



**BRITISH COLUMBIA  
UTILITIES COMMISSION**

**ORDER  
NUMBER** G-5-13

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

**and**

**An Application by FortisBC Inc.  
for a Certificate of Public Convenience and Necessity  
for the Purchase of Utility Assets of the City of Kelowna**

**BEFORE:** D.M. Morton, Panel Chair  
A.A. Rhodes, Commissioner January 17, 2013  
B.A. Magnan, Commissioner

**O R D E R**

**WHEREAS:**

- A. On November 13, 2012, FortisBC Inc. (FBC) applied to the British Columbia Utilities Commission (Commission), pursuant to sections 45 and 46 of the *Utilities Commission Act* (Act), for a Certificate of Public Convenience and Necessity (CPCN) for an extension to FBC's distribution system which would result from its proposed purchase of the electricity distribution assets of the City of Kelowna (City);
- B. FBC also applied, pursuant to sections 59 and 60 of the Act, to include the impact of the electricity distribution asset purchase in FBC's revenue requirements;
- C. On November 27, 2012, the Commission issued Order G-178-12 establishing a Regulatory Timetable for the review of the Application, which included a December 7, 2012 deadline for Intervener registration and comment on the proposed one-day Streamlined Review Process Hearing to be held in Kelowna;
- D. The Commission received either assent or no comment from four of the five Registered Interveners regarding the Streamlined Review Process. However, the Industrial Customers Group (ICG) opposed the Streamlined Review Process, requesting that the Commission instead establish an oral hearing review process with two rounds of Information Requests;
- E. In accordance with Order G-190-12, a Procedural Conference was held in Vancouver on January 16, 2013. Registered Interveners present at the Procedural Conference were: the British Columbia Pensioners' and Seniors' Organization *et al.* (BCPSO), the ICG and Zellstoff Celgar Limited Partnership (Celgar). Mr. Hobbs appeared for both ICG and Celgar. In addition, two Registered Interveners, Tolko Industries Ltd. (Tolko) and BC Sustainable Energy Association and the Sierra Club of BC (BCSEA), provided comments through written correspondence but did not attend the Procedural Conference;

- F. At the Procedural Conference, FBC and Registered Interveners commented on the process, timing and other matters. FBC and Tolko submitted that a Streamlined Review Process would be most appropriate to review the Application. ICG and BCPSO supported an oral hearing with a second round of information requests and the opportunity to submit intervenor evidence. The BCSEA stated in its letter that it was content with a written review process which included a second round of information requests but that it had no objection to other review processes;
- G. ICG, supported by BCPSO, made submissions on the applicability of Sections 52 and 53 of the Act to which FBC responded;
- H. ICG also submitted that FBC did not file complete responses to its information requests 1.3.1, 1.3.2, 1.3.3, 1.7.5 and 1.7.6. ICG sought a directive from the Commission Panel requiring that FBC respond to the outstanding information requests. BCPSO supported the ICG requests. FBC opposed them;
- I. The Commission Panel provided Oral Reasons for Decision.

**NOW THEREFORE** as set out in the Oral Reasons for Decision at the Procedural Conference, the Commission Panel orders as follows:

1. The Application is to be reviewed through an oral public hearing process, with oral submissions, in Vancouver, at the Commission Hearing Room at 1125 Howe Street, 12<sup>th</sup> Floor. The Amended Regulatory Timetable is attached as Appendix A to this Order.
2. FBC shall respond to ICG information requests 1.3.1, 1.3.2 and 1.3.3 in full.
3. FBC shall respond to ICG information requests 1.7.5 and 1.7.6; however, the relevant time period for the document production shall be limited to the past five years. Only documents related to asset condition and purchase price are to be produced. FBC is not required to produce material subject to privilege.
4. Submissions regarding the applicability of Sections 52 and 53 of the Act to the Application may be made at the oral hearing.

**DATED** at the City of Vancouver, in the Province of British Columbia, this 17<sup>th</sup> day of January, 2013.

BY ORDER

*Original signed by:*

D.M. Morton  
Panel Chair

Attachment

**FORTISBC INC.**

An Application  
for a Certificate of Public Convenience and Necessity  
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<b>AMENDED REGULATORY TIMETABLE</b>	
<b>ACTION</b>	<b>DATE (2013)</b>
FBC Production of Documents	Friday, January 25
Commission and Intervener Information Request No. 2	Monday, January 28
Participant Assistance Budget Submission	Friday, February 1
FBC Response to Commission and Intervener Information Request No. 2	Tuesday, February 12
Intervener Evidence (if any)	Friday, February 15
Oral Hearing Including Oral Final and Reply Submissions	Tuesday - Thursday, February 19 - 21