



**ORDER NUMBER
F-44-20**

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

and

Application for Reconsideration and Variance of Order G-148-20
in the matter of
the British Columbia Hydro and Power Authority
Application for Electricity Purchase Agreement Renewals for
Sechelt Creek Hydro, Brown Lake Hydro and Walden North Hydro
Participant Assistance/Cost Award Application

BEFORE:

D. M. Morton, Panel Chair
W. M. Everett, QC, Commissioner
R. I. Mason, Commissioner

on November 26, 2020

ORDER

WHEREAS:

- A. On August 6, 2020, pursuant to section 99 of the *Utilities Commission Act* (UCA), British Columbia Hydro and Power Authority (BC Hydro) filed with the British Columbia Utilities Commission (BCUC) an application for the reconsideration and variance of Order G-148-20 (Reconsideration Application);
- B. In the Reconsideration Application, BC Hydro requests that the BCUC rescind Directive 3 of Order G-148-20 (Directive 3) on the grounds that the BCUC erred in law by:
 - 1. Finding that the term “amendment” in section 68 of the UCA encompasses any agreement that is associated with and materially affects an existing energy supply contract (ESC);
 - 2. Finding that the existing ESC Rules are inconsistent with the legislation and are not effective to the extent of the inconsistency; and
 - 3. Establishing a criterion (“materially affects” an existing energy supply contract) that is uncertain and establishing it without following the BCUC’s historical practice of first consulting with utilities and other stakeholders before changing the ESC Rules;
- C. By Order G-239-20, dated September 18, 2020, the BCUC established a regulatory timetable to review the Reconsideration Application, and requested written submissions on the following:

- i. Positions on the Reconsideration Application, including whether Directive 3 should be rescinded, varied or remain the same; and
 - ii. Whether Directive 3 should be varied to direct BC Hydro to file with the BCUC all future agreements that are associated with existing Electricity Purchase Agreements (EPAs);
- D. On November 2, 2020 the BCUC issued Order G-279-20 with Reasons for Decision, varying Directive 3 to state “BC Hydro is directed to file with the BCUC all future agreements that are associated with and materially affect existing EPAs”;
- E. The following participant filed a Participant Assistance/Cost Award (PACA) application with the BCUC with respect to its participation in the proceeding:

Date	Participant	Application
November 9, 2020	Commercial Energy Consumers Association of British Columbia	\$2,346.40

- F. By letter dated November 17, 2020, BC Hydro provided its comments on the PACA application; and
- G. The BCUC has reviewed the PACA application in accordance with the criteria and rates set out in the PACA Guidelines, attached to BCUC Order G-97-17, and has made a determination on the cost award.

NOW THEREFORE pursuant to section 118(1) of the UCA, the BCUC orders as follows:

1. Funding of \$2,346.40 is awarded to the Commercial Energy Consumers Association of British Columbia for its participation in the proceeding.
2. BC Hydro is directed to reimburse the above-noted participant for the awarded amount in a timely manner.

DATED at the City of Vancouver, in the Province of British Columbia, this 26th day of November 2020.

BY ORDER

Original signed by:

D. M. Morton
Commissioner