



**ORDER NUMBER
G-3-18**

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 January 8, 2018

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 the 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 August 1, 2017, SSL, City of Langford and FEI submitted responses to further Panel Information Requests;
- I. By Order G-135-17 and as amended by Order G-138-17, the Commission established a regulatory timetable for written final and reply arguments to be filed concurrently by all parties. The orders provided for an oral argument subject to the Panel's determination on the necessity of one, after written final arguments and reply arguments are received;
- J. SSL, City of Langford and FEI submitted written final and reply arguments and City of Langford requested oral arguments and SSL supported City of Langford's request. FEI submitted that it saw no need for oral arguments, but stated it would participate in one if the Commission considered it to be of benefit; and
- K. The Commission reviewed the final arguments and reply arguments and finds that an oral argument phase is warranted.

NOW THEREFORE the Commission orders that a regulatory timetable be established as set out in Appendix A to this order. The regulatory timetable includes an oral argument phase to be held on Tuesday, February 20, 2018.

DATED at the City of Vancouver, in the Province of British Columbia, this 8th day of January 2018.

BY ORDER

Original signed by:

D. M. Morton
Commissioner

Attachment

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

REGULATORY TIMETABLE

Action	Date (2018)
Oral Argument Phase*	Tuesday, February 20

*Oral arguments will be heard commencing at 9:00 a.m. on Tuesday, February 20, 2018 in the British Columbia Utilities Commission Hearing Room, 12th Floor – 1125 Howe Street, Vancouver, BC V6Z 2K8.