



**ORDER NUMBER
G-262-20**

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

and

Mission Group Holdings Ltd.
Application for an Exemption pursuant to Section 88(3) of the *Utilities Commission Act*

BEFORE:

T. A. Loski, Panel Chair
C. Brewer, Commissioner
R. I. Mason, Commissioner

On October 20, 2020

ORDER

WHEREAS:

- A. On May 19, 2020, Mission Group Holdings Ltd. (Mission Group) filed an application with the British Columbia Utilities Commission (BCUC) for exemption from section 71 and partial exemption from Part 3 of the *Utilities Commission Act* (UCA) with respect to its residential and office development located at 510-560 Bernard Avenue, Kelowna, B.C. (Application);
- B. Mission Group's residential and office development at 510-560 Bernard Avenue, Kelowna, B.C. will consist of approximately 257 residential strata lots, 11 floors of commercial office space for lease and street level commercial retail units for lease (Development);
- C. In the Application, Mission Group proposes to purchase electricity from FortisBC Inc. (FBC) and then re-sell the electricity to the occupants of the Development;
- D. Mission Group acknowledges in the Application that, in doing so, it will fall under the definition of a public utility as it is defined in the UCA;
- E. By Order G-130-20, dated June 2, 2020, the BCUC established a public written hearing process and regulatory timetable for review of the Application, which consisted of public notification, intervener registration, BCUC and intervener information requests (IRs) and further process to be determined;
- F. By Order G-154-20, dated June 16, 2020, the BCUC approved Mission Group's application to reconsider and vary Directive 2(a) of Order G-130-20 regarding public notification of the Application;
- G. By Thursday July 2, 2020, FBC, British Columbia Hydro and Power Authority and British Columbia Old Age Pensioners' Organization et al. registered as interveners;
- H. By Order G-181-20, dated July 8, 2020, the BCUC amended the regulatory timetable to include IRs to FBC;

- I. On July 9, 2020, the BCUC issued IR No. 1 to Mission Group;
- J. By letter dated July 10, 2020, Mission Group submitted a request to suspend the proceeding until August 10, 2020 to allow for further discussion with FBC. In their submission, Mission Group states that FBC has committed to providing service to all commercial and residential units at the Development and as such, Mission Group may not become a public utility as anticipated;
- K. By Order G-188-20, dated July 15, 2020, the BCUC adjourned the proceeding until August 10, 2020;
- L. By Order G-218-20, dated August 18, 2020, the BCUC adjourned the proceeding until September 10, 2020 in response to Mission Group's August 10, 2020 letter requesting additional time to continue their discussions with FBC;
- M. By Order G-235-20, dated September 16, 2020, the BCUC adjourned the proceeding until October 13, 2020 in response to Mission Group's September 11, 2020 letter requesting additional time so that it may review and consider a Secondary Metering Agreement with FBC;
- N. By letter dated October 9, 2020, Mission Group requested an additional one-month extension of the adjournment of the proceeding so that it may continue its discussions with FBC; and
- O. The Panel has reviewed the submission and makes the following determinations.

NOW THEREFORE the BCUC orders as follows:

- 1. The proceeding is adjourned pending an agreement between Mission Group and FBC with respect to electrical service for the Development; a request by Mission Group to resume the proceeding; or further order of the BCUC.
- 2. Mission Group is directed to notify the BCUC when an agreement is reached with FBC or upon its request to resume the proceeding.

DATED at the City of Vancouver, in the Province of British Columbia, this 20th day of October 2020.

BY ORDER

Original signed by:

T. A. Loski
Commissioner