



**ORDER NUMBER**  
**G-273-22**

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

and

APT Utility Corp.  
Status as a Public Utility

**BEFORE:**

B. A. Magnan, Panel Chair  
E. B. Lockhart, Commissioner  
A. Pape-Salmon, Commissioner

on October 3, 2022

**ORDER**

**WHEREAS:**

- A. On September 9, 2021, a complaint was filed with the British Columbia Utilities Commission (BCUC) concerning, amongst other things, electricity charges offered by APT Utility Corp. (APT) at Holly Lodge (HL) in Vancouver and whether APT had been approved to resell electricity (Complaint);
- B. On January 21, 2022, by Order G-16-22, the BCUC adjourned the Complaint pending the outcome of a proceeding to determine if APT is a public utility;
- C. On August 16, 2022, by Order G-228-22, the BCUC established a regulatory timetable to conduct the review of APT's status as a public utility with public notice, BCUC Information Request (IR) No. 1 to APT, a letter of comment period, with further process to be determined;
- D. On August 25, 2022, by Order G-244-22, the BCUC issued an amended regulatory timetable which granted APT's request to revise the public notice and to extend the deadline to file BCUC IR No. 1 responses;
- E. On September 15, 2022, APT's response to BCUC IR No. 1 was filed with the BCUC;
- F. On September 22, 2022, the British Columbia Old Age Pensioners' Organization et al (BCOAPO) requested an amendment to the regulatory process to include intervenor registration, intervenor IR's, IR responses and final and reply submissions. In the alternative, BCOAPO requested an extension to the deadline for letters of comment;
- G. The BCUC has reviewed BCOAPO's request and determines that an amendment to the regulatory timetable is warranted.

**NOW THEREFORE** for reasons attached as Appendix B to this Order, the BCUC orders that the regulatory timetable established by Order G-244-22 is amended as set out in Appendix A to this order.

**DATED** at the City of Vancouver, in the Province of British Columbia, this 3<sup>rd</sup> day of October 2022.

BY ORDER

*Original signed by:*

B. A. Magnan  
Commissioner

Attachment

APT Utility Corp  
Status as a Public Utility

**REGULATORY TIMETABLE**

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Action	Date (2022)
BCUC Information Request (IR) No. 2 to APT	Thursday, October 13
APT response to IR No. 2	Thursday, October 27
Deadline to submit Letters of Comment	Thursday, November 3
APT response to Letters of Comment filed subsequent to the date of this Order	Friday, November 4
Further process	To be determined

APT Utility Corp  
Status as a Public Utility

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**REASONS FOR DECISION**

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**1.0 Background**

On September 9, 2021, a complaint was filed with the British Columbia Utilities Commission (BCUC) concerning, amongst other things, electricity charges offered by APT Utility Corp (APT) at Holly Lodge (HL) in Vancouver and whether APT had been approved to resell electricity (Complaint). On January 21, 2022, by Order G-16-22, the BCUC adjourned the Complaint pending the outcome of a proceeding to determine if APT is a public utility.

On August 16, 2022, by Order G-228-22, the BCUC established a regulatory timetable to conduct the review of APT's status as a public utility with public notice, BCUC Information Request (IR) No. 1 to APT, a letter of comment period, with further process to be determined.

By Order G-244-22, following a written request of APT, the BCUC amended the regulatory timetable to revise the public notice and to extend the deadline for APT to file IR responses.

On September 15, 2022, APT's response to BCUC IR No. 1 was filed with the BCUC.

**2.0 British Columbia Old Age Pensioners' Organization Further Process Request**

On September 22, 2022, the British Columbia Old Age Pensioners' Organization et al (BCOAPO) requested an amendment to the regulatory process to include intervenor registration, intervenor IR's, IR responses and final and reply submissions. In the alternative, BCOAPO requested an extension to the deadline for letters of comment (together, Further Process Request).

BCOAPO submits that it has identified outstanding issues and questions that remain after APT's response to BCUC IR No. 1, and that there is not yet a sufficient evidentiary record upon which to provide a letter of comment.<sup>1</sup>

BCOAPO further submits that there is a "broad public interest aspect in what would otherwise be a small and discrete investigation of a player with a very limited scope in which to operate" and "owners and operators of multi-unit buildings like APT's corporate parent have a vested interest in the outcome of this and similar processes as it is the first process to determine whether they too might be able to follow suit without having to worry about BCUC regulation".<sup>2</sup>

BCOAPO explains that it has considered both the public interest and outcome of this process and the evidentiary record and its Further Process Request strikes a balance between APT's concerns and the public interest.<sup>3</sup>

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<sup>1</sup> Exhibit E-6, p. 1.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

### *Panel Determination*

The Panel welcomes the interest that BCOAPO has in this proceeding and is appreciative of BCOAPO's Further Process Request. The Panel acknowledges BCOAPO's concerns that remain after APT's response to BCUC IR No. 1 about the completeness of the evidentiary record upon which to provide a letter of comment at this stage of the proceeding.

The Panel also acknowledges BCOAPO's broader public interest concerns and its request for "the same minimal process applicable in the other investigation currently underway before the BCUC (Interventions, Intervener IR's, IR Responses, Submissions, and Reply)".<sup>4</sup>

The Panel notes that this proceeding is to determine the public utility status of APT, and, unlike the other investigation underway, namely Wyse Meter Solutions Inc. Status as a Public Utility, is specific to the delivery of utility services at one residential building and APT is owned by the same owner as the landlord. The Panel considered these factors when establishing the regulatory timetable and determined that a process that included BCUC IR. No. 1 and letters of comment provided regulatory efficiency and struck the appropriate balance between transparency, wider participation, and an opportunity to collect sufficient evidence upon which a decision can be rendered. The Panel is still of this view.

**For the reasons stated above, the Panel finds that broadening the process is not warranted at this time and BCOAPO's request for further process in which to allow for formal intervention, intervener IRs and final and reply submissions is denied.**

However, the Panel does agree with BCOAPO that the evidentiary record is, at this stage, incomplete and acknowledges further time is required for parties to review a complete record and provide their submissions.

**Therefore, the Panel determines BCOAPO's request for an extension to file a letter of comment is warranted and establishes an amended regulatory timetable to include BCUC IR No.2, APT Responses to IR No.2, and an extension to the deadline for letters of comment to follow once these have been filed.**

Any further process, if warranted, will be determined by the Panel after the existing regulatory timetable has been completed.

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<sup>4</sup> Exhibit E-6.