



IN THE MATTER OF
the Utilities Commission Act, R.S.B.C. 1996, Chapter 473

and

the British Columbia Hydro and Power Authority
Price Dispatched Curtailment Program - Rate Schedule 1849

BEFORE: P. Ostergaard, Chair)
L.R. Barr, Deputy Chair)
P.G. Bradley, Commissioner) October 5, 1999
F.C. Leighton, Commissioner)

O R D E R

WHEREAS:

- A. On December 4, 1998, British Columbia Hydro and Power Authority ("B.C. Hydro") applied to the Commission for an Order, pursuant to Sections 58 and 61 of the Utilities Commission Act ("the Act"), that B.C. Hydro may charge and collect certain rates in accordance with the terms of Rate Schedule 1849, "Special Provisions for the Price Dispatched Curtailment ("PDC") Pilot Program", for a period from December 14, 1998 to February 28, 1999; and
- B. The Commission by Order No. G-107-98, approved the PDC Pilot Program for the period December 14, 1998 through February 28, 1999, and required B.C. Hydro to provide the Commission with a detailed evaluation report by March 31, 1999. On March 31, 1999, B.C. Hydro filed its PDC Evaluation Report in accordance with the Order; and
- C. The Commission reviewed the PDC Pilot Program, the Evaluation Report and comments received from interested parties and, on May 28, 1999, issued Order No. G-57-99, which began a process to develop a permanent PDC Program by establishing a Workshop for June 17, 1999; and
- D. On May 31, 1999, B.C. Hydro requested that the PDC Workshop be postponed and that the Commission approve amendments to Rate Schedule 1849, to allow it to be effective June 1, 1999; and
- E. The Commission, by Order No. G-64-99, rescinded Order No. G-57-99, approved for B.C. Hydro Rate Schedule 1849, effective June 1, 1999, on a temporary basis until a permanent PDC Program could be approved by the Commission in the fall of 1999, and ordered B.C. Hydro to file an application for a permanent PDC Program by August 13, 1999; and
- F. In a letter dated August 9, 1999, B.C. Hydro submitted that, despite Order No. G-64-99, "it is B.C. Hydro's decision as to whether or not we offer a PDC Program to our customers"; and
- G. B.C. Hydro stated in its August 9, 1999 letter, that it did not intend to file an application for a new PDC Program at that time, that it intended to begin negotiating on a one-to-one basis with interested individual industrial customers, and that the new contracts may not constitute a service regulated under the Act, although contracts which require variations to the Electricity Supply Agreement may require Commission approval; and

- H. The Commission reviewed the B.C. Hydro August 9, 1999 letter and subsequent comments received from the Joint Industry Electricity Steering Committee, the British Columbia Public Interest Advocacy Centre, and B.C. Hydro; and
- I. The Commission by Order No. G-91-99, directed that an oral public hearing would be held in two phases to consider the PDC Program: Phase I – to determine the Commission’s jurisdiction to regulate such a program and any modifications to the PDC Program; and Phase II – to determine if any modifications to the existing PDC Program are warranted by the evidence; and
- J. The Regulatory Timetable attached to Order No. G-91-99 also established a Pre-hearing Conference to be held on October 5, 1999; and
- K. In a letter dated October 1, 1999, B.C. Hydro advised the Commission that at the Pre-hearing Conference it would make applications for the adjournment of the hearing, for an amendment to the preliminary list of issues attached as Appendix C to Order No. G-91-99, for resolution of jurisdictional issues prior to requiring submissions on substantive program issues, and for an extension of the time for filing its submission; and
- L. B.C. Hydro also requested that the Commissioners attend the Pre-hearing Conference in order to respond to its applications on an expedited basis; and
- M. The Commission considered the B.C. Hydro applications and determined that they would not attend the pre-hearing conference, but would consider the applications on an expedited basis, and directed staff to canvass parties at the Pre-hearing Conference regarding the most appropriate method of hearing the views of all interested parties on the issues raised in the B.C. Hydro October 1, 1999 letter; and
- N. The Pre-hearing Conference was held as scheduled on October 5, 1999.

NOW THEREFORE the Commission orders as follows:

- 1. Parties other than B.C. Hydro are to file written submissions, if any, by October 12, 1999 regarding the applications made by B.C. Hydro in its October 1, 1999 letter.
- 2. B.C. Hydro is to file written reply by October 14, 1999.
- 3. The submissions should address the appropriate regulatory schedule in the event that B.C. Hydro’s application for adjournment is dismissed.
- 4. The submissions may also address the issue of approval or implementation of individual PDC contracts that may be completed prior to any Commission decisions on the issues related to the PDC Program.

DATED at the City of Vancouver, in the Province of British Columbia, this 6th day of October 1999.

BY ORDER

Original signed by:

Peter Ostergaard
Chair