



December 1, 2020

Sent via email

Letter L-69-20

Mr. Matthew Keen
Norton Rose Fulbright Canada LLP
1800 – 510 West Georgia Street
Vancouver, BC V6B 0M3
matthew.keen@nortonrosefulbright.com

Re: Vancouver Airport Authority – Class Exemption Registration Pursuant to BCUC Order G-177-18

Dear Mr. Keen:

On October 30, 2020, the Vancouver International Airport (YVR) filed with the British Columbia Utilities Commission (BCUC) its registration as an exempt public utility pursuant to BCUC Order G-177-18 (Registration).

In its Registration, YVR states that it resells a portion of the electricity it purchases from British Columbia Hydro and Power Authority (BC Hydro) to YVR's tenants, including tenants with lease terms of more than five years. Accordingly, YVR acknowledges in its Registration that it is captured by the definition of public utility provided by the *Utilities Commission Act* (UCA) with respect to its electricity distribution.

YVR also states in its Registration that it satisfies the criteria required to qualify for the class exemption the BCUC established for certain resellers of electricity pursuant to BCUC Order G-177-18.

Directive 1 of Order G-177-18 states that the BCUC, having been granted advance approval by the Minister responsible for the administration of the *Hydro and Power Authority Act*, exempts, in any case meeting the criteria of the class of cases described in Directive 2:

- a) the lessor from section 71 and Part 3 of the UCA except for sections 25, 38, 41 and 42, and
- b) the lessee from section 71 of the UCA.

Directive 2 of Order G-177-18 states that the exemptions outlined in Directive 1 apply to the class of cases that meet all of the following criteria:

- a) a lessor provides electricity purchased from BC Hydro to a lessee at a cost that does not exceed what BC Hydro would have charged for the electricity had the lessee been a customer of BC Hydro;
- b) the term of the lease arrangement between the lessor and lessee is greater than five years;
- c) the lessor is not otherwise a public utility;
- d) the electricity provided by the lessor is not resold by the lessee;
- e) both the lessor and lessee comply with any applicable provisions of the BC Hydro Electric Tariff and Terms and Conditions, as amended from time to time;

- f) the lessor registers as an exempt public utility by submitting a letter to the BCUC indicating the lessor's name, physical location of the lessor's operations and the approximate number of tenants of the lessor; and
- g) the lessor and lessee meet all other requirements of the UCA.

Directive 3 of Order G-177-18 states that the exemptions referred to in Directive 1 of Order G-177-18 remain in effect until the BCUC, after conducting a hearing, orders that the exemption no longer applies.

The BCUC acknowledges receipt of YVR's registration as an exempt public utility pursuant to BCUC Order G-177-18.

Sincerely,

Original signed by:

Marija Tresoglavic
Acting Commission Secretary

LW/jo