



ORDER NUMBER

G-135-17

IN THE MATTER OF

the *Utilities Commission Act*, RSBC 1996, Chapter 473

and

SSL-Sustainable Services Ltd.

Status as a Public Utility under the *Utilities Commission Act*

BEFORE:

D. M. Morton, Panel Chair/Commissioner

B. A. Magnan, Commissioner

on August 30, 2017

ORDER

WHEREAS:

- A. On December 16, 2015, the British Columbia Utilities Commission (Commission) received a complaint from a resident of the City of Langford regarding energy services in a subdivision provided by SSL-Sustainable Services Ltd.'s (SSL) geothermal system;
- B. 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. The Commission reviewed the complaint and the information provided by SSL in its response letters and on June 9, 2016 via Order G-87-16, and pursuant to section 83 of the *Utilities Commission Act* (UCA), another panel made the order that initiated this proceeding to determine whether SSL is a public utility under the UCA (Proceeding);
- D. A workshop and procedural conference were held on January 18, 2017. SSL, City of Langford, FortisBC Energy Inc. (FEI), and Commission staff made submissions at the procedural conference;
- E. By Order G-12-17 dated January 31, 2017 and Order G-22-17 dated February 23, 2017, the Commission established further regulatory timetables for the Proceeding, which included the filing of information packages and information requests to both SSL and the City of Langford;
- F. By letter dated May 11, 2017, the Panel requested a response from the City of Langford to a Panel Information Request and requested submissions on further process from all parties;

- G. SSL, City of Langford and FEI provided submissions on further process. City of Langford submitted that in written arguments and reply arguments phase, parties taking the position that SSL is a public utility regulated under the UCA should submit their written argument prior to the parties opposing that position. Further, City of Langford requested one day for oral arguments, in particular if all parties would be expected to file arguments concurrently. SSL agreed with City of Langford's proposal and submitted it strongly supported having oral arguments. FEI submitted that all parties filing arguments concurrently was reasonable. FEI further expressed its willingness to participate in an oral argument if the Commission considered it to be of value, but stated that FEI considers oral argument unnecessary;
- H. By letter dated July 13, 2017, the Panel requested a response from SSL, City of Langford and FEI to Panel Information Requests; and
- I. The Commission has reviewed the submissions on further process and considers that a further regulatory timetable should be established.

NOW THEREFORE the British Columbia Utilities Commission orders that the regulatory timetable for the proceeding to determine whether SSL-Sustainable Services Ltd. is a public utility under the *Utilities Commission Act* is established as set out in Appendix A to this order. The argument phase will proceed as follows:

- SSL and registered interveners will file written final arguments and replies concurrently according to the regulatory timetable attached as Appendix A.
- The Panel will make a determination on the necessity for oral argument once the written final arguments and replies have been received.

DATED at the City of Vancouver, in the Province of British Columbia, this 30th day of August 2017.

BY ORDER

Original signed by:

D. M. Morton
Panel Chair/Commissioner

Attachment

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

REGULATORY TIMETABLE

Action	Date (2017)
Written Final Arguments from SSL and Registered Interveners	Monday, September 18
Written Reply Arguments from SSL and Registered Interveners	Monday, October 16
Oral Arguments (if necessary)	To Be Determined