



**ORDER NUMBER
E-19-19**

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

and

FortisBC Inc.
Capacity and Energy Purchase and Sale Agreement
between FortisBC Inc. and Powerex Corporation – First Amending Agreement

BEFORE:

B. A. Magnan, Commissioner

on October 24, 2019

ORDER

WHEREAS:

- A. On May 29, 2019, FortisBC Inc. (FBC) filed with the British Columbia Utilities Commission (BCUC) the First Amending Agreement of the Capacity and Energy Purchase and Sale Agreement (CEPSA) between FBC and Powerex Corporation (Powerex) (First Amending Agreement) (Filing);
- B. FBC requests that this information be filed on a confidential basis pursuant to Section 18 of the BCUC's Rules of Practice and Procedure regarding confidential documents as set out in Order G-15-19;
- C. FBC submits that Sections 3, 4, 5 and 8 of the CEPSA are exempt from regulation under the *Utilities Commission Act* (UCA);
- D. Section 1(2) of the UCA states that "[t]his Act does not apply to Powerex Corp." In addition, under Ministerial Order No. M407 issued December 3, 2004, pursuant to section 22 of the UCA, the Minister exempted from section 71 of the UCA "persons, their successors and assigns, who enter into an energy supply contract with Powerex for the delivery of power services to Powerex, and Powerex, in respect of such contracts.";
- E. By Order G-61-12 dated May 17, 2012, the BCUC approved the Rules for Energy Supply Contracts for Electricity (Rules). The Rules facilitate the BCUC's review of both proposed and executed energy supply contracts for electricity under section 71 of the UCA;
- F. By Order E-10-15 dated April 27, 2015, to the extent within the BCUC's jurisdiction, the BCUC accepted the CEPSA between FBC and Powerex dated February 17, 2015. The CEPSA is a master agreement that sets the terms and conditions for future market transactions regarding capacity and energy, entered into by FBC with Powerex;
- G. On September 10, 2019, the BCUC issued confidential BCUC staff questions to FBC. FBC provided its response to confidential BCUC staff questions on September 24, 2019; and

- H. The BCUC has considered the Filing and is satisfied that the First Amending Agreement, to the extent it is within the BCUC's jurisdiction, should be accepted for filing as an energy supply contract under section 71 of the UCA and the Rules for Energy Supply Contracts for Electricity.

NOW THEREFORE pursuant to section 71 of the UCA, the BCUC accepts, to the extent it is within the BCUC's jurisdiction, the First Amending Agreement executed between FBC and Powerex as filed. The BCUC orders that the Filing and the First Amending Agreement be kept confidential due to their commercially sensitive nature.

DATED at the City of Vancouver, in the Province of British Columbia, this 24th day of October 2019.

BY ORDER

Original signed by:

B. A. Magnan
Commissioner