



**ORDER NUMBER  
G-39-20**

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

and

British Columbia Hydro and Power Authority  
Application for Electricity Purchase Agreement Renewals for  
Sechelt Creek Hydro, Brown Lake Hydro and Walden North Hydro

**BEFORE:**

D. M. Morton, Panel Chair  
B. A. Magnan, Commissioner  
R. I. Mason, Commissioner

on March 4, 2020

**ORDER**

**WHEREAS:**

- A. On May 31, 2018, British Columbia Hydro and Power Authority (BC Hydro) filed with the British Columbia Utilities Commission (BCUC) an application, pursuant to section 71 of the *Utilities Commission Act* (UCA), to accept for filing the following Electricity Purchase Agreements (EPA) (collectively, the Application):
1. An EPA effective March 1, 2018 between BC Hydro and MPT Hydro LP for the Sechelt Creek run-of-river hydroelectric project for a term of 40 years (Sechelt Creek EPA Renewal);
  2. An EPA effective April 1, 2018 between BC Hydro and Brown Miller Power Limited Partnership for the Brown Lake Storage hydroelectric project for a term of 40 years (Brown Lake EPA Renewal); and
  3. An EPA effective April 1, 2018 between BC Hydro and Cayoose Creek Power Limited Partnership for the Walden North run-of-river hydroelectric project for a term of 40 years (Walden North EPA Renewal);
- B. By Order G-61-12, dated May 17, 2012, the BCUC approved the Rules for Energy Supply Contracts for Electricity (Rules). Appendix A of Order G-61-12 contains the Rules, which are intended to facilitate the BCUC's review of energy supply contracts for electricity, pursuant to section 71 of the UCA;
- C. On April 17, 2018, BC Hydro requested an extension from the 60 days filing rule for the Sechelt Creek EPA Renewal, as set out in the Rules. BC Hydro's filing extension request was granted by letter dated April 24, 2018;
- D. By Order G-153-18, dated August 16, 2018, the BCUC established the regulatory timetable to review the Application, including an opportunity for intervenor registration, and directed BC Hydro to provide further

elaboration on why the confidentially filed information should be held confidential. The regulatory timetable was further amended by Orders G-168-18, G-200-18 and G-91-19;

- E. By Order G-154-19, dated July 11, 2019, the BCUC suspended the timetable and requested submissions from all parties on the reopening of the evidentiary record to admit the letter of comment from Clean Energy Association of British Columbia dated July 9, 2019 (Clean Energy BC Letter). The timetable was subsequently re-established by Order G-174-19;
- F. Following the Clean Energy BC Letter, BC Hydro and interveners filed supplemental final and final arguments, on September 26, 2019 and October 3, 2019, respectively. BC Hydro filed its reply argument on October 10, 2019;
- G. On November 8, 2019, the BCUC issued Order G-278-19 with Reasons for Decision, which adjourned the proceeding for 60 days to allow BC Hydro to restructure and resubmit to the Panel EPA renewals with each of Sechelt Creek, Brown Lake and Walden North Independent Power Producer (IPP) facilities in order to address the Panel's concerns related to the terms of the EPAs;
- H. By Order G-337-19, dated December 19, 2019, the BCUC approved BC Hydro's request to extend the submission date of amendments to EPA renewals with each of the Sechelt Creek, Brown Lake and Walden North IPP facilities to February 21, 2020;
- I. On February 21, 2020, BC Hydro submitted amendments to each of the Sechelt Creek EPA Renewal and Brown Lake EPA Renewal, updating the expiration dates of those contracts to October 31, 2022. BC Hydro also issued a notice of termination for the Walden North EPA Renewal; and
- J. The Panel has considered the Application, evidence, and submissions from all parties filed in the proceeding and considers that acceptance of each of the Sechelt Creek EPA Renewal and Brown Lake EPA Renewal, along with their respective amendments, is warranted.

**NOW THEREFORE** pursuant to section 71 of the UCA and the Rules, the BCUC orders as follows:

1. The Sechelt Creek EPA Renewal and subsequent amendment are accepted for filing.
2. The Brown Lake EPA Renewal and subsequent amendment are accepted for filing.
3. The BCUC will hold confidential the un-redacted version of the Application, including the entirety of the Sechelt Creek and Brown Lake EPA Renewals and their respective amendments, due to their commercially sensitive nature.

**DATED** at the City of Vancouver, in the Province of British Columbia, this 4<sup>th</sup> day of March 2020.

BY ORDER

*Original signed by:*

D. M. Morton  
Commissioner