

SIXTH FLOOR, 900 HOWE STREET, BOX 250
VANCOUVER, B.C. V6Z 2N3
CANADA



BRITISH COLUMBIA
UTILITIES COMMISSION

ORDER
NUMBER G-92-94

TELEPHONE: (604) 660-4700
BC TOLL FREE: 1-800-663-1385
FACSIMILE: (604) 660-1102

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

and

An Application by Elkview Coal Corporation
Exemption Request and the Resale of Electricity to Commercial Customers

BEFORE: M.K. Jaccard, Chairperson;)
F.C. Leighton, Commissioner; and) November 30, 1994
K.L. Hall, Commissioner)

ORDER

WHEREAS:

- A. On August 8, 1994 Elkview Coal Corporation ("Elkview") applied to the British Columbia Utilities Commission ("the Commission") for exemption from the provisions of the Utilities Commission Act ("the Act") in respect of the sale of electricity by Elkview to five Commercial customers at its coal mining complex near Sparwood, B.C.; and
- B. Elkview has entered into an Electricity Supply Agreement ("ESA") with British Columbia Hydro and Power Authority ("B.C. Hydro ") dated July 1, 1994 for the supply of electricity to its Elkview Coal mining operations under Rate Schedule 1821 - Transmission Service; and
- C. B.C. Hydro has agreed to meter, bill and collect electricity distribution billings to the five commercial customers at its Standard General Service Rate Schedules 1210 and 1220 and to credit such amounts to the account of Elkview; and
- D. Elkview has executed an Agreement with each of the five commercial customers stipulating the conditions under which the electricity service is provided; and
- E. The Commission has considered the Application and is satisfied that an Order exempting Elkview from certain sections of the Act properly conserves the public convenience and interest; and
- F. On November 24, 1994 the Lieutenant Governor in Council approved the said exemption by issuing Order in Council No. 1412, 1994 attached hereto as Appendix A; and

G. The Commission may, pursuant to Section 114 of the Act, reconsider, vary or rescind an Order made by it.

NOW THEREFORE pursuant to Section 103 of the Act, the Commission approves and orders as follows:

- A. The sale of power by Elkview to five Commercial customers at its coal mining complex near Sparwood, B.C. is exempt from the Act, other than Part 2 and Sections 29 and 30, effective July 1, 1994.
- B. Elkview is to be ultimately responsible for the proper operation and safety of its plant consistent with the requirements of the Electrical Safety Branch.

DATED at the City of Vancouver, in the Province of British Columbia, this 5th day of December, 1994.

BY ORDER



Dr. Mark K. Jaccard
Chairperson

Attachment

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No.:

1412

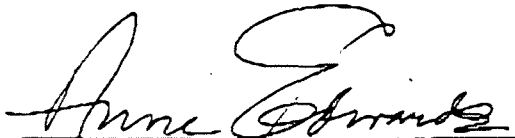
, Approved and Ordered NOV. 24, 1994



Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that approval is given to the British Columbia Utilities Commission to exempt Elkview Coal Corporation, (Elkview) from the application of Part 3 of the *Utilities Commission Act*, except sections 29 and 30 and subject to the powers of the commission under those sections, in respect of the sale of electricity by Elkview to commercial customers at its coal mining complex near Sparwood, B.C., pursuant to an agreement entered into by Elkview with each of the 5 commercial customers.



Minister of Energy, Mines and Petroleum Resources



Presiding Member of the 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, s. 103 (3)

Other (specify):-

October 14, 1994

2250 /94/11/cac