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**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER G-58-11**

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

and

**An Application by Tolko Industries Ltd. - Kelowna Division
for Reaffirmation of its Ability to Sell Power Generation
in Excess of the First 2 MW of Generation in each hour as per OrderG-113-01**

BEFORE: L.F. Kelsey, Commissioner

March 23, 2011

O R D E R

WHEREAS:

- A. In a letter dated March 2, 2011 Tolko Industries Ltd. –Kelowna Division (Tolko) requested that the British Columbia Utilities Commission (Commission) reaffirm its ability to sell power generation in excess of the first 2 MW of generation in each hour as outlined in Order G-113-01;
- B. In the letter, Tolko states that it believes that the revised section 2.1 of the Rate Schedule 3808 Power Purchase Agreement (PPA) between British Columbia Hydro and Power Authority (BC Hydro) and FortisBC Inc. (FortisBC) does not prevent it selling its generated power above 2 MW to BC Hydro or any other entity because Tolko is not a customer of FortisBC and the baseline established in Order G-113-01 exists specifically to prevent arbitrage;
- C. On March 4, 2011, the Commission requested BC Hydro to provide comment on the Tolko letter;
- E. On March 18, 2011, BC Hydro responded to the Commission's request for comment on the Tolko letter;
- F. BC Hydro commented that in Commission Order G-48-09, the PPA was amended with the intended purpose of prohibiting the arbitrage of PPA energy by not allowing the sale of PPA electricity to any FortisBC customer when such customer is selling self-generated electricity which is not in excess of its load;
- G. Pursuant to section 99 of the *Utilities Commission Act*, the Commission can reconsider, vary or rescind a decision, order, rule or regulation made by it, and may rehear an application before deciding it. The Commission has concluded that a Regulatory Timetable for a written public hearing for the review of the Application is required to be established.

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NOW THEREFORE pursuant to section 99 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. 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 and on-line via the Commission's website at <http://www.bcuc.com>.
3. Interveners and Interested Parties should inform the Commission in writing or register on-line via the Commission's website by Tuesday, April 12, 2011 of their intention to actively intervene in the proceeding, or become Interested Parties. Copies of the Application, all correspondence and filed documentation will be available on-line via the Commission's website. Interested Parties may file Letters of Comment and will find a copy of the Commission's Decision when issued on the Commission's website at <http://www.bcuc.com>.

DATED at the City of Vancouver, in the Province of British Columbia, this 24th day of March 2011.

BY ORDER

Original signed by:

L.F. Kelsey
Commissioner

Attachment

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REGULATORY TIMETABLE

ACTION	DATES (2011)
Commission Information Request No. 1 to Tolko	Thursday, April 7
Registration deadline for Interveners and Interested Parties	Tuesday, April 12
Intervener Information Request No. 1 to Tolko	Thursday, April 14
Responses to Information Requests No. 1 by Tolko	Thursday, April 21
Tolko Written Final Submission	Thursday, April 28
Intervener Written Final Submissions	Tuesday, May 3
Tolko Written Reply Submission	Friday, May 6