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

and

An Application by AEC West Ltd.  
for an Exemption from Provisions of the Utilities Commission Act

**BEFORE:** M.K. Jaccard, Chairperson; and )  
K.L. Hall, Commissioner ) January 30, 1997

**O R D E R**

**WHEREAS:**

- A. January 29, 1997 McCarthy Tetrault, Barristers and Solicitors, on behalf of its client AEC West Ltd. ("AEC") (formerly Conwest Exploration Company Limited), applied to the Commission for an exemption from the provisions of the Utilities Commission Act ("the Act") in respect of the sale of power generated by its Sechelt Creek hydroelectric plant located on the Salmon Inlet in the Sechelt, B.C. area to British Columbia Hydro and Power Authority ("B.C. Hydro"); and
- B. AEC and Salmon Inlet Power Corp. entered into an Electricity Purchase Agreement with B.C. Hydro dated August 31, 1990 for the sale of electricity exclusively to B.C. Hydro; and
- C. On April 10, 1989 the Minister of Energy Mines and Petroleum Resources issued Ministerial Order No. 1-M-51 that authorizes the Commission to issue orders with respect to the sale of energy by Independent Power Producers to B.C. Hydro pursuant to Section 27(2) of the Act; and
- D. The Commission has considered the Application and is satisfied that an Order exempting AEC from certain sections of the Act properly conserves the public convenience and interest; and
- E. The Commission may, pursuant to Section 114 of the Act, reconsider, vary or rescind an Order made by it.

**NOW THEREFORE** the Commission orders that the sale of power by AEC from its Sechelt Creek hydroelectric project to B.C. Hydro is exempt from the Act, other than Part 2 and Section 114, pursuant to the authority given by Ministerial Order No. 1-M-51 attached as Appendix A.

**DATED** at the City of Vancouver, in the Province of British Columbia, this 30th day of January, 1997.

BY ORDER

*Original signed by:*

Dr. Mark K. Jaccard  
Chairperson

Attachment

M 51

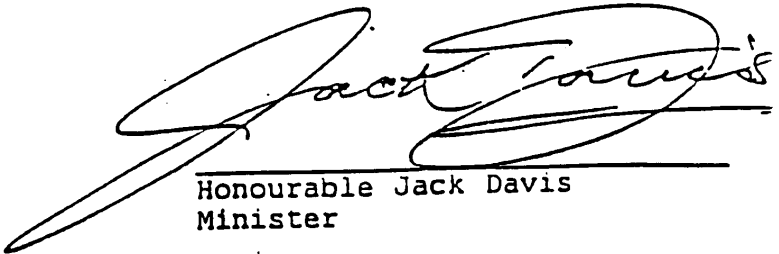
IN THE MATTER OF  
s.27(2)(a)(ii) and 27(3)(b) OF THE  
UTILITIES COMMISSION ACT  
(THE ACT)

WHEREAS certain persons in the Province produce or intend to produce a power service and sell not more than one petajoule of the said power service per year (the Independent Power Producers);

AND WHEREAS the Minister of Energy, Mines and Petroleum Resources (the Minister), pursuant to s.27(3)(b) of the Act, may authorize the British Columbia Utilities Commission (the BCUC) to make orders pursuant to s.27(2);

AND WHEREAS the BCUC, pursuant to s.85.3 of the Act, will be reviewing Energy Supply Contracts entered into by the aforementioned Independent Power Producers;

NOW THEREFORE, effective as of the date written below, and until further notice, the Minister hereby authorizes the BCUC to make orders pursuant to s.27(2)(a)(ii) of the Act with respect to contracts between the said Independent Power Producers and the British Columbia Hydro and Power Authority and the British Columbia Power Export Corporation.



Honourable Jack Davis  
Minister

Dated at the City of Victoria, Province of British Columbia,  
this 10<sup>th</sup> day of April, 1989.