



**ORDER NUMBER
E-1-20**

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

and

British Columbia Hydro and Power Authority
Biomass Energy Program Energy Supply Contracts for
Tolko Armstrong, NW Energy (Williams Lake), Skookumchuck

BEFORE:

T. A. Loski, Commissioner

January 13, 2020

ORDER

WHEREAS:

- A. On November 28, 2019, British Columbia Hydro and Power Authority (BC Hydro or the Authority) filed with the British Columbia Utilities Commission (BCUC), pursuant to section 71 of the *Utilities Commission Act* (UCA) and Order in Council No. 158, BC Reg. 71/2019 (OIC 158), three separate electricity purchase agreements (Biomass EPAs) as follows (collectively, the Application):
 - I. An agreement dated September 30, 2019, between BC Hydro and Tolko Industries Ltd. for its Armstrong Wood Waste Co-Generation Facility (Armstrong EPA);
 - II. An agreement dated September 30, 2019, between BC Hydro and Atlantic Power Preferred Equity Ltd. For the NWE Williams Lake Wood Waste Facility (Williams Lake EPA); and
 - III. An agreement dated September 30, 2019, between BC Hydro and Skookumchuck Pulp Inc. for its Skookumchuck Power Facility (Skookumchuck EPA).
- B. On April 1, 2019, the Province of British Columbia issued OIC 158, which contains a Direction to the BCUC respecting the Biomass Energy Program (Direction). The Direction is applicable to biomass contracts in respect of a biomass facility that the Authority enters into between April 1, 2019 and December 31, 2021, and that “biomass facility” includes, among others, the Armstrong Wood Waste Co-Generation, NWE Williams Lake Wood Waste and Skookumchuck Power facilities;
- C. The Direction states that the BCUC may not exercise its powers under section 71(1)(b) or (3) of the UCA respecting applicable biomass contracts, and may not disallow for any reason the recovery in rates of the Authority’s costs with respect to a biomass contract; and
- D. Given the provisions of OIC 158, the BCUC finds acceptance of the Biomass EPAs to be warranted.

NOW THEREFORE pursuant to Order in Council No. 158, BC Reg. 71/2019 and section 71 of the *Utilities Commission Act*, the BCUC orders as follows:

1. Each of the Armstrong EPA, Williams Lake EPA and Skookumchuck EPA are accepted for filing.
2. The BCUC will hold the un-redacted version of the Application confidential, including each of the Biomass EPAs in their entirety, on the basis that disclosure of commercially sensitive information may result in prejudice to BC Hydro's position in future electricity purchase agreement negotiations.

DATED at the City of Vancouver, in the Province of British Columbia, this 13th day of January 2020.

BY ORDER

Original Signed by:

T. A. Loski
Commissioner