



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

and

An Application by Furry Creek Power Ltd.
for Approval of an Exemption from the Utilities Commission Act
for the Furry Creek Power Ltd. Hydroelectric Project

BEFORE: P. Ostergaard, Chair)
R.D. Deane, Commissioner) February 14, 2002
K.L. Hall, Commissioner)

O R D E R

WHEREAS:

- A. On April 10, 1989, the Minister of Energy, Mines and Petroleum Resources, by Ministerial Order M51 as thereafter amended on May 16, 1989 by Order M83, authorized the British Columbia Utilities Commission to make Orders pursuant to Section 27(2)(a)(ii) [now Section 22(2)(a)(ii)] of the Utilities Commission Act (the "Act") with respect to contracts between Independent Power Producers and British Columbia Hydro and Power Authority ("B.C. Hydro") and the British Columbia Power Export Corporation [now Powerex] for projects with an output of not more than one Petajoule of power service per year (278 GWh/year); and
- B. By letter dated February 5, 2002 Synex Energy Resources Ltd., acting as agent for Furry Creek Power Ltd., applied for an exemption from Part 3 of the Act pursuant to Ministerial Order M51 as amended by Ministerial Order M83 for the Furry Creek Hydroelectric Project ("the Project"); and
- C. Furry Creek Power Ltd. entered into an agreement called a Standard Electricity Purchase Agreement (the "Agreement") with B.C. Hydro for the Project that will generate approximately 32.7 GWh/year; and
- D. Pursuant to Section 68 of the Act, the Agreement is an Energy Supply Contract; and
- E. Section 71 of the Act requires the Agreement to be filed with Commission; and
- F. The Commission has reviewed the Application and is satisfied that an Order exempting Furry Creek Power Ltd. from the provisions of Part 3 of the Act, except Section 22, with respect to the Project is appropriate.

NOW THEREFORE the Commission exempts Furry Creek Power Ltd. from the provisions of Part 3 of the Act, except Section 22, with respect to the Project.

DATED at the City of Vancouver, in the Province of British Columbia, this 21st day of February 2002.

BY ORDER

Original signed by:

Peter Ostergaard
Chair