

SIXTH FLOOR, 900 HOWE STREET, BOX 250
VANCOUVER, B.C. V6Z 2N3 CANADA
web site: <http://www.bcuc.com>



**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER** G-60-03

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

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

and

**An Application by Montenay Inc. and
the Greater Vancouver Sewerage and Drainage District
for an Exemption from the Utilities Commission Act except Part 2
for the Sale of Electricity from the Seegen Turbogenerator Project
at the Greater Vancouver Sewerage and Drainage District's Solid Waste Incinerator in Burnaby**

BEFORE: R.H. Hobbs, Chair)
L.A. Boychuk, Commissioner) September 18, 2003
L. Kelsey, Commissioner)

O R D E R

WHEREAS:

- A. On February 14, 2003, Montenay Inc. and the Greater Vancouver Sewerage and Drainage District ("GVS&DD") applied to the Commission for an exemption from the Utilities Commission Act ("the Act") except Part 2 for the purposes of selling electricity to utilities or end users from the Seegen Turbogenerator project at the GVS&DD's Solid Waste Incinerator in Burnaby; and
- B. The GVS&DD are the owners of the plant and have an agreement with Montenay Inc. for the operation and maintenance of the plant; and
- C. In the case of the sale of electricity to Utilities, ratepayer interest is regulated by the filing of an energy supply contract by the Utility; and
- D. In the case that the electricity is intended for sale to others in the Province of British Columbia, B.C. Energy Policy Action #14 states that, under new rate structures, large users of electricity will be able to choose a supplier other than their local distributor; and

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2

- E. Ministerial Order M-22-0205 provides an exemption from the Act from the provisions of Part 3, except Section 22, for persons selling power to Powerex or to British Columbia Hydro and Power Authority; and
- F. The Commission has examined the application and is satisfied that an Order under Section 88(3) of the Act exempting Montenay Inc. and the GVS&DD from the provisions of Part 3 of the Act, except Section 22, properly conserves the public interest; and
- G. On September 5, 2003, the approval of the Lieutenant Governor in Council was given to the said exemption by Order in Council No. 0860, 2003, which is attached as Appendix A.

NOW THEREFORE pursuant to Section 88(3) of the Act, the Commission approves for Montenay Inc. and the Greater Vancouver Sewerage and Drainage District an exemption from Part 3 of the Act, except Section 22, with respect to the sale of electricity produced at the GVS&DD Incinerator in Burnaby.

DATED at the City of Vancouver, in the Province of British Columbia, this 29th day of September 2003.

BY ORDER

Original signed by:

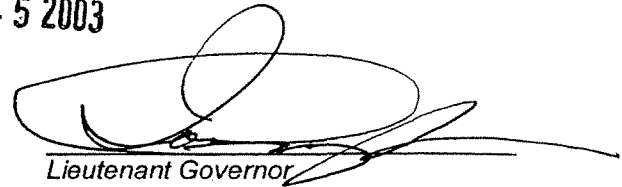
Robert H. Hobbs
Chair

Attachment

PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 0860 , Approved and Ordered SEP - 5 2003


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 Montenay Inc. and the Greater Vancouver Sewerage and Drainage District from the provisions of Part 3 of the Utilities Commission Act, except section 22, for the purposes of selling electricity produced from the Seegen turbogenerator at the Solid Waste Incinerator in Burnaby as set out in the attached draft Order of the British Columbia Utilities Commission.



Attorney General and Minister
Responsible for Treaty Negotiations



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*, section 88(3)

Other (specify):

July 15, 2003 9:56:21 AM

resub 680/2003/13

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for an Exemption from the Utilities Commission Act except Part 2
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at the Greater Vancouver Sewerage and Drainage District's Solid Waste Incinerator in Burnaby

BEFORE:

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WHEREAS:

- A. On February 14, 2003, Montenay Inc. and the Greater Vancouver Sewerage and Drainage District ("GVS&DD") applied to the Commission for an exemption from the Utilities Commission Act ("the Act") except Part 2 for the purposes of selling electricity to utilities or end users from the Seegen Turbogenerator project at the GVS&DD's Solid Waste Incinerator in Burnaby; and
- B. The GVS&DD are the owners of the plant and have an agreement with Montenay Inc. for the operation and maintenance of the plant; and
- C. In the case of the sale of electricity to Utilities, ratepayer interest is regulated by the filing of an energy supply contract by the Utility; and
- D. In the case that the electricity is intended for sale to others in the Province of British Columbia, B.C. Energy Policy Action #14 states that, under new rate structures, large users of electricity will be able to choose a supplier other than their local distributor; and
- E. Ministerial Order M-22-0205 provides an exemption from the Act from the provisions of Part 3, except Section 22, for persons selling power to Powerex or to British Columbia Hydro and Power Authority; and
- F. The Commission has examined the application and is satisfied that an Order under Section 88(3) of the Act exempting Montenay Inc. and the GVS&DD from the provisions of Part 3 of the Act, except Section 22, properly conserves the public interest; and

BRITISH COLUMBIA
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G. On _____ the Approval of the Lieutenant Governor in Council was given to the said exemption by Order in Council No. _____, which is attached as Appendix A.

NOW THEREFORE pursuant to Section 88(3) of the Act, the Commission approves for Montenay Inc. and for the Greater Vancouver Sewerage and Drainage District an exemption from Part 3 of the Act, except Section 22, with respect to the sale of electricity produced at the GVS&DD Incinerator in Burnaby.

DATED at the City of Vancouver, in the Province of British Columbia, this _____ day of April 2003.

BY ORDER

Peter Ostergaard
Chair

Attachment