



**ORDER NUMBER
G-303-21**

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

and

Whitfield Landing Strata Development EPS6769
Application for Exemption Under
Section 88 of the *Utilities Commission Act*

BEFORE:

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

on October 25, 2021

ORDER

WHEREAS:

- A. On April 2, 2021, pursuant to section 88(3) of the *Utilities Commission Act* (UCA), Whitfield Landing Strata Development EPS6769 (Strata EPS6769) applied to the British Columbia Utilities Commission (BCUC) seeking approval for exemption from section 71 and partial exemption from Part 3 of the UCA with respect to Strata EPS6769's resale of electricity, supplied by British Columbia Hydro and Power Authority (BC Hydro) to owners of lots approved for mobile homes in Strata EPS6769 located at 235 Aylmer Road in Chase, British Columbia (Application);
- B. In the Application, Strata EPS6769 states that the 79-lot bare land strata is under development by Chase Devco Ltd. (Chase Devco), which holds beneficial ownership of the land granted by the owner, Warlo Mortgage Investment Corporation. The development is intended to provide affordable housing options in the small community of Chase;
- C. Strata EPS6769 owns the internal electricity distribution system intended to serve all 79 lots and intends to meter and bill individual lot owners for their electricity usage;
- D. In the Application, Chase Devco acknowledges that by reselling energy to others, Strata EPS6769 is within the definition of a "public utility" as defined in section 1 of the UCA;
- E. Section 88(3) of the UCA states: "the commission may, on conditions it considers advisable, with the advance approval of the minister responsible for the administration of the *Hydro and Power Authority Act*, exempt a person, equipment or facilities from the application of all or any of the provisions of this Act or may limit or vary the application of this Act";

- F. By Order G-118-21 dated April 22, 2021, the BCUC established a regulatory timetable for review of the Application, which included one round of BCUC information requests (IRs), public letters of comment, Strata EPS6769 responses to letters of comment and further process to be determined;
- G. On May 10, 2021, the BCUC issued IR No. 1 to Strata EPS6769;
- H. By Order G-160-21 dated May 26, 2021, the BCUC issued an amended regulatory timetable accepting an extension request by Strata EPS6769 to change the deadline to file its response to BCUC IR No. 1 from May 25, 2021 to June 15, 2021;
- I. On June 15, 2021 Strata EPS6769 filed its responses to BCUC IR No. 1 (IR Response);
- J. The BCUC did not receive any letters of comment from the public;
- K. By Ministerial Order M401 dated October 18, 2021 and attached as Appendix B to this order, the Minister responsible for the administration of the *Hydro and Power Authority Act* granted advance approval to the BCUC to exempt Strata EPS6769 from the requirements of section 71 and Part 3 of the UCA, except for certain sections as noted below; and
- L. The BCUC has reviewed the Application and the evidence in this proceeding and considers that Strata EPS6769's request for exemption is warranted.

NOW THEREFORE the BCUC orders as follows:

1. 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*:
 - a. Exempts Strata EPS6769 from the requirements of Part 3 of the UCA except for sections 25, 38, 39, 41, 42, 43 and 44 with respect to the resale of electricity supplied by BC Hydro to lot owners in Strata EPS6769 located at 235 Aylmer Road in Chase, British Columbia.
 - b. Exempts Strata EPS6769 and the customers described in Directive 1a from section 71 of the UCA provided that the customer is not re-selling energy to others.
2. Pursuant to section 43 of the UCA, Strata EPS6769 is directed to file an annual report within 90 days after fiscal year-end containing the information set out in Appendix A or as the BCUC may otherwise order.
3. Strata EPS6769 may apply to the BCUC for approval of a revision or removal of the reporting requirements set out in Directive 2 with reasons it considers warranted.
4. The exemption referred to in Directive 1 of this order remains in effect until the BCUC orders that the exemption no longer applies.

DATED at the City of Vancouver, in the Province of British Columbia, this 25th day of October 2021.

BY ORDER

Original signed by:

A. K. Fung, QC
Commissioner

Attachment

APPENDIX A
ANNUAL REPORTING REQUIREMENTS

A Report is required for the Whitfield Landing Strata Development EPS6769
Resale of Electricity

(Reports are to be filed within 90 days after fiscal year-end)

Annual Submissions:

- Public utility contact information;
- Number of lots served;
- Summary of annual maintenance work, including who performed the maintenance work;
- Any safety incidents in the preceding year; and
- Any customer complaints regarding the distribution and resale of electricity in the preceding year.

PROVINCE OF BRITISH COLUMBIA
ORDER OF THE MINISTER OF ENERGY, MINES
AND LOW CARBON INNOVATION

Utilities Commission Act

Ministerial Order No. M401

I, Bruce Ralston, Minister of Energy, Mines and Low Carbon Innovation, order that pursuant to section 88(3) of the *Utilities Commission Act*, approval is given to the British Columbia Utilities Commission to make the exemptions from the indicated provisions of the *Utilities Commission Act* (related to Whitfield Landing Strata Development EPS6769) as set out in the attached draft order of the British Columbia Utilities Commission.

October 18, 2021

Date



Minister of Energy, Mines and
Low Carbon Innovation

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Utilities Commission Act*, R.S.B.C. 1996, s. 88(3)

Other: _____



bcuc
British Columbia
Utilities Commission

Suite 410, 900 Howe Street
Vancouver, BC Canada V6Z 2N3
bcuc.com

P: 604.660.4700
TF: 1.800.663.1385
F: 604.660.1102

APPENDIX B

ORDER NUMBER
G-XX-XX

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

and

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Section 88 of the *Utilities Commission Act*

BEFORE:

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

on [Date]

DRAFT ORDER

WHEREAS:

- A. On April 2, 2021, pursuant to section 88(3) of the *Utilities Commission Act* (UCA), Whitfield Landing Strata Development EPS6769 (Strata EPS6769) applied to the British Columbia Utilities Commission (BCUC) seeking approval for exemption from section 71 and partial exemption from Part 3 of the UCA with respect to Strata EPS6769's resale of electricity, supplied by British Columbia Hydro and Power Authority (BC Hydro) to owners of lots approved for mobile homes in Strata EPS6769 located at 235 Aylmer Road in Chase, British Columbia (Application);
- B. In the Application, Strata EPS6769 states that the 79-lot bare land strata is under development by Chase Devco Ltd. (Chase Devco), which holds beneficial ownership of the land granted by the owner, Warlo Mortgage Investment Corporation. The development is intended to provide affordable housing options in the small community of Chase;
- C. Strata EPS6769 owns the internal electricity distribution system intended to serve all 79 lots and intends to meter and bill individual lot owners for their electricity usage;
- D. In the Application, Chase Devco acknowledges that by reselling energy to others, Strata EPS6769 is within the definition of a "public utility" as defined in section 1 of the UCA;
- E. Section 88(3) of the UCA states: "the commission may, on conditions it considers advisable, with the advance approval of the minister responsible for the administration of the *Hydro and Power Authority Act*, exempt a person, equipment or facilities from the application of all or any of the provisions of this Act or may limit or vary the application of this Act";

APPENDIX B
Order G-xx-xx

- F. By Order G-118-21 dated April 22, 2021, the BCUC established a regulatory timetable for review of the Application, which included one round of BCUC information requests (IRs), public letters of comment, Strata EPS6769 responses to letter of comments and further process to be determined;
- G. On May 10, 2021, the BCUC issued IR No. 1 to Strata EPS6769;
- H. By Order G-160-21 dated May 26, 2021, the BCUC issued an amended regulatory timetable accepting an extension request by Strata EPS6769 to change the deadline to file its response to BCUC IR No. 1 from May 25, 2021 to June 15, 2021;
- I. On June 15, 2021 Strata EPS6769 filed its responses to BCUC IR No. 1 (IR Response).
- J. The BCUC did not receive any letters of comment from the public;
- K. By Ministerial Order x dated [Date], 2021 and attached as Appendix A to this order, the Minister responsible for the administration of the *Hydro and Power Authority Act* granted advance approval to the BCUC to exempt Strata EPS6769 from the requirements of section 71 and Part 3 of the UCA, except for certain sections as noted below; and
- L. The BCUC has reviewed the Application and the evidence in this proceeding and considers that Strata EPS6769's request for exemption is warranted.

NOW THEREFORE the BCUC orders as follows:

- 1. 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*:
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 - b. Exempts Strata EPS6769 and the customers described in Directive 1a from section 71 of the UCA provided that the customer is not re-selling energy to others.
- 2. Pursuant to section 43 of the UCA, Strata EPS6769 is directed to file an annual report within 90 days after fiscal year-end containing the information set out in Appendix I or as the BCUC may otherwise order.
- 3. Strata EPS6769 may apply to the BCUC for approval of a revision or removal of the reporting requirements set out in Directive 2 with reasons it considers warranted.
- 4. The exemption referred to in Directive 1 of this order remains in effect until the BCUC orders that the exemption no longer applies.

APPENDIX B
Order G-xx-xx

DATED at the City of Vancouver, in the Province of British Columbia, this XX day of [Month Year].

BY ORDER

A. K. Fung, QC
Commissioner

Attachment

APPENDIX I
To Order G-XX-XX

APPENDIX I
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- Any customer complaints regarding the distribution and resale of electricity in the preceding fiscal year.