



**ORDER NUMBER**  
**G-193-16**

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

and

Shannon Wall Centre Rental Apartments Limited Partnership  
Rate Application for the Shannon Estates Thermal Energy System

**BEFORE:**

R. D. Revel, Commissioner/Panel Chair  
D. M. Morton, Commissioner

on December 19, 2016

**ORDER**

**WHEREAS:**

- A. On May 24, 2016, Shannon Wall Centre Rental Apartments Limited Partnership (SWCRA), filed an application for approval of terms, conditions and rates under sections 59-61, 89 and 90 of the *Utilities Commission Act* for the Shannon Estates Thermal Energy System located at 7199 Granville Street, Vancouver, BC which provides space heating, space cooling and domestic hot water service to the Shannon Mews & Apartments development (Application);
- B. The Shannon Mews & Apartments development is being constructed in two phases and once complete will include approximately 600 residential rental and strata units and two commercial units. Construction of Phase I is complete and Phase II is expected to be completed in 2018;
- C. On April 21, 2016, by Order C-4-16, the British Columbia Utilities Commission (Commission) granted a Certificate of Public Convenience and Necessity for SWCRA to own and operate the Shannon Estates Thermal Energy System at a total estimated capital cost of \$7.5 million;
- D. On June 1, 2016, by Order G-77-16A the Commission granted interim relief to invoice customers effective June 1, 2016, and established a regulatory timetable for a written hearing process for review of the Application. Order G-77-16A also directed SWCRA to provide a copy of the order to each strata corporation and to all tenants and owners of units at Shannon Mews & Apartments;
- E. On September 7, 2016, SWCRA filed its final reply submission;
- F. On October 11, 2016, the Commission received a letter from Mr. Fox representing himself and other strata owners claiming, among other things, that adequate notice was not provided to all the affected parties and requested that the Commission, among other things, allow further process to review the Application and the evidence on the record and allow for new intervener registration;

- G. On November 14, 2016 by Order G-161-16A, the Commission reopened the evidentiary record for the review of the Application and established a Regulatory Timetable that allowed for intervener registration and provided dates for SWCRA and interveners to make submissions on further process, with respect to the review of the Application; and
- H. The Commission has considered the submissions received and finds that establishing a further Regulatory Timetable for the review of the Application is warranted.

**NOW THEREFORE** for the reasons set out in Appendix A to this order, the British Columbia Utilities Commission orders that a further Regulatory Timetable for the review of Shannon Wall Centre Rental Apartments Limited Partnership's Rates Application for the Shannon Estates Thermal Energy System be established as set out in Appendix B to this order.

**DATED** at the City of Vancouver, in the Province of British Columbia, this 19<sup>th</sup> day of December 2016.

BY ORDER

*Original signed by:*

R. D. Revel  
Commissioner

Attachments

Shannon Wall Centre Rental Apartments Limited Partnership  
Rate Application for the Shannon Estates Thermal Energy System

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**REASONS FOR DECISION**

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On November 29, 2016 Shannon Wall Centre Rental Apartments Limited Partnership (SWCRA) filed its submission on further process for the review of the Rates Application for Shannon Estates Thermal Energy System (Application) in accordance with the Regulatory Timetable set out in Order G-161-16A.

In its submission SWCRA proposes a written process and a timetable that provides for SWCRA to file an updated application (Updated Application), followed by one round of information requests, and final and reply submissions. SWCRA clarifies that the Updated Application will incorporate the developments made in the proceeding thus far and may be further modified to a different form and rate structure than previously submitted.

Mr. Fox was the only intervener to file a submission on further process. In his November 30, 2016 submission, Mr. Fox reserves the right to object to SWCRA filing an Updated Application on the grounds that the British Columbia Utilities Commission (BCUC or Commission) did not authorize the Applicant to modify the Application. Mr. Fox submits that the timetable proposed by SWCRA is acceptable, subject to issues arising from the Applicant's proposed Updated Application.

On December 13, 2016, SWCRA filed a reply and submits that it is fair to allow the Applicant to incorporate any new or different developments it has into the rates filing, given the evidentiary record for the review of the Application has been reopened and new parties have been allowed to participate. SWCRA also states that "The BCUC has the jurisdiction to accept/reject any such changes whether by further modifying the rate structure or reverting to previous structures and the regulatory process allows the ideas to be studied in a wholesome and efficient matter." SWCRA further submits that it has not finalized what modification there may be but anticipates that the proposed timetable is adequate for the level of modifications intended.

**Commission determination**

The Panel agrees with SWCRA that it should be provided with an opportunity to incorporate the developments made in the proceeding thus far and make modifications to its Application as it finds appropriate. There is nothing in the *Utilities Commission Act* that precludes an Applicant from amending or modifying its relief in the course of a proceeding, and it has been Commission practice to allow applicants to do so.

However, the Panel agrees with Mr. Fox that it may be difficult at this time to determine the extent of the appropriate regulatory process until the parties have had an opportunity to review the Updated Application and assess the degree of modification. For these reasons the Panel establishes a regulatory timetable that allows for one round of information requests, followed by submissions on whether any further process is necessary to review the Application prior to the filing of final written submissions.

Shannon Wall Centre Rental Apartments Limited Partnership  
Rate Application for the Shannon Estates Thermal Energy System

**REGULATORY TIMETABLE**

<b>ACTION</b>	<b>DATE (2017)</b>
SWCRA File Updated Application	Monday, February 6
Commission and Intervener Information Request No. 3	Tuesday, February 21
Intervener Submissions on Further Process	Friday, February 24
SWCRA Reply on Further Process	Wednesday, March 1
SWCRA Response to Information Request No. 3	Tuesday, March 7
Further Process	TBD