



LETTER L-76-10

SIXTH FLOOR, 900 HOWE STREET, BOX 250
VANCOUVER, BC CANADA V6Z 2N3
TELEPHONE: (604) 660-4700
BC TOLL FREE: 1-800-663-1385
FACSIMILE: (604) 660-1102

Log No. 33924

ERICA M. HAMILTON
COMMISSION SECRETARY
Commission.Secretary@bcuc.com
web site: <http://www.bcuc.com>

VIA EMAIL

Michael.towers@tolko.com

September 16, 2010

Mr. Michael Towers
Energy Manager
Tolko Industries Ltd.
PO Box 39
3000 – 28th Street
Vernon, BC V1T 6M1

Dear Mr. Towers:

Re: Mandatory Reliability Standards
Tolko Industries Ltd. -
Request for Reconsideration of Commission Order G-95-10A

The British Columbia Utilities Commission has considered your request of June 10, 2010 for a reconsideration of the above order and has concluded that a reconsideration is not justified. In order to justify a reconsideration an applicant must demonstrate (on a *prima facie* basis) that:

- the Commission has made an error in fact or law;
- there has been a fundamental change in circumstances or facts since the Decision;
- a basic principle had not been raised in the original proceedings; or
- a new principle has arisen as a result of the Decision.

At this point none of the above criteria have been met and the Commission considers the original recommendations of the Western Electricity Coordinating Council for the Distribution Provider (DP) Function that:

"Tolko receives electricity from BCTC at a voltage of 138 kV and distributes it to their load at 12 kV. Tolko meets the definition of a 'distributor' as defined in the B.C. Reg. 32/2009. Tolko is part of the BCTC under-frequency load shedding program. Tolko meets section 2.c.ii.a in the B.C. Reg. 32/2009. In addition, Tolko meets the NERC function definition of a DP."

and for the Load Serving Entity (LSE) Function as:

"Tolko buys energy from BCTC at voltages of 138 kV to supply their load. Tolko meets the definition of a 'direct user' and section 2.b as defined by the B.C. Reg. 32/2009. In addition, Tolko meets the NERC definition of a LSE."

to be correct interpretations of the registration criteria.

Yours truly,

RWR/cms
Enclosure (BCUC Reconsideration Criteria)

Erica M. Hamilton