



**ORDER NUMBER
G-333-19**

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

and

Lake Okanagan Resort
Status as a Public Utility

BEFORE:
T.A. Loski

on December 18, 2019

ORDER

WHEREAS:

- A. On December 17, 2019, the British Columbia Utilities Commission (BCUC) received a complaint filed on behalf of the KAS 316 Strata Kingfisher Inn (Strata) regarding a notice from Lake Okanagan Resort (LOR) to suspend its supply of contracted services, including electricity to the Strata;
- B. LOR is selling metered electricity to condo owners at the Strata under section 9.1 (Resale of Electricity) of British Columbia Hydro and Power Authority's (BC Hydro) Electric Tariff;
- C. In a letter to the BCUC dated October 9, 2019, LOR acknowledged that it was a public utility and stated it would be applying for an exemption from parts of the Utilities Commission Act (UCA) with respect to its provision of electricity to the Strata;
- D. At this time, LOR has not been granted an exemption from any parts of the UCA as allowable under sections 22 or 88 of the UCA, nor made an application for approval of rates or tariff including its general terms and conditions under sections 58-61 of the UCA for public utility service;
- E. Under section 82(1)(a) of the UCA "the Commission may, on its own motion, inquire into, hear and determine a matter that under this Act it may inquire into, hear or determine on application or complaint." Further, section 83 of the UCA states "if a complaint is made to the commission, the commission has powers to determine whether a hearing or inquiry is to be had, and generally whether any action on its part is or is not to be taken"; and
- F. The BCUC reviewed the information provided to date and considers there to be sufficient grounds to make the following determinations.

NOW THEREFORE the BCUC orders as follows:

1. LOR is a public utility as defined in section 1 of the UCA and is therefore subject to regulation by the BCUC under the UCA.
2. Pursuant to sections 45 and 58-61 of the UCA, LOR is directed to file with the BCUC, as soon as possible, an application seeking required regulatory approvals for its permanent rates, electric tariff and general terms and conditions.
3. Pursuant to section 90 of the UCA, the current rates LOR charges to its customers in accordance with section 9.1 of BC Hydro's Electric Tariff are made interim as of the date of this order and any differences between the interim and permanent rate, once approved by the BCUC, will be refundable or recoverable with interest calculated at the average prime rate of LOR's principal bank for its most recent year.
4. LOR is directed to file interim tariff pages for endorsement within 15 days of the date of this order.
5. Pursuant to section 41 of the UCA, LOR is prohibited from any disconnection to the Strata's supply of electricity pending approval of the rate schedule, electric tariff and general terms and conditions or further order of the BCUC.
6. A copy of this order must be provided, electronically where possible, to the complainant and the Strata.

DATED at the City of Vancouver, in the Province of British Columbia, this 18th day of December 2019.

BY ORDER

Original Signed By:

T.A. Loski
Commissioner