



**ORDER NUMBER
G-97-18**

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

and

British Columbia Hydro and Power Authority
Application Requesting the Commission Set a Rate for Boralex LP's Electricity Service to BC Hydro

BEFORE:

B. A. Magnan, Panel Chair/Commissioner
D. J. Enns, Commissioner
W. M. Everett, QC, Commissioner

on May 23, 2018

ORDER

WHEREAS:

- A. On August 29, 2017, British Columbia Hydro and Power Authority (BC Hydro) filed with the British Columbia Utilities Commission (BCUC) an Application Requesting the Commission Set a Rate for Boralex Ocean Falls Limited Partnership (Boralex) Electricity Service to BC Hydro (Application);
- B. In the Application, BC Hydro requested the BCUC:
 - i. Approve an amendment to Order G-26-10 and make Boralex subject to the rate regulation provisions of the *Utilities Commission Act* (UCA) with respect to its service to BC Hydro (Order Amendment Complaint). BC Hydro is not requesting an amendment to the terms of the exemption order that are applicable to the services Boralex provides to its other customers in Ocean Falls;
 - ii. Determine and, by order, set a rate for Boralex's service to BC Hydro pursuant to sections 58 to 60 of the UCA (Rate Setting Request); and
 - iii. Accept the Energy Purchase Agreement (EPA) extension agreement, effective July 1, 2017, between BC Hydro and Boralex (the Parties) in relation to the hydroelectricity generating facility at Ocean Falls (Amendment Agreement #2) as being in the public interest pursuant to section 71 of the UCA. BC Hydro states the extension agreement provides that the term continue "until the earlier of (i) June 30, 2018, and (ii) the effective date as agreed to by the Parties or as may be ordered by the Commission for the new terms and conditions....";
- C. By decision dated December 5, 2008 regarding Central Coast Power Corporation Sale and Disposition of Utility Assets of Central Coast Power Corporation to Boralex LP, the BCUC considered Boralex's request for an exemption, and determined that an exemption should be granted to Boralex providing for the transfer of utility assets proceeds;

- D. By Order E-20-17 dated November 8, 2017, the BCUC accepted the Amendment Agreement #2 to extend the EPA term, agreed to hold confidential the un-redacted Application and the un-redacted response to staff questions, and determined that the Order Amendment Complaint and the Rate Setting Request contained in the Application will be reviewed in a separate process;
- E. On November 28, 2017, BC Hydro clarified it is not seeking a reconsideration of Order G-26-10 within the means of the two-step BCUC reconsideration process, but is filing a complaint to the BCUC as a person whose interests are affected by Directive 2 of Order G-26-10;
- F. On January 31, 2018, Boralex stated that unless the Parties are able to reach agreement on pricing and terms and conditions of service, the only alternative is for the BCUC to fix the rates and terms and conditions of service for the sale of electricity by Boralex to BC Hydro essentially as BC Hydro requested in its complaint;
- G. By letter dated May 3, 2018, the BCUC proposed a non-transcribed workshop led by BCUC staff followed by a procedural conference on June 12, 2018 and requested BC Hydro and Boralex to provide comments on the content of the letter by May 14, 2018, with any reply comments submitted by May 18, 2018;
- H. On May 14, 2018, BC Hydro and Boralex provided their comments expressing support for the BCUC's proposed process and provided additional recommendations. Boralex provided its reply comments on May 18, 2018; and
- I. The BCUC reviewed the Order Amendment Complaint according to the BCUC's Customer Complaint Guide and considers that a procedural conference is warranted to hear the Application.

NOW THEREFORE the BCUC orders as follows:

- 1. A procedural conference is established and will be held at 9:00 a.m. on Thursday, June 12, 2018, as set out in the Regulatory Timetable attached as Appendix A to this order. Further information on the procedural conference, including the items to be addressed by attendees, is outlined in Appendix B to this order.
- 2. As soon as reasonably possible, BC Hydro is to publish the Application, this order and the Regulatory Timetable on its website and to provide a copy of the Application and this order to registered interveners in the BC Hydro F2017-F2019 Revenue Requirement Application proceeding.
- 3. As soon as reasonably possible, Boralex is to provide notice of the Application, this order and the Regulatory Timetable to all of its current customers.
- 4. Intervenors who wish to participate in the regulatory proceeding are to register with the BCUC by completing a [Request to Intervene Form](#), available on the BCUC's website under Get Involved, by the date established in the Regulatory Timetable attached as Appendix A to this order, and in accordance with the BCUC's Rules of Practice and Procedure attached to Order G-1-16. Those requesting intervenor status are to specifically state the nature of their interest in the Application and identify generally the issues that they intend to pursue and the extent of their anticipated involvement in the proceeding.

DATED at the City of Vancouver, in the Province of British Columbia, this 23rd day of May 2018.

BY ORDER

Original Signed By:

B.A. Magnan
Commissioner

Attachments

British Columbia Hydro and Power Authority
Application Requesting the Commission Set a Rate for Boralex LP's Electricity Service to BC Hydro

REGULATORY TIMETABLE

Action	Date (2018)
Intervener Registration	Thursday, June 7
Procedural Conference*	Tuesday, June 12 Commencing at 9:00 a.m.
Further process	To be determined

*Location: BCUC Hearing Room
12th Floor, 1125 Howe Street
Vancouver, BC V6Z 2K8

British Columbia Hydro and Power Authority
Application Requesting the Commission Set a Rate for Boralex LP's Electricity Service to BC Hydro

Procedural Conference Information

The procedural conference will commence at 9:00 a.m. on Tuesday, June 12, 2018 in the BCUC's Hearing Room on the 12th Floor at 1125 Howe Street, Vancouver, BC, V6Z 2K8. The purpose of the procedural conference is to hear from British Columbia Hydro and Power Authority (BC Hydro) and Boralex Ocean Falls Limited Partnership (Boralex) on the appropriate regulatory process for the review of the application.

The Panel requests that parties address the following items at the procedural conference:

- The scope and timeline of the appropriate regulatory review process.
- The appropriate regulatory process for review of the application, including but not limited to:
 - Written hearing;
 - Oral hearing;
 - Negotiated settlement process;
 - Streamlined review process; or
 - Some combination of processes (for instance, written information requests followed by some form of oral hearing process).
- Whether any party intends to file Intervener Evidence, the nature of the evidence and the timing of when the evidence would be ready for filing.
- Any significant time constraints and/or periods of unavailability which should be taken into consideration when establishing the regulatory timetable.
- Any other procedural matters that parties want to bring to the attention of the Panel.

If parties are unable to attend the procedural conference in person, they may provide input regarding the list of items above via a written submission on or before noon on Friday, June 8, 2018. All submissions should be filed electronically via the BCUC's eFiling system.

Participants are requested to email the Commission Secretary at Commission.Secretary@bcuc.com to confirm their attendance at the procedural conference by noon on Friday, June 8, 2018.

Interveners who wish to participate by telephone conference should notify Hal Bemister at Allwest Reporting Ltd. by phone at 604-683-4774 by noon on Friday, June 8, 2018. The telephone conference information is provided below.

TELEPHONE DIAL-IN NUMBER	CONFERENCE INFORMATION
Toll-Free: 1-877-385-4099	Access Code: 2954450#