



ORDER NUMBER
G-261-23

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

and

Lake Okanagan Resort
Restoration of Service

BEFORE:

B. A. Magnan, Commissioner

on October 4, 2023

ORDER

WHEREAS:

- A. By Order G-333-19 dated December 18, 2019, the British Columbia Utilities Commission (BCUC) determined that Lake Okanagan Resort (LOR) is a public utility as defined in section 1 of the *Utilities Commission Act* (UCA);
- B. Pursuant to section 24 of the UCA, the BCUC must make examinations and conduct inquiries necessary to keep itself informed about the conduct of public utility business, compliance by public utilities with the UCA, regulations or any other law, and any other matter in the BCUC's jurisdiction;
- C. Pursuant to section 43 of the UCA, as a public utility, LOR must answer specifically all questions of the BCUC and provide the information the BCUC requires;
- D. Pursuant to section 38 of the UCA, as a public utility, LOR must provide and maintain its property and equipment in a condition to enable it to provide a service to the public that the BCUC considers is in all respects adequate, safe, efficient, just and reasonable;
- E. Pursuant to section 45 of the UCA, as a public utility, LOR must not begin the construction or operation of a public utility plant or system, or an extension of either, without first obtaining a Certificate of Public Convenience and Necessity (CPCN) from the BCUC;
- F. By letter L-26-20 dated May 15, 2020, LOR was directed to file a CPCN application with the BCUC. Such application remains outstanding;
- G. The BCUC understands that Lake Okanagan Resort (the Resort), including the public utility electrical system, residences, amenities, and other utilities at the Resort, sustained significant damage during the August 2023 wildfires in the Okanagan and Southern Interior region;
- H. Damage to electrical equipment, such as the oil-filled pad mounted transformers owned and operated by LOR, has the potential to cause soil contamination, which in some instances can pose a threat to workers, the public, and/or the environment, and necessitate remediation;

- I. The BCUC understands that certain structures at the Resort may remain intact and require restoration of electrical service ahead of the winter season;
- J. By email dated September 29, 2023, the British Columbia Hydro and Power Authority (BC Hydro) outlined two options for restoring electrical service at the Resort, as follows:
 - Option 1 – BC Hydro overhead pole line; and
 - Option 2 – Privately-owned and maintained powerline with primary or secondary metering;
- K. In that same email, BC Hydro sets out the information and supporting documentation it requires to proceed with either restoration option. This includes, among other things, load and other details for the connections required, site plans, and an environmental assessment demonstrating that any environmental issues have been identified and remediation plans are in place. BC Hydro notes that for Option 1, electrical equipment would be designed by BC Hydro to meet all BC Hydro standards and access requirements. For Option 2, the primary electrical service must be designed and certified by a professional engineer and abide by the BC Hydro Primary Guide 2021, Revision 3.1; and
- L. The BCUC has reviewed the information available and considers that the following determinations are warranted.

NOW THEREFORE the BCUC orders as follows:

1. LOR is directed to provide the BCUC with a comprehensive written update regarding the public utility's current circumstances and plans, including but not limited to, the information and supporting documentation set out in Appendix A to this order by **Thursday, October 12, 2023**.
2. LOR is directed to obtain a CPCN prior to the construction or operation of any public utility electrical equipment at the Resort.

DATED at the City of Vancouver, in the Province of British Columbia, this 4th day of October 2023.

BY ORDER

Original signed by:

B. A. Magnan
Commissioner

Lake Okanagan Resort
Restoration of Service

REQUIRED INFORMATION

Lake Okanagan Resort (LOR) is required to file a comprehensive update with the British Columbia Utilities Commission regarding the public utility's current circumstances and plans including, but not limited to, the following information. **Please provide a completed copy of the checklist below along with detailed written responses and supporting documentation.**

Required Information	Confirmation by LOR that the required information has been filed (Yes/No)
(1) Information regarding the habitability of Lake Okanagan Resort, including:	
<ul style="list-style-type: none">The status of LOR's customers, including a list of any properties served by LOR that were lost during the wildfire and any buildings that remain. Please provide details on the number of units in any remaining buildings.	
<ul style="list-style-type: none">A site plan/map showing the location of any remaining buildings.	
<ul style="list-style-type: none">Photos of current conditions.	
<ul style="list-style-type: none">Documentation from <u>all</u> relevant local and/or provincial authorities regarding the safety/habitability of the structures, including occupancy permits or equivalent.If occupancy permits or equivalent approvals have not yet been issued, details on the process, necessary inspections (if any), timing, etc. for obtaining such approval.	
<ul style="list-style-type: none">Details regarding any buildings on the Resort that are currently occupied, including the address(es) and number of individuals living on site.	
<ul style="list-style-type: none">A detailed listing of any and all properties on the Resort that are requesting electrical service from LOR and the date by which service has been requested. Please include copies of any correspondence LOR has received regarding requests for restoration of electrical service.	
<ul style="list-style-type: none">An update on the status of other critical infrastructure on the Resort (such as water and wastewater treatment), the availability of which could impact the ability of individuals to occupy any remaining buildings at the Resort and thereby the need for electrical service.	

Required Information	Confirmation by LOR that the required information has been filed (Yes/No)
(2) Information regarding the status and plans of the public utility	
<ul style="list-style-type: none"> The status of LOR's electrical equipment, including a detailed list of the public utility assets lost during the wildfire and any assets that remain. 	
<ul style="list-style-type: none"> A detailed description of the condition each of the remaining public utility assets. 	
<ul style="list-style-type: none"> A map showing the location of any remaining public utility equipment. 	
<ul style="list-style-type: none"> Photos of current conditions of the electrical system. 	
<ul style="list-style-type: none"> Details regarding any environmental impacts associated with damage to LOR's public utility equipment, including spills of contaminants or hazardous materials, and associated regulatory obligations. 	
<ul style="list-style-type: none"> Any communications or correspondence with BC Hydro and/or regulatory agencies regarding environmental impacts and associated requirements. 	
<ul style="list-style-type: none"> Details on LOR's insurance coverage for the public utility's assets, including a copy of LOR's insurance policy(ies) for the electrical system and for buildings owned by LOR that take service from the utility. 	
<ul style="list-style-type: none"> Details on any discussions LOR has had with BC Hydro regarding electrical service at the Resort, including copies of any written communications. 	
<ul style="list-style-type: none"> Copies of any contractual documentation, including scope of work, with any contractors retained to support restoration of electrical service at the Resort. 	
<ul style="list-style-type: none"> Details on whether LOR intends to pursue Option 1 or Option 2, as presented by BC Hydro, or another alternative to restore electrical service at the Resort. 	
<ul style="list-style-type: none"> Details on the steps LOR is taking to implement Option 1 (if applicable), including the name and terms of engagement of the qualified consultant LOR has or will retain to perform the environmental assessment referenced by BC Hydro. 	
<ul style="list-style-type: none"> Details on the steps LOR is taking to implement Option 2 (if applicable) including, but not limited to the identity of the professional engineer(s) retained to design and certify the proposed rebuild. 	
<ul style="list-style-type: none"> Details on the scope and steps LOR is taking to implement any restoration option aside from Option 1 or 2, including any contractors retained. 	