



ORDER NUMBER
G-118-24

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

and

Kelowna OWS Utility Inc.
Complaint filed by Strata EPS 7397

BEFORE:

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

on April 18, 2024

ORDER

WHEREAS:

- A. On December 28, 2022, a complaint was filed on behalf of Strata EPS 7397 (Strata) regarding the thermal energy services the Strata receives from Kelowna OWS Utility Inc. (Kelowna OWS).
- B. On November 7, 2023, by Order G-302-23, the British Columbia Utilities Commission (BCUC) directed Kelowna OWS to file the Third-Party Engineer Report, which was to include, but not limited to, the Focus Areas 1, 2, 3, and 4 identified in the accompanying Reasons for Decision of the same Order. By order G-302-23, the BCUC also directed Kelowna OWS to file the Third-Party Engineer Report by no later than 90 days from the BCUC's approval of the Third-Party Engineer Retainer Agreement;
- C. By Letter dated December 12, 2023, the BCUC conditionally approved Falcon Engineering Ltd. as the third-party engineering consultant that Kelowna OWS proposed to retain, pursuant to the Third-Party Engineer Retainer Agreement and Directive 2 of Order G-302-23 (Approval of Third-Party Engineer Retainer Agreement);
- D. On March 12, 2024, Kelowna OWS filed the Third-Party Engineer Report, which included information regarding Focus Area 1, but did not include any information regarding Focus Areas 2, 3, and 4. Kelowna OWS indicated that Focus Areas 2, 3, and 4 will be completed by mid-April 2024, mid-May 2024, and mid-June 2024, respectively;
- E. By Letter dated March 28, 2024, the BCUC directed Kelowna OWS to explain why it failed to provide the Third-Party Engineering Report addressing all four Focus Areas with the BCUC by March 11, 2024, in accordance with the directives in Order G-302-23;
- F. By Letter dated April 8, 2024, Kelowna OWS explained that the delays in filing a complete Third-Party Engineering Report have been caused by third parties' delays in providing information required for the investigation, challenges faced to complete on-site work in a timely manner as a result of coordination requirements with the strata and contractors, schedule impacts to on-site tests due to weather conditions,

and the need for further information from different parties as the investigation progresses. Kelowna OWS also indicated that it is making every effort to advance the investigation; however, its primary concern is to provide a correct and comprehensive final report; and

- G. The BCUC has reviewed Kelowna OWS' submissions filed on March 12, 2024, and letter dated April 8, 2024, and considers that an amendment to the filing deadline of the Third-Party Engineering Report is warranted.

NOW THEREFORE the BCUC orders as follows:

1. An amended regulatory timetable is established as outlined in Appendix A to this Order.
2. In the event that Kelowna OWS is not able to meet the deadlines outlined in Appendix A to this Order, it must request an extension in advance of the deadlines and provide the BCUC with reasons for its extension request.

DATED at the City of Vancouver, in the Province of British Columbia, this 18th day of April 2024.

BY ORDER

Original signed by:

B. A. Magnan
Commissioner

Attachment

Kelowna OWS Utility Inc.
Complaint filed by Strata EPS 7397

REGULATORY TIMETABLE

Action	Date (2024)
Kelowna OWS response to Exhibit A-14, dated April 18, 2024	Friday, April 26
Kelowna OWS submits Third-Party Engineer Report for Focus Area 2	Tuesday, April 30
Strata EPS 7397 response to Exhibit A-15, dated April 18, 2024	Wednesday, May 8
Kelowna OWS response to Exhibit A-16, dated April 18, 2024	Wednesday, May 8
Kelowna OWS submits Third-Party Engineer Report for Focus Area 3	Thursday, May 30
Kelowna OWS submits Third-Party Engineer Report for Focus Area 4	Thursday, June 27