. McIntyre,)
Chairman;)
J.D.V. Newlands,)
Deputy Chairman;)
N. Martin,) April 15, 1992
Commissioner; and)
K.L. Hall,)
Commissioner)

ORDER

WHEREAS:

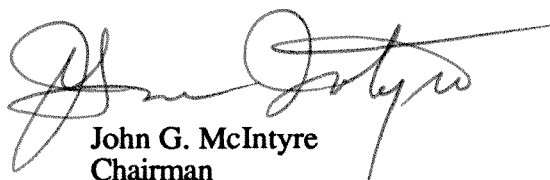
- A. On February 28, 1992 ESI Power-Walden Corporation ("ESI") applied to the Commission for approval for an exemption to the Utilities Commission Act ("the Act") pursuant to Section 103(2); and
- B. The Minister of Energy, Mines and Petroleum Resources authorized the British Columbia Utilities Commission to make Orders pursuant to Section 27(2)(a)(ii) of the Act with respect to Energy Supply Contracts between Independent Power Producers and B.C. Hydro and the British Columbia Power Export Corporation, designated as Ministerial Order Number 1, M51 dated April 10, 1989; and
- C. On August 16, 1991 ESI and B.C. Hydro entered into an Electricity Purchase Agreement ("the Agreement") consistent with the Standard Form Electricity Purchase Agreement approved by the Commission for small Independent Power Producers; and
- D. The Commission has reviewed the Agreement and the Application and is satisfied that an Order exempting ESI from all or any Sections of Part 3 of the Act properly conserves the public convenience and interest.

NOW THEREFORE the Commission orders as follows:

1. In consideration of the sale of power by Contract dated August 16, 1991, ESI is exempt from provisions of Part 3 of the Act, except Section 27, provided that ESI does not otherwise become a public utility as defined in Section 1 of the Act.

DATED at the City of Vancouver, in the Province of British Columbia, this 28th day of April, 1992.

BY ORDER


John G. McIntyre
Chairman