



ORDER NUMBER
G-71-20

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

and

CB Powerline Ltd.
Application for an exemption pursuant to section 88(3) of the
Utilities Commission Act

BEFORE:

T. A. Loski, Panel Chair
C. Brewer, Commissioner
W. M. Everett, QC, Commissioner

on March 31, 2020

ORDER

WHEREAS:

- A. On June 13, 2019, CB Powerline Ltd. (CBP) filed an application with the British Columbia Utilities Commission (BCUC) for an exemption from all of Part 3 of the *Utilities Commission Act* (UCA), pursuant to section 88(3) of the UCA, with respect to the proposed provision of electricity to the community of Cosens Bay, Regional District of North Okanagan, British Columbia (Application);
- B. CBP was founded with the purpose of providing electricity supply to the community of Cosens Bay;
- C. CBP intends to apply to the British Columbia Hydro and Power Authority (BC Hydro) for a Primary Service Connection to BC Hydro's 25 kV distribution system. CBP would in turn construct and operate an electricity distribution system to provide year-round electricity supply to the Cosens Bay community;
- D. On July 8, 2019, by Order G-151-19, the BCUC established a written hearing process and a regulatory timetable to review the Application. The regulatory timetable included public notice, intervener registration, one round of information requests and submissions on further process;
- E. BC Hydro and FortisBC Inc. (FBC) registered as interveners;
- F. On October 17, 2019, CBP and FBC made submissions on further process. CBP recommended proceeding to final arguments and FBC made no comment on further process;
- G. By Orders G-253-19 and G-315-19, dated October 23, 2019 and December 5, 2019, respectively, the BCUC amended the regulatory timetable, which included a second round of information requests and arguments;
- H. Final arguments were received from CBP and BC Hydro and FBC in January 2020. CBP filed its reply arguments on February 11, 2020; and

- I. The BCUC has considered the evidence and submissions filed and finds that the following determinations are warranted.

NOW THEREFORE for the reasons outlined in the decision issued concurrently with this order, the BCUC orders as follows:

1. CBP's proposed ownership and operation of a utility for the provision of electricity services to the community of Cosens Bay for compensation would constitute a public utility as defined under the UCA.
2. CBP's application for an exemption pursuant to section 88(3) of the UCA is denied.
3. CBP is to produce a plan, including proposed filings and timing that ensures CBP's compliance with the UCA on a prospective basis. This plan should be prepared in consultation with BCUC staff and must be filed with the BCUC, for approval, prior to CBP commencing any construction of a public utility system that provides electricity to the community of Cosens Bay.

DATED at the City of Vancouver, in the Province of British Columbia, this 31st day of March 2020.

BY ORDER

Original signed by:

T. A. Loski
Commissioner