



ORDER NUMBER
E-9-23

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

and

British Columbia Hydro and Power Authority
Electricity Purchase Agreement Extension for Moresby Lake

BEFORE:

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

on June 1, 2023

ORDER

WHEREAS:

- A. On April 27, 2023, pursuant to section 71 of the *Utilities Commission Act* (UCA), British Columbia Hydro and Power Authority (BC Hydro) filed for acceptance with the British Columbia Utilities Commission (BCUC) a six-month extension agreement (Moresby Lake Second Extension Agreement) extending the electricity purchase agreement (EPA) between BC Hydro and Atlantic Power Preferred Equity Ltd. (as assignee) for the Moresby Lake Hydro Project (Moresby Lake EPA) to August 31, 2023 (Filing);
- B. The BCUC approved the original EPA for the Moresby Lake Hydro Project by Order E-1-89 dated March 23, 1989, and approved a subsequent amended EPA by Order E-16-93 dated September 10, 1993;
- C. The further amended Moresby Lake EPA was exempted from section 71 of the UCA in accordance with Ministerial Order M-22-9801 and was to expire on August 31, 2022;
- D. By Order G-61-12, dated May 17, 2012, the BCUC approved the Rules for Energy Supply Contracts for Electricity (Rules). Appendix A of Order G-61-12 contains the Rules, which are intended to facilitate the BCUC's review of energy supply contracts for electricity, pursuant to section 71 of the UCA;
- E. On December 16, 2022, the BCUC approved a six-month extension to the Moresby Lake EPA (Moresby Lake Extension Agreement) ending on February 28, 2023, pursuant to Order E-24-22;
- F. On May 9, 2023, at the 4th Session, 42nd Parliament (2023), the Legislative Assembly of the Province of British Columbia passed the *Haida Nation Recognition Act* pursuant to BILL 18 – 2023, which recognises the Haida Nation's inherent rights of governance and self-determination and recognises the Council of the Haida Nation is the government of the Haida Nation; and

G. The Panel has reviewed the Filing and considers acceptance of the Moresby Lake Second Extension Agreement is warranted.

NOW THEREFORE pursuant to section 71 of the *Utilities Commission Act* and the Rules, the BCUC orders as follows:

1. The Moresby Lake Second Extension Agreement is accepted for filing;
2. Any further application(s) for the acceptance of an EPA or EPA Extension Agreement within the territory of the Haida Nation will address or otherwise describe the implications, if any, of the *Haida Nation Recognition Act* on that agreement.

DATED at the City of Vancouver, in the Province of British Columbia, this 1st day of June 2023.

BY ORDER

Original signed by:

B. A. Magnan
Commissioner