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**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER G-140-15**

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

and

**ATCO Electric Ltd.
Application for an Exemption from Part 3 of the *Utilities Commission Act*
Regulation of Public Utilities, Except for Certain Sections
for
Electrical Distribution Lines Supplying
ATCO Electric's Alberta/British Columbia Border Customers**

BEFORE: L. F. Kelsey, Commissioner
C. A. Brown, Commissioner
H. G. Harowitz, Commissioner
K. A. Keilty, Commissioner
D. M. Morton, Commissioner

August 27, 2015

O R D E R

WHEREAS:

- A. On July 28, 2014, ATCO Electric Ltd. (ATCO Electric) filed an application with the British Columbia Utilities Commission (Commission) in respect of ATCO Electric's Alberta/British Columbia cross border facilities and customers;
- B. On August 27, 2014, the Commission issued an information request to ATCO Electric and posted the application on the Commission's public website;
- C. On September 19, 2014, ATCO Electric responded to the Commission's request for information and included an amended application seeking certain approvals for exemptions or amendments to existing Commission orders for its cross border facilities (and customers served from those facilities) (Application);
- D. In the Application ATCO Electric seeks exemptions pursuant to section 88(3) of the *Utilities Commission Act* (UCA) for the following:
 - a. Line 1 – Jasper for approximately 330 metres of 14.4 kV distribution line from the Alberta/BC border to a point of delivery with Canadian National Railway that has been in service for over 30 years,

- b. Line 2 – Elmworth for approximately 2.35 km of distribution line from the Alberta/BC border to a point of delivery with ConocoPhillips that has been in service for almost 30 years,
 - c. Line 12 – Baytree-Bonanza/Spirit River for three separate distribution taps serving five small residential and farm customers in BC from the Alberta/BC border. Tap 1 comprising approximately 160 metres of 14.4 kV line with one residential customer, Tap 2 comprising approximately 100 metres of 14.4 kV line with one farm customer and Tap 3 comprising approximately 2 km serving three farm customers;
- E. In the Application ATCO Electric seeks amendments pursuant to section 99 of the UCA for the following existing Commission orders and requests that if an amendment is not possible then it requests an equivalent exemption be granted:
- a. G-76-91 – Line 8 – Ring Border, changes include distribution line length from 100 metres to approximately 800 metres of 25kV, customer served change from Canadian Hunter Exploration to ConocoPhillips.
 - b. G-47-95 and E-7-95 – Line 9 – Kahntah Oil Field (68 km of 25kV distribution line), changes include customer served changed from Home Oil to Canadian Natural Resources Limited, the addition of three new customers served from this line (Telus Communications Inc., ConocoPhillips and Bell Mobility) and that ATCO is no longer selling energy (it only provides delivery service) since deregulation in the Alberta market.
- F. Orders G-76-91, G-47-95 and E-7-95 were approved based on specific Electric Service Agreements that are no longer in use;
- G. On October 3, 2014, the Commission established a written comment process with ATCO Electric providing notification to affected parties including potentially affected First Nations;
- H. On November 14, 2014, BC Hydro provided its written comment that states it has no objection to the requested exemptions or amendments and updates to existing orders as set out in the Application and no comments were received from any other potentially affected parties;
- I. Section 88(3) of the UCA provides that the Commission may, on conditions it considers advisable, with the advance approval of the Lieutenant Governor in Council, exempt a person, equipment or facilities from the application of all or any of the provisions of the UCA;
- J. The Commission considered the Application and is satisfied that issuing an order under section 88(3) of the UCA exempting ATCO Electric from Part 3 of the UCA for its cross-border facilities in BC (Lines 1, 2, 8, 9 and 12) except for sections 25, 38, 42 and 43 subject to certain conditions properly conserves the public interest; and

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- K. By Order in Council No. 455 dated July 27, 2015 and attached as Appendix II of this Order, the Lieutenant Governor in Council granted advance approval to the Commission to exempt ATCO Electric from certain provisions of the UCA for the purpose of and subject to the terms set out in the draft Commission order attached to the Order in Council.

NOW THEREFORE the British Columbia Utilities Commission orders as follows:

1. Pursuant to section 88(3) of the *Utilities Commission Act*, the Commission, effective the date of this order exempts ATCO Electric Ltd. (ATCO Electric) for its distribution facilities used to supply electric service to its Alberta/British Columbia Border Customers, as listed in Appendix I, from the requirements of Part 3 of the *Utilities Commission Act*, except for sections 25, 38, 42, and 43 subject to directive 2.
2. The exemption, granted pursuant to this order, remains in effect until further order of the Commission for reasons that may include the determination of any complaint the Commission receives from a person whose interests are affected.
3. Pursuant to section 43, ATCO Electric is directed to file an annual report within 90 days of its fiscal year-end covering each exempted facility containing the information set out in Appendix III, or as the Commission may otherwise require.
4. Pursuant to section 38, ATCO Electric shall construct, operate and maintain its facilities referred to in directive 1 to ensure safe, reliable and adequate service.
5. Pursuant to section 117(2), the Commission orders that the costs of the Commission incidental to this proceeding and any future proceeding before it are to be paid by ATCO Electric in such amounts and proportions as the Commission may determine.
6. Orders E-7-95, G-47-95 and G-76-91 are superceded by this order.

DATED at the City of Vancouver, in the Province of British Columbia, this 27th day of August 2015.

BY ORDER

Original signed by:

D. M. Morton
Commissioner

Attachments

ATCO Electric Ltd.

Electrical Distribution Facilities in British Columbia
Exempted from Part 3 of the *Utilities Commission Act* except for
sections identified in the Order

Line No.	Description
Line 1 – Jasper	Electrical distribution line extending from Alberta into British Columbia to serve ATCO Electric customer facilities near Jasper, Alberta.
Line 2 – Elmworth	Electrical distribution line extending from Alberta into British Columbia to serve ATCO Electric customer facilities near Elmworth, Alberta.
Line 8 – Ring Border	Electrical distribution line extending from Alberta into British Columbia to serve ATCO Electric customer facilities near BC border in Fort Nelson, BC area.
Line 9 – Kahntah Oil Field	Electrical distribution line extending from Alberta into British Columbia to serve ATCO Electric customer facilities near Kahntah Oil Field in north eastern BC.
Line 12 – Baytree-Bonanza/Spirit River	Electrical distribution taps crossing from Alberta to British Columbia to serve ATCO Electric customers near the BC border in the Spirit River, Alberta area.

PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 455, Approved and Ordered July 27, 2015


Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that approval is given to the British Columbia Utilities Commission to grant the exemptions set out in provision 1, subject to the condition set out in provision 2, of the attached draft order of the British Columbia Utilities Commission.



Attorney General and Minister of Justice



Presiding Member of the Executive Council

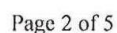
(This part is for administrative purposes only and is not part of the Order.)

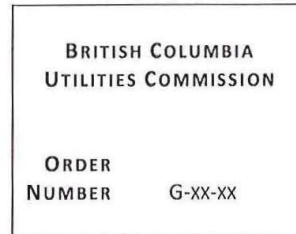
Authority under which Order is made:

Act and section: Utilities Commission Act, R.S.B.C. 1996, c. 473, s. 88 (3)

Other: _____

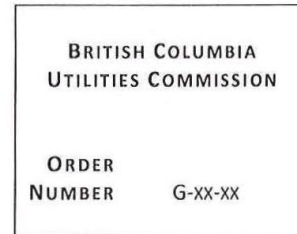
April 22, 2015





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- 14.4 kV line with one residential customer, Tap 2 comprising approximately 100 metres of 14.4 kV line with one farm customer and Tap 3 comprising approximately 2 km serving three farm customers;
- E. The Application seeks amendments pursuant to section 99 of the UCA for the following existing Commission orders and requests that if an amendment is not possible then it requests an equivalent exemption be granted:
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- K. By Order in Council No. XXX dated XXX XX, 201X and attached as Appendix II of this Order, the Lieutenant Governor in Council granted advance approval to the Commission to exempt ATCO Electric from certain provisions of the UCA for the purpose of and subject to the terms set out in the draft Commission order attached to the Order in Council.



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6. Orders E-7-95, G-47-95 and G-76-91 are superceded by this order.

DATED at the City of Vancouver, in the Province of British Columbia, this day of (MONTH) 20xx.

BY ORDER

Commissioner

Attachments

APPENDIX I
to Order G-xx-xx
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ANNUAL REPORTING REQUIREMENTS

A Report is required for the ATCO Electric
Distribution Lines supplying BC customers

(Reports are to be filed within 90 days after fiscal year-end)

1.1 Annual Report to be filed

- Update of ATCO Electric's AB/BC Distribution Block Diagram (similar to Appendix 1 in the Application).
- Update of ATCO Electric's BC Border Customers Spreadsheet (similar to Appendix 10 in the Application). The applicable ATCO Electric rate schedules for each customer must be shown on the spreadsheet filed with the Commission.
- A summary of any incidents, such as safety incidents, forced outages and/or complaints received from ATCO Electric's BC customers and the resolution of these issues.
- A copy of any permits received.