



ORDER NUMBER
R-14-17

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

and

Tolko Industries Limited
Change in registration with the
British Columbia Mandatory Reliability Standards Program

BEFORE:
W. M. Everett, QC, Commissioner

on February 23, 2017

ORDER

WHEREAS:

- A. In accordance with British Columbia Utilities Commission (Commission) Order R-12-17 approving, among other things, the elimination of Load Serving Entity (LSE) as a registered function with the British Columbia Mandatory Reliability Standards Program (BC MRS Program), Tolko Industries Limited (Tolko) is no longer required to register for the LSE function and is not required to comply with Commission approved reliability standards applicable to the LSE function.
- B. Section 125.2 of the *Utilities Commission Act* (UCA) assigns exclusive jurisdiction to the Commission to determine whether a “reliability standard,” as defined in the UCA, is in the public interest and should be adopted in British Columbia;
- C. The Mandatory Reliability Standards Regulation (MRS Regulation), Ministerial Order M039, deposited February 23, 2009, described the parties subject to reliability standards adopted under section 125.2(6) of the UCA and, on June 4, 2009, the Commission issued Order G-67-09 specifying that entities subject to reliability standards must register with the Commission;
- D. By Commission Order G-95-10A, dated June 3, 2010, the Commission approved the registration of Tolko for various functions including the LSE function, with the BC MRS Program;
- E. On November 17, 2015, the UCA was amended to repeal sections 125.2(8) and 125.2(9) concerning the applicability of reliability standards and include updated sections 125.2(8) and 125.2(9), pursuant to which, the Commission may, by order, specify that a reliability standard adopted under the UCA applies or does not apply to a specified person, a class of persons or a person in respect of specified equipment;
- F. On May 18, 2016, the MRS Regulation was revised by Ministerial Order M171 to remove, among other things, section 2, Application;
- G. As result of the amended UCA giving the Commission authority to make determinations on the applicability of reliability standards in BC, and considering the general policy to have the BC MRS Program align with the

North American Electric Reliability Corporation (NERC) MRS Program in the US, the Commission issued for comment proposed revisions to the BC Registration Manual which included registration criteria that align with the NERC Statement of Compliance Registry Criteria. The proposed revisions to the Registration Manual included, among other things, the elimination of LSE as a registration category;

- H. Following thorough consideration of comments and reply comments received, the Commission issued Commission Order R-12-17, dated February 23, 2017, approving the revised Registration Manual, which, among other things, eliminated LSE as a registered function, and;
- I. The Commission considers deregistration of Tolko Industries Limited for the LSE function with the BC MRS Program warranted.

NOW THEREFORE pursuant to sections 125.2(8), (9) and (10) of the *Utilities Commission Act* and in accordance with the revised Registration Manual that is Appendix 1 to the Rules of Procedure for Reliability Standards in British Columbia, the British Columbia Utilities Commission:

1. Approves the deregistration of Tolko Industries Limited for the function of Load Serving Entity with the British Columbia Mandatory Reliability Standards Program.
2. Orders that the Mandatory Reliability Standards adopted by the Commission pursuant to section 125.2 of the *Utilities Commission Act* and applicable to the Load Serving Entity function no longer apply to Tolko Industries Limited.
3. Orders that Tolko Industries Limited is no longer required to submit compliance filings applicable to the Load Serving Entity function to the British Columbia Utilities Commission and remains registered for other applicable functions.

DATED at the City of Vancouver, in the Province of British Columbia, this 23rd day of February 2017.

BY ORDER

Original signed by:

W. M. Everett, QC
Commissioner