



ORDER NUMBER
G-16-23

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

and

Lake Okanagan Resort
Exemption under Section 88(3) of the *Utilities Commission Act*

BEFORE:

E. B. Lockhart, Panel Chair
T. A. Loski, Commissioner
B. A. Magnan, Commissioner

on January 26, 2023

ORDER

WHEREAS:

- A. On January 18, 2022, Lake Okanagan Resort (2013) Ltd. (LOR) applied to the British Columbia Utilities Commission (BCUC) pursuant to section 88(3) of the *Utilities Commission Act* (UCA) seeking approval for exemption from section 71 and Part 3, except for sections 25, 38, 41 and 42 of the UCA (Application);
- B. In the Application, LOR states that it purchases electricity from British Columbia Hydro and Power Authority (BC Hydro) under Residential Service Rate Schedule 1611 and resells electricity to four Strata Corporations that operate on the grounds of LOR's resort located on Lake Okanagan:
 - Strata Corporation KAS 3858;
 - Strata Corporation KAS 287;
 - Strata Corporation KAS 322; and
 - Strata Corporation KAS 316 (together, Strata Corporations).
- C. LOR acknowledges that it owns and operates equipment or facilities for the transmission, sale, delivery and provision of electricity to the public or corporation for compensation and falls under the definition of a public utility in the UCA;
- D. By Order G-46-22 dated February 22, 2022, the BCUC initiated a public written comment process and established a regulatory timetable, which included, among other things, one round of BCUC information requests (IR) and a letter of comment submission period;
- E. On March 17, 2022, the BCUC issued IR No. 1 to LOR;

- F. By letter dated April 6, 2022, the BCUC granted LOR's request for an extension to file its responses to BCUC IR No. 1. to April 7, 2022;
- G. By Order G-111-22 dated April 27, 2022, the BCUC amended the regulatory timetable to include a further round of IRs. LOR submitted its response to BCUC IR No. 2 on May 20, 2022;
- H. By letter dated October 14, 2022, LOR filed a submission to address the delays in LOR's complete response to BCUC IR No. 2;
- I. On October 27, 2022, LOR filed its Final Argument;
- J. The BCUC did not receive any requests to intervene or letters of comment for this proceeding; and
- K. The BCUC has reviewed the Application and evidentiary record and makes the following determination.

NOW THEREFORE for the reasons stated in the decision issued concurrently with this order, the BCUC denies LOR's Application.

DATED at the City of Vancouver, in the Province of British Columbia, this 26th day of January 2023.

BY ORDER

Original signed by:

E. B. Lockhart
Commissioner