



**ORDER NUMBER
E-26-20**

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

and

British Columbia Hydro and Power Authority
Biomass Energy Program Energy Supply Contract for
Celgar Green Energy

BEFORE:

B. A. Magnan, Panel Chair
C. Brewer, Commissioner
E. B. Lockhart, Commissioner
T. A. Loski, Commissioner
R. I. Mason, Commissioner

November 19, 2020

ORDER

WHEREAS:

- A. On November 3, 2020, 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), an electricity purchase agreement (Celgar EPA) dated September 25, 2020, between BC Hydro and Mercer Celgar Limited Partnership (Celgar) for its Celgar Green Energy Facility (the Filing);
- 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 Celgar Green Energy Facility;
- C. Section 3 of 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;
- D. The BCUC has not reviewed the Filing from a public interest perspective as the Celgar EPA is a “biomass contract” within the meaning of the Direction;

- E. BC Hydro requests pursuant to section 42 of the *Administrative Tribunals Act* (ATA) and Part IV of the BCUC's Rules of Practice and Procedure (Rules) that the redacted portions of the Filing and certain appendices be kept confidential due to their commercially sensitive nature to BC Hydro and the counter-parties;
- F. The BCUC has reviewed the Filing and considers the following orders to be warranted.

NOW THEREFORE pursuant to the Direction, section 71 of the *Utilities Commission Act*, and the Rules, the BCUC orders as follows:

1. The BCUC accepts for filing the Celgar EPA.
2. The BCUC will keep the un-redacted version of the Filing, including the Celgar EPA in its entirety, confidential.

DATED at the City of Vancouver, in the Province of British Columbia, this 19th day of November 2020.

BY ORDER

Original signed by:

B. A. Magnan
Commissioner