



**ORDER NUMBER**  
**G-146-21A**

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

and

Kelowna OWS Utility Inc.  
Stream A Registration of the Kelowna OWS Thermal Energy System

**BEFORE:**

T. A. Loski, Panel Chair  
E. B. Lockhart, Commissioner  
B. A. Magnan, Commissioner

on May 13, 2021

**ORDER**

**WHEREAS:**

- A. On April 13, 2021, Kelowna OWS Utility Inc. (Kelowna OWS) filed with the British Columbia Utilities Commission (BCUC) an application to register the Kelowna OWS Thermal Energy System (OWS TES) as a Stream A TES (Application), in accordance with the BCUC Thermal Energy Systems Regulatory Framework Guidelines (TES Guidelines);
- B. On August 27, 2014, the BCUC issued Order G-12-14 granting an exemption to a person, or the person's lessee, trustee, receiver or liquidator, who owns or operates in British Columbia a Stream A TES for the production, generation, storage, transmission, sale, delivery or provision of any agent for the production of heat or cold for compensation, with a capital cost less than a maximum threshold and greater than a minimum threshold, as established by the BCUC from time to time after a hearing, is exempt from sections 44.1, 45 and 59–61 of the *Utilities Commission Act* (UCA) for that specific TES. The exemption only applies if:
  - 1. the person files information that allows the BCUC to determine that Order G-12-14 applies to the person's specific TES; and
  - 2. the BCUC determines that Order G-12-14 applies to the person's specific TES;
- C. On August 28, 2014, the BCUC issued Order G-127-14 approving the TES Guidelines and, on March 2, 2015, revisions to the TES Guidelines were approved by Order G-27-15;
- D. Under Section 2.1 of the TES Guidelines, an exempt Stream A TES is defined as: "An On-Site TES with an Initial Capital Cost above \$500,000 but less than \$15,000,000;"
- E. On April 20, 2021, the BCUC issued the BCUC Staff questions No. 1 and on April 30, 2021 and May 5, 2021, Kelowna OWS filed its responses; and

- F. The BCUC has reviewed the Application and responses to BCUC Staff questions No. 1 and is satisfied that the OWS TES meets the characteristics of a Stream A TES and is suitable for exemption.

**NOW THEREFORE** pursuant to section 88(3) of the UCA and by the advance approval of the Lieutenant Governor in Council (Order in Council 400/14), the BCUC orders as follows:

1. In accordance with the TES Guidelines, the OWS TES is exempt from sections 44.1, 45 and 59–61 of the UCA.
2. Kelowna OWS must file with the BCUC an annual report for the OWS TES in accordance with Stream A annual reporting guidelines, as provided in Appendix B of the TES Guidelines.

**DATED** at the City of Vancouver, in the Province of British Columbia, this 28<sup>th</sup> day of July 2021.

BY ORDER

*Original signed by:*

T. A. Loski  
Commissioner