

**BRITISH COLUMBIA
UTILITIES COMMISSION**

CONFIDENTIAL

**ORDER
NUMBER R-58-14**

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

and

**Innergex Renewable Energy Inc.
Contesting Alleged Violation of Mandatory Reliability Standards:
EOP-008-0 Requirement 1 – Violation ID: BCUC2013000467
PER-002-0 Requirement 1 – Violation ID: BCUC2013000470
PER-002-0 Requirement 2 – Violation ID: BCUC2013000458
PER-002-0 Requirement 3 – Violation ID: BCUC2013000471
PER-002-0 Requirement 4 – Violation ID: BCUC2013000472
PER-003-0 Requirement 1 – Violation ID: BCUC2013000473**

BEFORE: D. M. Morton, Commissioner

December 2, 2014

O R D E R

WHEREAS:

- A. Order G-123-09 approved the Compliance Monitoring Program (CMP) which provides a process for dealing with violations to Mandatory Reliability Standards (MRS) adopted by the British Columbia Utilities Commission (Commission);
- B. On July 25, 2014, the Western Electricity Coordinating Council (WECC), acting as the Commission's MRS Administrator, issued a Notice of Alleged Violation¹ (NOAV) to Innergex Renewable Energy Inc. (Innergex) for the alleged violation of the Reliability Standards listed above. The NOAV described the nature of the Alleged Violations and provided an assessment of the severity of the Alleged Violations. The NOAV also cited section 4.1.1 of the CMP, pursuant to which a NOAV will be treated as confidential unless and until the Commission confirms the Alleged Violation as a Confirmed Violation;
- C. On July 25, 2014, WECC also advised Innergex of its rights under section 4.2 of the CMP, pursuant to which the Applicable Entity has 30 days to respond to the NOAV. The CMP also states if the Applicable Entity fails to respond within 30 days, the Commission may consider the Alleged Violations in the absence of a submission;

¹ Exhibit B-1

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- D. In response to an extension request by Innergex, WECC issued an email on August 12, 2014, granting Innergex a 15-day extension and requiring Innergex to respond to the NOAV by September 9, 2014²;
- E. By email correspondence dated September 9, 2014³, Innergex informed WECC and the Commission that it contests the Alleged Violations identified above;
- F. By email notification dated October 24, 2014, WECC affirmed the Alleged Violations⁴;
- G. By written correspondence dated November 19, 2014, Innergex submitted⁵ that it contests WECC's affirmation of the Alleged Violations and that it continues to contest the Alleged Violations. Innergex also requested that this matter be dealt with by way of a private oral hearing;
- H. The Commission has reviewed the submissions filed and in accordance with section 4.2.5.3 of the CMP, establishes a hearing to determine whether Innergex has violated standards to which it must comply, and accordingly, if the NOAV filed by WECC should be affirmed or dismissed.

NOW THEREFORE pursuant to sections 4.1.1 and 4.2.5.3 of the Compliance Monitoring Program and section 125.2 of the *Utilities Commission Act*, the Commission orders as follows:

1. A hearing is established into the Notice of Alleged Violation filed by the Western Electricity Coordination Council (WECC) and contested by Innergex.
2. The hearing and all associated evidence and orders will be held in confidence. In accordance with the Compliance Monitoring Program, if at such time the violation is confirmed, the orders pertaining to the hearing will be publically available on the Commission's website. Other evidence will be not be publically available but will be subject to the *Freedom of Information and Protection of Privacy Act*. Although the hearing will not be public, confidential information should be clearly marked as such.
3. On or before December 5, 2014, WECC and Innergex are requested to comment on availability and willingness to participate in this matter by way of a Streamlined Review Process. Comments should include:
 - (i) if amenable to a Streamlined Review Process, names of attendees, method of attendance (in person in Vancouver, or otherwise), and
 - (ii) suggested dates, or black-out dates, in December 2014 and/or January 2015.

² Exhibit B-2

³ Exhibit C1-1

⁴ Exhibit B-3

⁵ Exhibit C1-2

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4. On or before December 5, 2014, WECC and Innergex are invited to file evidence that pertains to any formal relationship between Innergex and BC Hydro as it relates to this matter and a submission on whether or not BC Hydro should be included as a party to this hearing.

DATED at the City of Vancouver, in the Province of British Columbia, this 2nd day of December 2014.

BY ORDER

Original Signed by:

D. M. Morton
Commissioner