



**ORDER NUMBER  
G-284-20**

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 November 4, 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 its 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 Orders G-218-20, G-235-20, and G-262-20, the BCUC extended the adjournment of the proceeding in response to Mission Group's letters requesting additional time to continue their discussions with FBC;
- M. By letter dated October 30, 2020, Mission Group submitted a request to withdraw the Application. In its letter, Mission Group states that Mission Group and FBC have entered into an agreement with respect to electrical service for the Development. Mission Group states that it no longer believes it will fall under the definition of public utility, as defined by the UCA; and
- N. The Panel has reviewed the submission and finds the dismissal of the Application is warranted.

**NOW THEREFORE** pursuant to section 88.1 of the UCA, the BCUC dismisses Mission Group's application for an exemption from section 71 and partial exemption from Part 3 of the UCA.

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

BY ORDER

*Original signed by:*

T. A. Loski  
Commissioner