



**ORDER NUMBER
G-105-19**

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

and

Greater Vancouver Sewerage and Drainage District
Application for an Exemption from Part 3 of the *Utilities Commission Act*

BEFORE:

D. M. Morton, Panel Chair/Commissioner
B. A. Magnan, Commissioner

on May 15, 2019

ORDER

WHEREAS:

- A. On June 14, 2017, Greater Vancouver Sewerage and Drainage District (GVS&DD) filed an application with the British Columbia Utilities Commission (BCUC) for an exemption from Part 3, except for section 22, under section 88(3) of the *Utilities Commission Act* (UCA) with respect to construction and operation of equipment at the GVS&DD's North Shore waste water treatment plant that recovers heat energy from treated effluent and with respect to the sale of this energy to the Lonsdale Energy Corporation (LEC) municipal district energy system (Application);
- B. In accordance with section 1 of the UCA, GVS&DD will fall within the definition of “public utility” should it engage in the supply and sale of heat energy to the LEC;
- C. Section 88(3) of the UCA states: “The commission may, on conditions it considers advisable, with the advance approval of the minister responsible for the administration of the *Hydro and Power Authority Act*, exempt a person, equipment or facilities from the application of all or any of the provisions of this Act or may limit or vary the application of this Act;”
- D. By Order G-36-18 dated February 14, 2018, the BCUC invited members of the public to comment on the Application;
- E. By Order G-79-18 dated April 25, 2018, the BCUC established a regulatory timetable, which included intervenor registration and one round of information requests;

- F. LEC submitted a statement in response to FEI and FAES' letters of comment on May 17, 2018;
- G. FEI was the only intervener to submit an information request to the GVS&DD, and arguments concluded on September 11, 2018;
- H. By Ministerial Order No. M173 dated May 13, 2019, attached as Appendix A to this order, the Minister for Energy and Mines responsible for the administration of the *Hydro and Power Authority Act* granted advance approval to the BCUC for the proposed exemption;
- I. The BCUC has considered the Application and comments received from members of the public and registered interveners and considers that the GVS&DD's request for exemption is warranted.

NOW THEREFORE the BCUC orders as follows:

1. Under section 88(3) of the *Utilities Commission Act* (UCA), the BCUC, having been granted advance approval by the Minister responsible for the administration of the *Hydro and Power Authority Act*, effective the date of this order exempts GVS&DD from Part 3 of the UCA, except for section 22 with respect to construction and operation of equipment at the GVS&DD's North Shore waste water treatment plant that recovers heat energy from treated effluent and with respect to the sale of this energy to the LEC municipal district energy system.
2. The exemption referred to in Directive 1 of this order remains in effect until the BCUC, after conducting a hearing, orders that the exemption no longer applies.

DATED at the City of Vancouver, in the Province of British Columbia, this 15th day of May 2019.

BY ORDER

Original signed by:

Dave Morton
Commissioner

PROVINCE OF BRITISH COLUMBIA
ORDER OF THE MINISTER OF ENERGY, MINES
AND PETROLEUM RESOURCES

Utilities Commission Act

Ministerial Order No. M173

I, Michelle Mungall, Minister of Energy, Mines and Petroleum Resources, order that pursuant to Section 88(3) of the *Utilities Commission Act*, approval is given to the British Columbia Utilities Commission to make the exemptions from the indicated provisions of the *Utilities Commission Act* (related to the Greater Vancouver Sewerage and Drainage District) as set out in the attached draft order of the British Columbia Utilities Commission.

May 13, 2019

Date



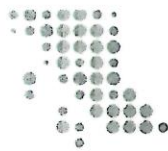
Minister of Energy, Mines and Petroleum Resources

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Utilities Commission Act*, R.S.B.C. 1996, s. 88(3)

Other: _____



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Utilities Commission

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G-xx-xx

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and

Greater Vancouver Sewerage and Drainage District
Application for an Exemption from Part 3 of the *Utilities Commission Act*

BEFORE:

D. M. Morton, Panel Chair/Commissioner
B. A. Magnan, Commissioner

on [Date]

DRAFT ORDER

WHEREAS:

- A. On June 14, 2017, Greater Vancouver Sewerage and Drainage District (GVS&DD) filed an application with the British Columbia Utilities Commission (BCUC) for an exemption from Part 3, except for section 22, under section 88(3) of the *Utilities Commission Act* (UCA) with respect to construction and operation of equipment at the GVS&DD's North Shore waste water treatment plant that recovers heat energy from treated effluent and with respect to the sale of this energy to the Lonsdale Energy Corporation (LEC) municipal district energy system (Application);
- B. In accordance with section 1 of the UCA, GVS&DD will fall within the definition of "public utility" should it engage in the supply and sale of heat energy to the LEC;
- C. Section 88(3) of the UCA states: "The commission may, on conditions it considers advisable, with the advance approval of the minister responsible for the administration of the *Hydro and Power Authority Act*, exempt a person, equipment or facilities from the application of all or any of the provisions of this Act or may limit or vary the application of this Act;"
- D. By Order G-36-18 dated February 14, 2018, the BCUC invited members of the public to comment on the Application;
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- F. LEC submitted a statement in response to FEI and FAES' letters of comment on May 17, 2018;
- G. FEI was the only intervener to submit an information request to the GVS&DD, and arguments concluded on September 11, 2018;
- H. By Ministerial Order XXX dated XXX attached as Appendix XX to this order, the Minister for Energy and Mines responsible for the administration of the *Hydro and Power Authority Act* granted advance approval to the BCUC for the proposed exemption;
- I. The BCUC has considered the Application and comments received from members of the public and registered interveners and considers that the GVS&DD's request for exemption is warranted.

NOW THEREFORE the BCUC orders as follows:

- 1. Under section 88(3) of the *Utilities Commission Act* (UCA), the BCUC, having been granted advance approval by the Minister responsible for the administration of the *Hydro and Power Authority Act*, effective the date of this order exempts GVS&DD from Part 3 of the UCA, except for section 22 with respect to construction and operation of equipment at the GVS&DD's North Shore waste water treatment plant that recovers heat energy from treated effluent and with respect to the sale of this energy to the LEC municipal district energy system.
- 2. The exemption referred to in Directive 1 of this order remains in effect until the BCUC, after conducting a hearing, orders that the exemption no longer applies.

DATED at the City of Vancouver, in the Province of British Columbia, this [XX] day of [Month 20xx.

BY ORDER

Dave Morton
Commissioner