



**~~CONFIDENTIAL~~**  
**ORDER NUMBER**  
**R-13-23**

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

and

Tolko Industries Limited  
Confirmation of Alleged Violation of Mandatory Reliability Standard:  
PRC-005-1a Requirement 2 – Violation ID: BCUC2019000711

**BEFORE:**

E. B. Lockhart, Panel Chair  
W. M. Everett, KC, Commissioner  
B. A. Magnan, Commissioner

on April 26, 2023

**ORDER**

**WHEREAS:**

- A. On August 20, 2021, the Western Electricity Coordinating Council (WECC), acting as the Administrator for the British Columbia Mandatory Reliability Standards Program (BC MRS Program), issued Notice of Alleged Violation (NOAV) CF1923 to Tolko Limited Industries (Tolko) citing Alleged Violation of PRC-005-1a R2, identified as Violation ID: BCUC2019000711 (Alleged Violation);
- B. By Order G-123-09, the British Columbia Utilities Commission (BCUC) approved the Compliance Monitoring Program (CMP) Section 4 of which provides the process for proceeding with alleged violations to Mandatory Reliability Standards adopted by the BCUC. The most recent revisions to the CMP were approved by Order R-40-17;
- C. The Alleged Violation was identified by way of a Compliance Audit conducted by WECC between October 21, 2019 and October 25, 2019;
- D. NOAV CF1923 describes the facts and circumstances that allegedly demonstrate or constitute the Alleged Violation together with additional information, including a proposed penalty amount, pursuant to Section 4.3.2 of the CMP;
- E. Pursuant to Section 4.4.2 of the CMP, Tolko had to elect one of three options for its response to the Alleged Violation and pursuant to Section 4.4.1, to submit its response within 30 days to the Administrator;
- F. By letter dated September 14, 2021, Tolko submitted its response, in accordance with Section 4.4.2, stating that it disagrees with the Alleged Violation (Tolko Response);

- G. On November 15, 2021, WECC replied to the Tolko Response affirming that it had sufficient evidence to support NOAV CF1923;
- H. By Order R-1-23 dated January 6, 2023 and Order R-7-23 dated March 6, 2023, the BCUC established regulatory timetables for a confidential written proceeding for the review of the Alleged Violation; and
- I. The BCUC has reviewed all the information regarding the Alleged Violation in NOAV CF1923 and considers confirmation of the Alleged Violation is warranted. Any Confirmed Violations are deemed contraventions of the *Utilities Commission Act* (UCA) and may be subject to penalty by the BCUC.

**NOW THEREFORE** pursuant to sections 109.1(1) and 125.2(10) of the UCA and in accordance with the CMP, the BCUC makes the following orders:

- 1. Tolko has contravened Reliability Standard PRC-005-1a Requirement 2, as set out in NOAV CF1923 issued to Tolko on August 20, 2021.
- 2. Alleged Violation PRC-005-1a R2, identified as Violation ID: BCUC2019000711 is confirmed.
- 3. All compliance materials relating to Tolko's confirmed violation of PRC-005-1a R2 and all related material filled in this proceeding will be held confidential until the BCUC determines otherwise.

**DATED** at the City of Vancouver, in the Province of British Columbia, this 26<sup>th</sup> day of April 2023.

BY ORDER

*Original signed by:*

E. B. Lockhart  
Commissioner