



**ORDER NUMBER**  
**G-11-24**

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

and

Powell River Energy Inc.  
Status as a Public Utility

**BEFORE:**

T. A. Loski, Panel Chair  
C. M. Brewer, Commissioner

on January 12, 2024

**ORDER**

**WHEREAS:**

- A. By Order G-38-23 dated February 24, 2023, the British Columbia Utilities Commission (BCUC) established a public hearing to review Powell River Energy Inc.'s (PREI) status as a public utility under the *Utilities Commission Act* (UCA);
- B. On July 6, 2023, Energy Democracy for BC (ED4BC) filed a request to intervene;
- C. On December 5, 2023, ED4BC filed a Participant Cost Award (PCA) application with the BCUC with respect to its participation in the proceeding seeking an award of \$2,469.60 (PCA Application);
- D. On December 6, 2023, the BCUC issued Order G-332-23, determining that PREI is a public utility as defined in section 1 of the UCA;
- E. On December 13, 2023, PREI was provided a copy of the PCA Application for comment by December 28, 2023;
- F. By letter dated December 29, 2023, PREI filed with the BCUC an application for reconsideration of Order G-332-23 (Reconsideration Application);
- G. By letter dated December 30, 2023, PREI filed a request for an extension to the deadline to submit comments on the PCA Application to January 12, 2024 (Extension Request);
- H. By letter dated December 30, 2023, ED4BC objected to the Extension Request;
- I. By letter dated January 3, 2024, PREI filed a reply submission to ED4BC; and
- J. The BCUC has reviewed the submissions made by PREI and ED4BC and makes the following determination.

**NOW THEREFORE** for the reasons attached to this order, the Extension Request is denied.

**DATED** at the City of Vancouver, in the Province of British Columbia, this 12<sup>th</sup> day of January 2024.

BY ORDER

*Original signed by:*

T. A. Loski  
Commissioner

Attachment

Powell River Energy Inc.  
Status as a Public Utility

## REASONS FOR DECISION

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### 1.0 Background

On February 24, 2023, the British Columbia Utilities Commission (BCUC) established a public hearing to review Powell River Energy Inc.'s (PREI) status as a public utility under the *Utilities Commission Act* (UCA) (Proceeding).<sup>1</sup>

Energy Democracy for BC (ED4BC) was granted intervener status in the Proceeding, and on December 5, 2023, filed an application with the BCUC seeking an award of \$2,469.60 in costs associated with its participation (PCA Application).<sup>2</sup>

By Order G-332-23 dated December 6, 2023, the BCUC determined that PREI is a public utility as defined in section 1 of the UCA. Subsequently, PREI was provided a copy of the PCA Application for review and the opportunity to provide any submissions in response to the PCA Application by Thursday, December 28, 2023.

On December 29, 2023, PREI filed an application with the BCUC seeking a reconsideration of Order G-332-23 (Reconsideration Application).

### 2.0 Extension Request

By letter dated December 30, 2023, PREI requested an extension to the deadline to submit comments on the PCA Application from Thursday, December 28, 2023 to Friday, January 12, 2024 (Extension Request). In support of its request, PREI states that the BCUC's review of the Reconsideration Application will affect PREI's comments on the PCA Application.<sup>3</sup>

By letter dated December 30, 2023, ED4BC objected to PREI's Extension Request. ED4BC states that its entitlement to PCA funding is not contingent upon the outcome of the Reconsideration Application and that the Reconsideration Application has no bearing on the reasonableness of its requested cost award. As such, ED4BC submits that the Extension Request should be denied.<sup>4</sup>

In response to ED4BC's objection, PREI submits that its obligation to pay PCA funding is contingent on the BCUC's finding that PREI is a public utility. PREI asserts that if PREI is not a public utility, the BCUC would assume that obligation, not PREI.<sup>5</sup>

#### *Panel determination*

This Panel disagrees that the cost award, including who pays, is dependent on the final outcome of the Reconsideration Application. Pursuant to section 118 of the UCA, the BCUC may order a participant in a

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<sup>1</sup> BCUC Order G-38-23 dated February 24, 2023.

<sup>2</sup> ED4BC PCA Application dated December 5, 2023, PDF p. 3.

<sup>3</sup> PREI, letter dated December 30, 2023, p. 1.

<sup>4</sup> ED4BC, letter dated December 30, 2023, p. 1.

<sup>5</sup> PREI, letter dated January 3, 2024, p. 1.

proceeding before the BCUC to pay all or part of the costs of another participant in the proceeding. Further, as PREI filed the Reconsideration Application on December 29, 2023, it is highly unlikely that the BCUC will have rendered a decision on that application prior to the extended January 12, 2024 comment deadline requested by PREI. As such, the Panel sees no merit in granting PREI's request and therefore denies the Extension Request.