



**ORDER NUMBER**  
**G-120-22**

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

and

Ka:'yu:'k't'h' / Che:k'tles7et'h' First Nations  
Reconsideration of Order G-368-21 Directives 1 & 2

**BEFORE:**

D. M. Morton, Panel Chair  
C. M. Brewer, Commissioner  
T. A. Loski, Commissioner

on May 4, 2022

**ORDER**

**WHEREAS:**

- A. On January 14, 2022, pursuant to section 99 of the *Utilities Commission Act* (UCA), the Ka:'yu:'k't'h' / Che:k'tles7et'h' First Nations (KCFN) submitted to the British Columbia Utilities Commission (BCUC) an application to reconsider Directives 1 and 2 of Order G-368-21 on the grounds that the BCUC erred in law in finding that the flat administrative fee collected by KCFN constitutes compensation for an electrical service provided by KCFN. In the alternative, KCFN requests the BCUC exempt KCFN from all of Part 3 and s. 71 of the UCA (Reconsideration Application);
- B. On February 10, 2022, by Order G-27-22, the BCUC established a public hearing to review the Reconsideration Application and established a regulatory timetable seeking submissions on:
  - Whether nominal fees, such as those charged by KCFN to its citizens, can be considered compensation, as defined in the UCA; and
  - The applicability of the UCA to KCFN, as a Treaty Nation.
- C. By Order G-368-21 and accompanying reasons for decision dated December 10, 2021, the BCUC determined, in part, that KCFN is a public utility as defined in Section 1(1) of the UCA and directed KCFN and Kyuquot Power Ltd. (KPL) to negotiate an agreement concerning the joint use of facilities within three months of issuance of the order;
- D. 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”;

- E. By March 2, 2022, KPL and Zone 1B Ratepayers Group registered as interveners and on March 23, 2022, KPL made submissions pursuant to Order G-27-22;
- F. On April 13, 2022, KCFN replied to intervener submissions pursuant to Order G-27-22;
- G. On April 21, 2022, by Order G-105-22, the BCUC established a further regulatory timetable, including one round of BCUC and intervener information requests (IR) followed by final arguments and KCFN reply;
- H. On April 21, 2022, the BCUC issued IR No. 1 to KCFN;
- I. By April 26, 2022, no interveners had submitted IR No. 1 in accordance with the regulatory timetable;
- J. On May 3, 2022, KCFN requested a 21-day extension of the regulatory timetable to support ongoing coordination with staff (Extension Request); and
- K. The Panel has reviewed the Extension Request and determines that an amendment to the regulatory timetable is warranted.

**NOW THEREFORE** the BCUC orders that the regulatory timetable established by Order G-105-22 is amended as set out in Appendix A to this order.

**DATED** at the City of Vancouver, in the Province of British Columbia, this 4<sup>th</sup> day of May 2022.

BY ORDER

*Original signed by:*

D. M. Morton  
Commissioner

Attachment

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**REGULATORY TIMETABLE**

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Action	Date (2022)
KCFN responses to BCUC and Intervener IR No. 1	Thursday, May 26
KCFN Final Argument on the response to IR No. 1	Thursday, June 2
Intervener Final Arguments on the response to IR No. 1	Thursday, June 9
KFCN Reply Argument on the response to IR No. 1	Thursday, June 16