



**ORDER NUMBER
G-289-21**

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

and

Pacific BioEnergy Prince George Limited Partnership
Application for Exemption Under
Section 88 of the *Utilities Commission Act*

BEFORE:

A. K. Fung, QC, Panel Chair
E. B. Lockhart, Commissioner

on October 7, 2021

ORDER

WHEREAS:

- A. On December 15, 2020, pursuant to section 88(3) of the *Utilities Commission Act* (UCA), Pacific BioEnergy Prince George Limited Partnership (PBLP) filed an application with the British Columbia Utilities Commission (BCUC) seeking exemption from section 71 and partial exemption from Part 3 of the UCA, with respect to PBLP's resale of electricity, supplied by British Columbia Hydro and Power Authority (BC Hydro) to the NOS Substation located at 8546 Willow Cale Road in Prince George, British Columbia, to purchasers whose facilities are connected to the NOS Substation (Application);
- B. On August 27, 2015, by Order G-141-15, the BCUC, with advance approval from the Lieutenant Governor in Council, ordered that Canfor Forest Products Ltd. (Canfor) was exempt from the requirements of Part 3 of the UCA except for sections 25, 38, 42, and 43 for its NOS Substation distribution facilities used to supply electric service to its customers. The order also exempted both Canfor and any person that receives energy from Canfor's NOS Substation distribution facilities, from section 71 of the UCA provided the person is not re-selling energy to others (Canfor Exemption);
- C. In the Application, PBLP stated that the NOS Substation is currently owned by Canfor and Canfor and PBLP have entered into a purchase agreement, dated November 24, 2020, with respect to the purchase and sale of, among other things, the NOS Substation (Purchase Agreement);
- D. By Ministerial Order M217 dated May 27, 2021, the Minister responsible for the administration of the *Hydro and Power Authority Act* granted advance approval to the BCUC to exempt PBLP under the same conditions as the Canfor Exemption;
- E. By Order G-172-21 dated June 2, 2021, pursuant to section 88(3) of the UCA, the BCUC, having been granted advance approval by the Minister responsible for the administration of the *Hydro and Power Authority Act*,

ordered the following, effective the date of the Purchase Agreement by which PBLP will acquire the NOS Substation:

1. Exempt PBLP from the requirements of Part 3 of the UCA except for sections 25, 38, 42 and 43 for its NOS Substation used to supply electric service to its customers; and
2. Exempt PBLP and any person that receives energy from PBLP's NOS Substation from section 71 of the UCA provided the person is not re-selling energy to others to become effective once PBLP acquires the NOS Substation;

F. In a letter dated September 27, 2021, PBLP provided a status update to the BCUC advising that the purchase and sale of the NOS Substation will not be moving forward and that PBLP will not be utilizing Order G-172-21 (Status Update); and

G. The BCUC has reviewed the Status Update and considers that PBLP's exemption is no longer required and should be rescinded.

NOW THEREFORE pursuant to section 99 of the UCA, the BCUC rescinds Order G-172-21, granting PBLP the exemption.

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

BY ORDER

Original signed by:

A. K. Fung, QC
Commissioner