



**ORDER NUMBER
G-87-16**

IN THE MATTER OF
the *Utilities Commission Act*, RSBC 1996, Chapter 473

and

SSL-Sustainable Services Ltd.
SSL Geothermal Energy System Status as a Public Utility under the Utilities Commission Act

BEFORE:

D. M. Morton, Commissioner
D. J. Enns, Commissioner
W. M. Everett, Commissioner
H. G. Harowitz, Commissioner
R. I. Mason, Commissioner

on June 9, 2016

ORDER

WHEREAS:

- A. On December 16, 2015, the British Columbia Utilities Commission (Commission) received a complaint from a resident of the City of Langford's Westhills area regarding energy services in the subdivision served by SSL - Sustainable Services Ltd.'s (SSL) geothermal system;
- B. As a geothermal energy service provider, SSL has not been granted a Certificate of Public Convenience and Necessity nor has it made an application for approval of rates for public utility service under the Stream B criteria of the Commission's Thermal Energy System (TES) Regulatory Framework Guidelines (TES Guidelines). SSL has also not been granted Stream A status per the TES Guidelines;
- C. On January 5, 2016 and March 23, 2016, the Commission sent letters to SSL requesting specific information about SSL in order to determine if it is a public utility under the *Utilities Commission Act* (UCA). Responses were received on January 27, 2016 and April 13, 2016, where SSL maintained that it is not a public utility because although it is not owned by the City of Langford, it would still meet the municipality exclusion in the UCA's definition of public utility;
- D. The UCA defines a public utility as "a person, or the person's lessee, trustee, receiver or liquidator, who owns or operates in British Columbia, equipment or facilities for (a) the production, generation, storage, transmission, sale, delivery or provision of electricity, natural gas, steam or any other agent for the production of light, heat, cold or power to or for the public or a corporation for compensation... but does not include (c) a municipality or regional district in respect of services provided by the municipality or regional district within its own boundaries...";

- E. If found to be a public utility as defined in the UCA, SSL's geothermal system would meet the TES definition in the TES Guidelines under which it would be required to apply as a Stream A TES or Stream B TES unless the capital cost of the TES is \$500,000 or less;
- F. The TES Guidelines identifies a TES as consisting of "equipment or facilities for the production, generation, storage, transmission, sale, delivery or provision of heat, hot water and/or cooling from one or more thermal energy sources and through a distribution system. Energy sources may include waste heat, renewable (solar, ground/water source or air source heat pumps, geothermal, biomass etc.) as well as non-renewable energy sources. A TES may include plant, equipment, distribution piping, apparatus, property and facilities employed by or in connection with the provision of thermal energy services";
- G. Under section 82(1)(a) of the UCA "the Commission may, on its own motion, inquire into, hear and determine a matter that under this Act it may inquire into, hear or determine on application or complaint." Further, section 83 of the UCA states "if a complaint is made to the commission, the commission has powers to determine whether a hearing or inquiry is to be had, and generally whether any action on its part is or is not to be taken"; and
- H. The Commission reviewed the information provided to date and considers there to be sufficient grounds to warrant a hearing to determine whether SSL is a public utility under the UCA .

NOW THEREFORE the British Columbia Utilities Commission orders as follows:

1. Pursuant to section 83 of the *Utilities Commission Act* (UCA), a written hearing process to determine if SSL- Sustainable Services Ltd. (SSL) is operating as a public utility under the UCA is established as set out in the Regulatory Timetable attached as Appendix A to this order.
2. SSL is required to provide a copy of this order and the Public Notice as attached in Appendix B to this order to all affected parties (City of Langford and ratepayers of the SSL geothermal system) by Thursday, June 30, 2016.
3. SSL is required to publish, as soon as practicable but no later than Thursday, June 30, 2016, in display-ad format, the Public Notice attached as Appendix B to this order, in such appropriate local news publications as may properly provide adequate notice to the public.
4. Parties who wish to participate in the regulatory proceeding as interveners are to register with the Commission by completing a Request to Intervene Form, available on the Commission's website at <http://www.bcuc.com/Registration-Intervener-1.aspx>, by the date established in the Regulatory Timetable attached as Appendix A to this order and in accordance with the Commission's Rules of Practice and Procedure.

DATED at the City of Vancouver, in the Province of British Columbia, this 17th day of June 2016.

BY ORDER

Original signed by:

D. M. Morton
Commissioner

Attachments

Orders/G-87-16_SSL-Public-Utility-Status-Timetable

SSL-Sustainable Services Ltd.
SSL Geothermal Energy System Status as a Public Utility under the Utilities Commission Act

REGULATORY TIMETABLE

ACTION	DATE (2016)
SSL notification to affected parties	Thursday, June 30
Registration of interveners	Friday, July 8
Commission Information Request No. 1 to SSL, if necessary	Friday, July 22
Intervener Information Request No. 1 to SSL	Friday, July 22
Further Process	To Be Determined



Public Notice of SSL-Sustainable Services Ltd. Geothermal Energy System Status as a Public Utility under the Utilities Commission Act

The British Columbia Utilities Commission (Commission) has initiated a written hearing process to determine whether SSL-Sustainable Services Ltd. (SSL) is operating as a public utility under the *Utilities Commission Act* for the geothermal energy service it is providing in the City of Langford's Westhills area.

How to get involved

Persons who are directly or sufficiently affected by the Commission's decision or have relevant information or expertise and that wish to actively participate in the proceeding can request intervener status by submitting a completed Request to Intervene Form by Friday, July 8, 2016. Forms are available on the Commission's website at www.bcuc.com. Interveners will receive notification of all non-confidential correspondence and filed documentation, and should provide an email address if available.

Persons not expecting to participate, but who have an interest in the proceeding, should register as interested parties through the Commission's website. Interested parties receive electronic notice of submissions and the decision when it is released.

Letters of comment may also be submitted using the Letter of Comment Form found online at www.bcuc.com. By participating and/or providing comments in the proceeding, you agree to your comments being placed on the public record and posted on the Commission's website. All submissions and/or correspondence received, including letters of comment are placed on the public record, posted on the Commission's website, and provided to the Panel and all participants in the proceeding.

For more information about becoming involved in a Commission proceeding please see the Rules of Practice and Procedure available at www.bcuc.com. Alternatively, persons can request a copy of the Rules of Practice and Procedure in writing. All forms are available on the Commission's website or can be requested in writing.

View the proceeding documents

All documents related to the proceeding are available on the Commission's website on the "Current Applications" page.

For more information please contact Laurel Ross, Acting Commission Secretary using the contact information below.

<p>British Columbia Utilities Commission Sixth Floor, 900 Howe Street Vancouver, BC V6Z 2N3 Commission.Secretary@bcuc.com Telephone: 604-660-4700 Toll Free: 1-800-663-1385</p>
