



**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER E-3-11**

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

and

**Filing by British Columbia Hydro and Power Authority
for Acceptance of Amending the Electricity Purchase Agreement
between British Columbia Hydro and Power Authority and Synex Energy Resources Ltd.
for the Barr Creek Hydroelectric Project**

BEFORE: L.F. Kelsey, Commissioner
N.E. MacMurchy, Commissioner January 13, 2011

O R D E R

WHEREAS:

- A. On December 6, 2010, pursuant to section 71 of the Utilities Commission Act, British Columbia Hydro and Power Authority (BC Hydro) filed with the British Columbia Utilities Commission (Commission) Amendment Agreement #2 with Synex Energy Resources Ltd. in relation to the Barr Creek Hydroelectric Project (Filing);
- B. Under section 71 of the Act, the Electric Purchase Agreement (EAP) resulting from the BC Hydro F2006 Open Call for Power (CFP) was accepted by Order E-07-06 and Amendment Agreement #1 was accepted by E-25-08;
- C. As the EAP resulting from the BC Hydro F2006 CFP is not exempt under the Clean Energy Act (CEA) established in July 2010, the Commission considers it has jurisdiction under the Act to accept the Amendment Agreement #2;
- D. The Commission acknowledges receipt of BC Hydro's Justification Report and attachments which BC Hydro included in the Filing;
- E. In the Filing, BC Hydro's cost-effectiveness analysis uses benchmarks from BC Hydro's Standing Offer Programs to justify: the Bid Price, the risk identified as Termination Post-COD, and the Supplemental Termination Payment Amendments;
- F. On January 10, 2011, BC Hydro informed the Commission that no responses to the December 3, 2010 letters of notification have been received from either the Ehattesaht First Nations, or the Nuuchah-nulth Tribal Council;

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- G. BC Hydro requested, pursuant to section 1.9 of the Commission's rules regarding Energy Supply Contracts, that the unredacted filing be kept confidential due to the commercially sensitive nature and it has provided a public version of this Amendment Agreement #2 filing, with confidential and commercially sensitive information redacted;
- H. The Commission notes that if this Amendment Agreement #2 had been filed as a change to a new EPA under the current regulatory environment, the Filing would be exempt from regulation;
- I. The Commission has considered the Filing, and has determined that the amendments to Amendment Agreement #2 are in the public interest.

NOW THEREFORE the Commission orders as follows:

- 1. The Amendment Agreement #2, set out in Appendix A to this Order, is accepted for filing as amendments to the existing energy supply contract, pursuant to section 71 of the Utilities Commission Act.
- 2. The Commission will keep confidential the unredacted filing of this Amendment Agreement #2.

DATED at the City of Vancouver, in the Province of British Columbia, this 14th day of January 2011.

BY ORDER

Original signed by:

L.F. Kelsey
Commissioner

Attachment

**British Columbia Hydro and Power Authority
Amending Agreement #2 to Electricity Purchase Agreement**

Project Name	Seller Company Name	Effective Date	Description
Barr Creek Hydroelectric Project	Synex Energy Resources Ltd.	October 1, 2010	Bid Price adjustments, Term is increased from 30 years to 40 years, Target COD Is extended from May 2009 to November 2011, a transfer of the ownership of Green Attributes to BC Hydro