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**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER G-3-10**

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

and

**An Application by Birds Eye Cove Estates Ltd.
for a Certificate of Public Convenience and Necessity
and Approval of Revenue Requirements and Electric Tariff**

BEFORE: L.F. Kelsey, Commissioner January 7, 2010
D.A. Cote, Commissioner
P.E. Vivian, Commissioner

O R D E R

WHEREAS:

- A. Birds Eye Cove Estates Ltd. (doing business as Birds Eye Cove Power and referred to as "BCEP") purchases electrical power from British Columbia Hydro and Power Authority ("BC Hydro"), uses its system to make the power available to nine property owners in Birds Eye Cove in the vicinity of Maple Bay, British Columbia, and currently provides service to six customers; and
- B. In response to a complaint from customers, by Letter L-13-09 dated February 23, 2009, the British Columbia Utilities Commission (the "Commission") required BCEP to file an application with the Commission for exemption from public utility status, or to establish public utility status and terms of service; and
- C. BCEP, several property owners at Birds Eye Cove and Commission staff met in Vancouver, BC on March 12, 2009 to discuss the complaint from customers and related matters; and
- D. On November 27, 2009, BCEP filed an application for a Certificate of Public Convenience and Necessity ("CPCN"), franchise service area, revenue requirements and a tariff (the "Application"); and
- E. In the Application BCEP requested that the tariff rates be effective December 1, 2009 and April 1, 2010. BCEP's fiscal year ends on March 31. The requested December 1, 2009 rate for service is a BCEP Monthly Fee of \$196.33 plus an allocation of the BC Hydro monthly bill based on consumption; and
- F. The proposed BCEP Monthly Fee is based on BCEP's forecast average revenue requirements for the Fiscal Year ending March 31, 2010, including a Replacement Reserve Fund, averaged over nine customers. The forecast F2010 Revenue Requirement averaged over six customers is \$294.50 per month; and

- G. In the Application BECP states that its forecast revenue requirements for F2010, excluding a Replacement Reserve Fund, averages \$159.42 per month for nine customers, and \$239.17 per month when averaged over six customers; and
- H. The forecast revenue requirements include contributions to the Replacement Reserve Fund for F2010 ending on March 31, 2010 and F2011 ending on March 31, 2011, and have cost projections that may be revised following a review of the Application. The Commission considered that the establishment of interim rates is warranted, pending completion of its review of the Application; and
- I. By Order G-174-09 dated December 31, 2009, the Commission determined that the Electric Tariff should be approved effective January 1, 2010 on an interim basis, but that the BECP Monthly Fee should be based on forecast 2010 revenue requirements excluding a Replacement Reserve Fund, averaged over nine customers; and
- J. The Commission finds that a Regulatory Timetable for a written public hearing for the review of the Application is required to be established.

NOW THEREFORE pursuant to sections 45 and 59 to 63 of the *Utilities Commission Act*, the Commission orders as follows:

1. The Commission establishes a Written Public Hearing process for the review of the Application according to the Regulatory Timetable set out in Appendix A to this Order.
2. BECP is to provide a copy of this Order and the Application to customers currently receiving service from BECP, the Municipality of North Cowichan, Maple Bay Marina, BC Hydro and adjacent property owners.
3. The Application and supporting material will be made available for inspection at the British Columbia Utilities Commission, Sixth Floor, 900 Howe Street, Vancouver, BC, V6Z 2N3.
4. Intervenor and Interested Parties should inform the Commission in writing or register on-line via the Commission's website at <http://www.bcuc.com> by Thursday, January 28, 2010 of their intention to actively intervene in the proceeding, or become Interested Parties. Registered Intervenor will receive from BECP copies of the Application, all correspondence and filed documentation. Interested Parties may file Letters of Comment and will receive a copy of the Commission's Decision when issued.
5. Registered Intervenor and BECP will file with the Commission written submissions on whether or not to proceed with a Negotiated Settlement Process by Thursday, May 13, 2010.

**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER** G-3-10

3

6. The CPCN Application Guidelines can be found on the Commission's website at http://www.bcuc.com/Documents/Guidelines/2005/DOC_4726_L18_CPCN.pdf.
7. Other guidelines and resources can be found on the Commission's website at <http://www.bcuc.com/ResourceIndex.aspx>.
8. As the process includes an option for a Negotiated Settlement Process, the Negotiated Settlement Process Policy, Procedures and Guidelines can be found on the Commission's website at http://www.bcuc.com/Documents/Guidelines/NSPGuidelines_Jan2001.pdf.

DATED at the City of Vancouver, in the Province of British Columbia, this 7th day of January 2010.

BY ORDER

Original signed by:

D.A. Cote
Commissioner

Attachment

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REGULATORY TIMETABLE

ACTION	DATES (2010)
Commission Information Request No. 1 to BECP	Thursday, January 21
Registration deadline for Intervenor and Interested Parties	Thursday, January 28
Intervenor Information Request No. 1 to BECP	Thursday, February 4
Information Request No. 1 to BC Hydro re: Electric Power Service to Birds Eye Cove Estates	Thursday, February 11
Responses to Information Request No. 1 by BECP	Thursday, March 11
Responses to Information Request No. 1 by BC Hydro	Thursday, March 11
Commission and Intervenor Information Request No. 2 to BECP	Thursday, March 25
Filing of Intervenor written Evidence	Thursday, April 8
Information Requests to Intervenor	Thursday, April 22
Intervenor Responses to Information Requests	Thursday, May 6
Submissions by BECP and Intervenor on whether to hold a Negotiated Settlement Process	Thursday, May 13
Commission Decision on holding a Negotiated Settlement Process	Thursday, May 20

EITHER

Negotiated Settlement Process	Thursday, May 27
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OR

BECP Written Final Submission	Thursday, May 27
Intervenor Written Final Submissions	Thursday, June 10
BECP Written Reply Submission	Thursday, June 24