



ORDER NUMBER
E-24-24

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

and

British Columbia Hydro and Power Authority
EPA Amendment for NW Energy Williams Lake Wood Waste Facility

BEFORE:

B. A. Magnan, Commissioner
E. A. Brown, Commissioner
E. B. Lockhart, Commissioner
W. E. Royle, Commissioner

on December 6, 2024

ORDER

WHEREAS:

- A. On November 6, 2024, the British Columbia Hydro and Power Authority (BC Hydro) filed with the British Columbia Utilities Commission (BCUC), pursuant to section 71 of the *Utilities Commission Act* (UCA) and Order in Council No. 158, BC Reg. 71/2019 (OIC No. 158), an energy purchase amending agreement by letter dated October 15, 2024 (NWE Williams Lake EPA Amendment), between BC Hydro and Atlantic Power (Williams Lake) Ltd. for its NW Energy (Williams Lake) Wood Waste Facility (Filing);
- B. On April 1, 2019, the Lieutenant Governor in Council issued OIC No. 158, which contains a direction to the BCUC respecting the Biomass Energy Program (Direction). The Direction is applicable to biomass contracts in respect of a biomass facility that BC Hydro entered into between April 1, 2019 and December 31, 2021, as well as amendments to such contracts, and provides that “biomass facility” includes, among others, the NW Energy (Williams Lake) Wood Waste Facility;
- C. Section 3 of the Direction states that the BCUC may not exercise its powers under section 71(1)(b) or (3) of the UCA respecting applicable biomass contracts, and section 4 of the Direction states that the BCUC may not disallow for any reason the recovery in rates of BC Hydro’s costs with respect to a biomass contract;
- D. On January 13, 2020, the BCUC issued Order E-1-20 accepting the energy purchase agreement between BC Hydro and Atlantic Power for its Williams Lake Facility;
- E. Pursuant to section 42 of the *Administrative Tribunals Act* and Part IV of the BCUC’s Rules of Practice and Procedure (Rules), BC Hydro requests that the redacted portions of the Filing and its appendices be kept confidential due to their commercially sensitive nature to BC Hydro and the counterparties to the NWE Williams Lake EPA Amendment;

- F. The BCUC has reviewed the Filing and determines that the NWE Williams Lake EPA Amendment is a “biomass contract” within the meaning of the Direction and that acceptance of the NWE Williams Lake EPA Amendment is warranted; and
- G. The BCUC has not reviewed the Filing from a public interest perspective as the NWE Williams Lake EPA Amendment is a “biomass contract” within the meaning of the Direction.

NOW THEREFORE pursuant to the Direction, section 71 of the UCA and the Rules, the BCUC orders as follows:

- 1. The NWE Williams Lake EPA Amendment is accepted for filing.
- 2. The unredacted version of the Filing will be kept confidential, including the NWE Williams Lake EPA Amendment in its entirety and certain portions of the cover letter, unless otherwise ordered by the BCUC.

DATED at the City of Vancouver, in the Province of British Columbia, this 6th day of December 2024.

BY ORDER

Electronically signed by Bernard Magnan

B. A. Magnan
Commissioner