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**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER** G-113-14

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

and

Person(s) doing business as Seascapes Development and
Superior Propane

BEFORE: L.F. Kelsey, Commissioner
H.G. Harowitz, Commissioner
K.A. Keilty, Commissioner
I.F. MacPhail, Commissioner August 7, 2014
B.A. Magnan, Commissioner
D.M. Morton, Commissioner

O R D E R

WHEREAS:

- A. On February 26, 2014, the British Columbia Utilities Commission (Commission) received a complaint from the Property Manager of a 100-unit strata development property called Seascapes (BCS 776), located at West Vancouver, British Columbia, regarding propane services supplied by a division of Superior Plus LP doing business under the name Superior Propane;
- B. On March 25, 2014, the Commission received a second complaint from a resident at Seascapes regarding Superior Propane. Both complainants consented to have their complaints reviewed jointly;
- C. Superior Propane has not applied for, nor been granted, a Certificate of Public Convenience and Necessity nor has it made an application for approval of rates for public utility service. Prior to the date of this Order, Superior Propane was not operating under regulatory oversight under the *Utilities Commission Act* (UCA);
- D. On April 25, 2014 and June 3, 2014, letters were sent to Superior Propane requesting specific information about Superior Propane in order to determine if it is a public utility under the UCA and if the complaints received were within the Commission's jurisdiction. Responses were received and answers to the requested information were provided;
- E. On May 23, 2014, the Commission received a response from Mr. Jim Reimer, Superior Propane General Manager – Pacific Region in which Mr. Reimer submits that Superior Propane supplies propane services (Services) to all strata lot owners at Seascapes pursuant to contractual arrangements with each homeowner. Superior Propane also submitted reasons why it is not a public utility under the UCA;
- F. The Commission reviewed the information provided by Superior Propane, the Complainants and the interested parties and issued Order G-91-14 dated July 10, 2014, which ordered that:
 - (i) The person, or the person's lessee, trustee, receiver or liquidator, who owns or operates Superior Propane at Seascapes Strata BCS 776 is operating as a public utility as defined by the *Utilities Commission Act*.

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- (ii) Superior Propane must provide details of its legal ownership structure and status of the division of Superior Plus LP doing business under the name Superior Propane. This information is due within 14 days of this Order.
- (iii) Superior Propane must file its schedule of its current rates with the Commission as soon as possible but no later than 14 days from the date of this Order, for immediate review by the Commission.
- (iv) Superior Propane must make application to the Commission for its rates, including a proposal for an appropriate regulatory process to review this application, no later than 30 days from this Order. The Commission encourages Superior Propane to meet with Commission staff prior to making this application to discuss its content and structure.
- (v) Superior Propane must familiarize itself and comply with its obligations under the *Utilities Commission Act*.
- (vi) Superior Propane must provide a copy of this Order and attached Reasons for Decision to all of its customers.

- G. On July 31, 2014, Superior Propane contacted the Commission regarding the requirements for the application;
- H. On August 6, 2014, Superior Propane filed a letter with the Commission stating that it is in the course of compiling information required to make this application, and has made a request through counsel to meet with Commission staff as suggested in the Order. Superior Propane requests an extension of the date for filing its application to a date to be determined following the meeting with Commission staff; and
- I. The Commission reviewed the request for the application filing date extension and considers that the request should be granted.

NOW THEREFORE pursuant to Part 3 of the *Utilities Commission Act*, the British Columbia Utilities Commission orders as follows:

- 1. Superior Propane must complete its meetings with Commission staff by Friday, August 21, 2014.
- 2. Superior Propane must make application to the Commission for its rates, tariff and terms and conditions of service, including a proposal for an appropriate regulatory process to review this application, no later than Friday, September 5, 2014.
- 3. Superior Propane must provide a copy of this Order to the Seascapes strata representative within five business days.

DATED at the City of Vancouver, in the Province of British Columbia, this 12th day of August 2014.

BY ORDER

Original Signed by:

D.M. Morton
Commissioner