



ORDER NUMBER

F-1-21

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*

Participant Assistance/Cost Award Application

BEFORE:

T. A. Loski, Panel Chair

C. Brewer, Commissioner

R. I. Mason, Commissioner

on January 7, 2021

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. 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;
- D. 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 was subsequently amended by Order G-181-20. The timetables included public notification, intervener registration, BCUC and intervener information requests (IRs) to Mission Group, BCUC IRs to FBC and further process to be determined;
- E. By Thursday July 2, 2020, FBC, British Columbia Hydro and Power Authority and British Columbia Old Age Pensioners' Organization et al. (BCOAPO) registered as interveners;
- F. 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;

- G. By Order G-188-20, dated July 15, 2020, the BCUC adjourned the proceeding until August 10, 2020;
- H. 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;
- I. 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;
- J. By Order G-284-20, dated November 4, 2020, the BCUC dismissed the Application;
- K. 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 |
|------------------|-------------|-------------|
| December 4, 2020 | BCOAPO | \$543.90 |

- L. By letter dated December 9, 2020, the BCUC provided Mission Group with BCOAPO's PACA application and invited comments on the PACA application within 10 business days. No comments were received by the December 23, 2020 deadline; and
- M. 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 concludes that approval of the cost award is warranted.

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

1. Funding is awarded to the following intervener in the listed amount for their participation in the proceeding:

| Date | Participant | Application |
|------------------|-------------|-------------|
| December 4, 2020 | BCOAPO | \$543.90 |

2. Mission Group is directed to reimburse the above-noted participants for the awarded amount in a timely manner.

DATED at the City of Vancouver, in the Province of British Columbia, this 7th day of January 2021.

BY ORDER

Original signed by:

T. A. Loski
Commissioner