



**ORDER NUMBER
G-304-21**

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

and

Barriere Ridge Power Inc.
Application for Exemption pursuant to
Section 88(3) of the *Utilities Commission Act*

BEFORE:

T. A. Loski, Panel Chair
C. M. Brewer, Commissioner
W. M. Everett, QC, Commissioner

on October 26, 2021

ORDER

WHEREAS:

- A. On March 16, 2021, Barriere Ridge Power Inc. (BR Power) 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 resale of electricity at Barriere Ridge Resort, a remote development of recreational properties on East Barriere Lake, which is approximately 20 km east of Barriere, BC (Application);
- B. In the Application, BR Power states that it purchases electricity from British Columbia Hydro and Power Authority (BC Hydro) and re-sells it to lot owners at Barriere Ridge Resort, all of whom are shareholders of BR Power;
- C. BR Power has been reselling electricity to lot owners since 2013, when it began operations of its electrical distribution system;
- D. BR Power acknowledges in the Application that by reselling energy to others, BR Power falls within the definition of “public utility” as defined in section 1 of the UCA;
- E. By Order G-130-21 dated April 29, 2021, the BCUC established a regulatory timetable for review of the Application, which included public notification, one round of BCUC information requests (IR), BR Power responses to BCUC IRs, a letter of comment period, and further process to be determined;
- F. By Order G-186-21 dated June 16, 2021, the BCUC amended the regulatory timetable in response to BR Power’s request for additional time to file responses to BCUC IR No. 1;
- G. On July 14, 2021, BR Power filed its responses to BCUC IR No. 1 with supplemental information filed on August 12, 2021;

- H. By Order G-246-21 dated August 18, 2021 (Order), the BCUC established a further regulatory timetable and, among other things, directed BR Power to provide a second notice of the Application and Order to specified Indigenous groups. Order G-246-21 also directed BR Power to provide the BCUC evidence of confirmation that the specified Indigenous groups received notice of the Application and Order and noted that such evidence may be in the form of a phone log, reply email, or similar record;
- I. On October 12, 2021, BR Power filed a submission with the BCUC, which included copies of notices sent to the Simpcw First Nation, the Shuswap Nation Tribal Council, the Adams Lake Indian Band, and the Shuswap Indian Band; and
- J. The Panel finds that insufficient evidence of confirmation that the specified Indigenous groups received notice of the Application and Order has been provided to the BCUC and considers that an amended regulatory timetable is warranted.

NOW THEREFORE the BCUC orders as follows:

- 1. The regulatory timetable established by Order G-246-21 is amended. The amended regulatory timetable is attached as Appendix A to this order.
- 2. BR Power is directed, as soon as reasonably possible, but no later than Tuesday, November 2, 2021, to deliver notice of the Application together with a copy of this order by hand to the respective administrative offices of the following Indigenous Groups:
 - a. Shuswap Nation Tribal Council (Secwepemc Tribal Council First Nations);
 - b. Simpcw First Nation;
 - c. Adams Lake Indian Band;
 - d. Shuswap Indian Band;
 - e. Whispering Pines / Clinton Indian Band;
 - f. Tk'emlúps Indian Band;
 - g. Neskonlith Indian Band; and
 - h. Skeetchestn Indian Band.
- 3. BR Power is directed to provide to the BCUC, by Wednesday, November 3, 2021, proof of delivery of the notices provided in Directive 2 of this order, including name, position and signature of person accepting delivery and the date of delivery.
- 4. Any party wishing to provide comments on the Application is invited to submit a letter of comment, by the date established in the attached regulatory timetable. Letters of comment must be in the Letter of Comment form available on the BCUC's website at: <https://www.bcuc.com/forms/LetterOfComment> or by mail to the BCUC, Suite 410, 900 Howe Street, Vancouver, BC, V6Z 2N3.
- 5. In accordance with BCUC's Rules of Practice and Procedure, parties who wish to actively participate in this proceeding must submit the Request to Intervene Form, available on the BCUC's website at <https://www.bcuc.com/forms/RequestToIntervene>, by the date established in the regulatory timetable.

DATED at the City of Vancouver, in the Province of British Columbia, this 26th day of October 2021.

BY ORDER

Original signed by:

T. A. Loski
Commissioner

Attachment

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REGULATORY TIMETABLE

Action	Date (2021)
BR Power to deliver notice of the Application and order	Tuesday, November 2
BR Power to provide proof of delivery to the BCUC	Wednesday, November 3
Intervener Registration	Friday, December 3
Deadline to submit letters of comment	Friday, December 3
BR Power response to letters of comment	Friday, December 10
Further Process	To be determined