



ORDER NUMBER
G-182-23

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

and

EPCOR Industrial Infrastructure L.P.
Exemption under Section 88(3) of the *Utilities Commission Act*

BEFORE:

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

on July 11, 2023

ORDER

WHEREAS:

- A. On April 19, 2022, EPCOR Industrial Infrastructure L.P. (EPCOR) filed with the British Columbia Utilities Commission (BCUC) an application for an exemption pursuant to section 88(3) of the *Utilities Commission Act* (UCA) for partial exemption from Part 3 of the UCA (Application);
- B. In the Application, EPCOR states the exemption is in respect of transmission and interconnection facilities to be owned by EPCOR and used to transmit and deliver electricity from the British Columbia Hydro and Power Authority (BC Hydro) transmission system for use by the Trans Mountain Pipeline L.P. (TMP) crude oil pipeline system;
- C. Under the UCA, a public utility is defined in section 1, in part, as: A person, or the person's lessee, trustee, receiver or liquidator, who owns or operates in British Columbia, equipment or facilities for the (a) production, generation, storage, transmission, sale, delivery or provision of electricity, natural gas, steam or any other agent for the production of light, heat, cold or power to or for the public or a corporation for compensation;
- D. By Order G-312-22, dated October 19, 2022, the BCUC established a written comment process and regulatory timetable for review of the Application, which included public notice of the Application, one round of BCUC information requests (IR), and a letter of comment submission period;
- E. By letter dated November 22, 2022, the BCUC issued BCUC IR No. 1 to EPCOR. EPCOR submitted a response to BCUC IR No. 1 on December 13, 2022;
- F. Following a request by BC Hydro to intervene, by Order G-370-22, dated December 14, 2022, the BCUC approved BC Hydro's request and amended the regulatory timetable;
- G. On January 6, 2023, BC Hydro submitted a letter stating it would not submit IRs. On January 17, 2023, EPCOR filed its response to BC Hydro's letter;

- H. The BCUC did not receive any other letters of comment;
- I. By Ministerial Order M198 dated July 2, 2023 and as attached as Appendix B to this order, the Minister responsible for the administration of the *Hydro and Power Authority Act* granted advance approval to the BCUC to exempt EPCOR from certain requirements of Part 3 of the UCA; and
- J. The BCUC has reviewed the Application, evidence, and submissions in this proceeding and considers that EPCOR's request for exemption is warranted.

NOW THEREFORE the BCUC orders as follows:

1. Pursuant to section 88(3) of the UCA, the BCUC, having been granted advance approval by the Minister responsible for the administration of the *Hydro and Power Authority Act* exempts EPCOR from the requirements of Part 3 of the UCA except for sections 25, 38, 42, and 43 in respect of the transmission and interconnection facilities to be owned by EPCOR and used to transmit and deliver electricity from the BC Hydro transmission system for use by the TMP's crude oil pipeline system.
2. Pursuant to section 43 of the UCA, EPCOR is directed to file an annual report within 90 days after fiscal year-end containing the information set out in Appendix A of this Order or as the BCUC may otherwise order.
3. The exemption referred to in Directive 1 of this order remains in effect until the BCUC orders that the exemption no longer applies.

DATED at the City of Vancouver, in the Province of British Columbia, this 11th day of July 2023.

BY ORDER

Original signed by:

E. B. Lockhart
Commissioner

Attachment

ANNUAL REPORTING REQUIREMENTS

A report is required for EPCOR Industrial Infrastructure L.P. (EPCOR)

(Reports are to be filed within 90 days after fiscal year-end)

Annual Submissions

- Public utility contact information
- Addition of new customers
- Summary of annual maintenance work; and
- Any safety incidents in the preceding fiscal year

PROVINCE OF BRITISH COLUMBIA
ORDER OF THE MINISTER OF ENERGY, MINES
AND LOW CARBON INNOVATION

Utilities Commission Act

Ministerial Order No. M198

I, Josie Osborne, Minister of Energy, Mines and Low Carbon Innovation, order that pursuant to section 88(3) of the *Utilities Commission Act*, approval is given to the British Columbia Utilities Commission to make the exemptions from the indicated provisions of the *Utilities Commission Act* (related to EPCOR Industrial Infrastructure L.P.) as set out in the attached draft order of the British Columbia Utilities Commission.



Minister of Energy, Mines and
Low Carbon Innovation

July 2, 2023

Date

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Utilities Commission Act*, R.S.B.C. 1996, s. 88(3)

Other: _____



bcuc
British Columbia
Utilities Commission

Suite 410, 900 Howe Street
Vancouver, BC Canada V6Z 2N3
bcuc.com

P: 604.660.4700
TF: 1.800.663.1385
F: 604.660.1102

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and

EPCOR Industrial Infrastructure L.P.
Exemption under Section 88(3) of the *Utilities Commission Act*

BEFORE:

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

on [Date]

DRAFT ORDER

WHEREAS:

- A. On April 19, 2022, EPCOR Industrial Infrastructure L.P. (EPCOR) filed with the British Columbia Utilities Commission (BCUC) an application for an exemption pursuant to section 88(3) of the *Utilities Commission Act* (UCA) for partial exemption from Part 3 of the UCA (Application);
- B. In the Application, EPCOR states the exemption is in respect of transmission and interconnection facilities to be owned by EPCOR and used to transmit and deliver electricity from the British Columbia Hydro and Power Authority (BC Hydro) transmission system for use by the Trans Mountain Pipeline L.P. (TMP) crude oil pipeline system;
- C. Under the UCA, a public utility is defined in section 1, in part, as: A person, or the person's lessee, trustee, receiver or liquidator, who owns or operates in British Columbia, equipment or facilities for the (a) production, generation, storage, transmission, sale, delivery or provision of electricity, natural gas, steam or any other agent for the production of light, heat, cold or power to or for the public or a corporation for compensation;
- D. By Order G-312-22, dated October 19, 2022, the BCUC established a written comment process and regulatory timetable for review of the Application, which included public notice of the Application, one round of BCUC information requests (IR), and a letter of comment submission period;
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- G. On January 6, 2023, BC Hydro submitted a letter stating it would not submit IRs. On January 17, 2023, EPCOR filed its response to BC Hydro's letter;
- H. The BCUC did not receive any other letters of comment;
- I. By Ministerial Order [XX] dated [XX] and as attached as Appendix X to this order, the Minister responsible for the administration of the *Hydro and Power Authority Act* granted advance approval to the BCUC to exempt EPCOR from certain requirements of Part 3 of the UCA; and
- J. The BCUC has reviewed the Application, evidence, and submissions in this proceeding and considers that EPCOR's request for exemption is warranted.

NOW THEREFORE the BCUC orders as follows:

1. Pursuant to section 88(3) of the UCA, the BCUC, having been granted advance approval by the Minister responsible for the administration of the *Hydro and Power Authority Act* exempts EPCOR from the requirements of Part 3 of the UCA except for sections 25, 38, 42, and 43 in respect of the transmission and interconnection facilities to be owned by EPCOR and used to transmit and deliver electricity from the BC Hydro transmission system for use by the TMP's crude oil pipeline system.
2. Pursuant to section 43 of the UCA, EPCOR is directed to file an annual report within 90 days after fiscal year-end containing the information set out in Appendix A of this Order or as the BCUC may otherwise order.
3. The exemption referred to in Directive 1 of this order remains in effect until the BCUC orders that the exemption no longer applies.

DATED at the City of Vancouver, in the Province of British Columbia, this [date] day of [Month, Year].

BY ORDER

E. B. Lockhart
Commissioner

Attachment

APPENDIX A
To Order G-xx-23

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DRAFT