



ORDER NUMBER
G-48-25

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

and

British Columbia Utilities Commission
Review of Thermal Energy Systems Regulatory Framework Guidelines
Phase 2

BEFORE:

T. A. Loski, Panel Chair
M. Jaccard, Commissioner

on February 26, 2025

ORDER

WHEREAS:

- A. On August 28, 2014, by Order G-127-14, the British Columbia Utilities Commission (BCUC) approved and issued the Thermal Energy System (TES) Regulatory Framework Guidelines (TES Guidelines). Revisions to the TES Guidelines were approved on March 2, 2015, by Order G-27-15;
- B. Section 1 of the TES Guidelines states that the TES Guidelines may be revised or updated from time to time in order to incorporate lessons learned and adjust to evolving market circumstances and changes to the *Utilities Commission Act* (UCA);
- C. On December 20, 2019, by Order G-341-19, the BCUC established a public hearing for the review of the TES Guidelines. The review of the TES Guidelines has been conducted in two phases: Phase 1 consisted of a review of the exemptions (TES Exemptions) granted to certain classes of TES from aspects of BCUC regulation (Phase 1); and, Phase 2 considered the form of BCUC regulation of TES, as well as revisions and updates to the TES Guidelines (Phase 2);
- D. On December 21, 2023, the BCUC concluded Phase 1 of the review of the TES Guidelines and released its Panel Report, which proposed revisions to the TES Exemptions;
- E. On April 3, 2024, by Order G-98-24, the BCUC established a public hearing and regulatory timetable for Phase 2 of the review of the TES Guidelines;
- F. On May 22, 2024, the BCUC issued draft revised TES Guidelines and invited written submissions and reply submissions from registered interveners regarding the draft revised TES Guidelines;
- G. By letter dated January 28, 2025, the BCUC sought the advance approval of the minister responsible for the administration of the *Hydro and Power Authority Act* (Minister) to issue orders granting the TES Exemptions;

- H. By letters dated February 18, 2025, the Minister granted advance approval of the TES Exemptions; and
- I. The BCUC has considered the submissions in this proceeding and determines that adopting revisions to the TES Guidelines is warranted.

NOW THEREFORE the BCUC orders as follows:

1. Order G-27-15 is rescinded.
2. The BCUC's TES Guidelines, attached to this order, and the associated forms, are in effect as of the date of this order.

DATED at the City of Vancouver, in the Province of British Columbia, this 26th day of February 2025.

BY ORDER

Electronically signed by Tom Loski

T. A. Loski
Commissioner

Attachment



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Thermal Energy System Guidelines

British Columbia Utilities Commission

February 26, 2025



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1.0 Part 1 | Introduction

The purpose of these guidelines (TES Guidelines) is to describe the regulatory framework for thermal energy systems in British Columbia (BC). They set out the processes by which the British Columbia Utilities Commission (BCUC) regulates thermal energy system providers in BC as well as the eligibility criteria for thermal energy system class exemptions.

This is the second edition of the BCUC's TES Guidelines.¹ These guidelines may be revised or updated from time to time to incorporate lessons learnt, adjust to evolving market circumstances, and/or reflect changes to the [*Utilities Commission Act* \(UCA\)](#).

1.1 Definition of a Thermal Energy System and a Thermal Energy System Provider

A thermal energy system (TES) consists of equipment or facilities for the production, generation, storage, transmission, sale, delivery or provision of heat, and/or cold. A TES may include plant, equipment, distribution piping, apparatus, property and facilities employed by, or in connection with, the provision of thermal energy services.

In the context of these guidelines, thermal energy services refer to the provision of heating and/or cooling.

A TES typically provides thermal energy for the purpose of heating or cooling a building (i.e. space heating/cooling), and for heating water (i.e. domestic hot water). A TES may also provide thermal energy to non-building customers, such as to heat processes associated with industrial customers.

In BC, a person that sells thermal energy is a public utility and is, therefore, regulated by the BCUC, unless they are specifically excluded from the UCA (such as a municipality in respect of services provided within its own boundaries).²

A TES provider is a public utility that owns and/or operates a TES (TES Provider).³

1.2 To Whom Do these Guidelines Apply?

These guidelines apply to:

- Persons planning to build a TES and become a TES Provider;
- Persons intending to purchase a TES and become a TES Provider;
- TES Providers operating a TES;
- TES Providers selling thermal energy to customers;

¹ The first edition of the BCUC's TES Guidelines was established by BCUC Order G-27-15, dated March 2, 2015 (2015 TES Guidelines). The second edition of the TES Guidelines was established by BCUC Order G-48-25, dated February 26, 2025, and supersedes the original.

² Section 1(1) of the UCA provides the full definition of public utility.

³ For the purposes of these guidelines, TES Provider refers to both prospective and existing TES Providers.

- TES Providers providing sub-metering of thermal energy services;⁴
- TES customers wishing to learn more about the BCUC's regulation of TES Providers; and
- Parties wishing to file a complaint regarding a TES Provider.

These guidelines do not apply to individuals or businesses that supply their own heating or cooling.⁵

1.3 BCUC Regulation of Thermal Energy Systems

The BCUC is responsible for the economic regulation and general supervision of TES Providers in BC as outlined in the UCA. Unless exempted by the BCUC, approval from the BCUC is required for the construction and operation of a TES, as well as for the rate(s) charged to customers by a TES Provider for thermal energy service.

As various TES exist within BC, the BCUC has established categories or types of TES and developed a regulatory framework based on these types in which regulatory oversight increases with the size and scope of the TES. The types of TES established by the BCUC are Strata TES, Micro TES, affiliated and non affiliated Fixed-Scale TES, and District TES. This regulatory framework is set out in these guidelines.

The BCUC performs several functions as the regulator of TES Providers, including:

- approving the construction or purchase of a TES, or granting an exemption from the need for approval;
- approving the rate(s) charged to customers by a TES Provider, or granting an exemption from the need for the approval of rate(s);
- overseeing the operation of a TES, including the reliability and safety of a TES; and
- hearing complaints regarding a TES Provider.

The BCUC may also require TES Providers to file certain information with the BCUC. Documents filed with the BCUC are public, unless there are specific circumstances that the BCUC determines require confidentiality.

If a TES Provider or other party wishes to keep an application or any other submitted information confidential, it must apply for and provide justification to the BCUC in accordance with [Part IV of the BCUC Rules of Practice and Procedure](#). The BCUC expects that most information filed by TES Providers should be public.

TES Providers are responsible for complying with all regulatory requirements. These guidelines do not supersede any actions required by public utilities as prescribed by the UCA, or any other legislation or BCUC order. TES Providers should review the UCA together with these guidelines and any applicable exemption orders.

⁴ The equipment or facilities owned or operated by a person providing thermal energy sub-metering services may meet the definition of a TES and accordingly, a person providing sub-metering of thermal energy services may meet the definition of a TES Provider and may be eligible for a TES class exemption. The BCUC encourages thermal energy sub-metering providers to invoice all rates related to the thermal energy sub-metering service on a separate line of the customer bill and to charge customers based on measured quantities under normal circumstances.

⁵ Under section 1 of the UCA, the definition of public utility does not include a person not otherwise a public utility who provides the service or commodity only to the person or the person's employees or tenants, if the service or commodity is not resold to or used by others.

1.4 TES Guidelines Structure

Part 2 describes the **Types of TES** addressed by these guidelines as well as provides information for legacy (existing) TES Providers.

Part 3 provides information regarding **Complaints about TES Providers**, including how to file a complaint, and what types of complaints the BCUC will and will not hear.

Appendix A provides information for **Strata TES Providers**, including the eligibility criteria for and exemptions granted to Strata TES Providers.

Appendix B provides information for **Micro TES Providers**, including the eligibility criteria for and exemptions granted to Micro TES Providers.

Appendix C provides information for **Fixed-Scale TES Providers**, including the eligibility criteria for, application requirements, and exemptions granted to Fixed-Scale TES Providers.

Appendix D provides information for **Affiliated Fixed-Scale TES Providers**, including regulatory application requirements.

Appendix E provides information for **District TES Providers**, including regulatory application requirements.

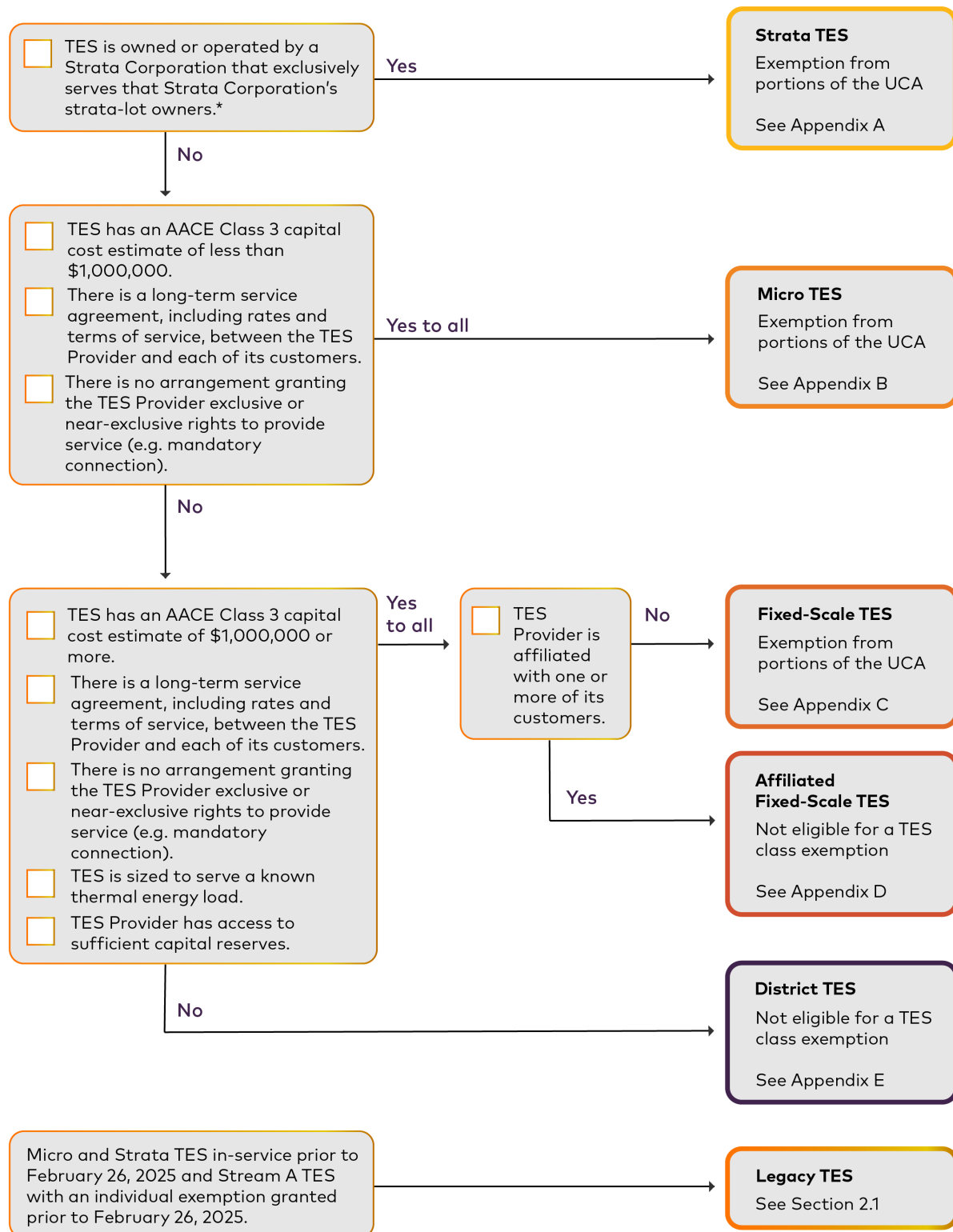
2.0 Part 2 | Types of TES

TES Providers should use the flow chart provided below as a simplified guide to determine the type of TES that they plan to own or operate. TES Providers should then refer to the relevant section or appendix for further detail.

TES Providers that own or operate Legacy (existing) TES, which are Micro or Strata TES that were in-service prior to the issuance of these guidelines (February 26, 2025), or Stream A TES that were granted an individual Stream A exemption order prior to the issuance of these guidelines, should refer to Section 2.1 for information on the application of these guidelines to their operations.

TES Providers are welcome to [contact the BCUC](mailto:commission.secretary@bcuc.com) (commission.secretary@bcuc.com) with any questions about these guidelines.

Figure 1: Types of TES



*For the purposes of these Guidelines, reference to Strata Corporation refers to a person who is a Strata Corporation, or that person's lessee, trustee, receiver or liquidator.

2.1 Legacy TES

This section describes the application of these guidelines to Legacy TES.⁶

Applicable Exemptions

Prior to the issuance of these guidelines, Micro, Strata, and Stream A TES were exempt from aspects of BCUC regulation based on three class exemption orders⁷ issued in 2014. Additionally, each Legacy Stream A TES Provider received an individual exemption order setting out the scope of the BCUC's jurisdiction over its TES.

On February 26, 2025, the 2014 class exemptions were rescinded and three new class exemptions⁸ are now in effect.

The new Micro and Strata TES class exemption orders apply to Legacy Micro and Strata TES, respectively. The individual exemption orders issued to Stream A TES Providers remain in place and are unaffected by the rescission of the 2014 Stream A class exemption.

Exemption Changes

Table 1, below, explains how the scope of exemption applicable to each Legacy TES has changed as of February 26, 2025.

Table 1: Scope of Exemptions Applicable to Legacy TES

Type of TES	Scope of Exemption before February 26, 2025	Scope of Exemption on or after February 26, 2025	Changes
Legacy Micro	Previously exempt from all of Part 3 of the UCA, except for sections 42, 43 and 44. ⁹	Now exempt from all of Part 3 of the UCA, except for sections 23, 25, 38, and 41 to 44. ¹⁰	Sections 23, 25, 38 and 41 of the UCA now apply to Legacy Micro TES. ¹¹
Legacy Strata	Previously exempt from all of Part 3 of the UCA, except for sections 42, 43 and 44. ¹²	Now exempt from all of Part 3 of the UCA, except for sections 23, 25, 38, and 41 to 44. ¹³	Sections 23, 25, 38 and 41 of the UCA now apply to Legacy Strata TES. ¹⁴
Legacy Stream A	Previously exempt from sections 44.1, 45, and 59 to 61. ¹⁵	Still exempt from sections 44.1, 45, and 59 to 61. ¹⁶	No change.

⁶ "Legacy TES" refers to Micro or Strata TES that were in-service prior to date of issuance of these TES Guidelines (February 26, 2025) and Stream A TES that were granted an individual Stream A exemption order prior to issuance of these TES Guidelines (February 26, 2025).

⁷ BCUC Orders G-119-14, G-120-14, and G-121-14.

⁸ BCUC Orders G-45-25, G-46-25, and G-47-25.

⁹ BCUC Order G-119-14.

¹⁰ BCUC Order G-46-25.

¹¹ Sections 23, 25, 38 and 41 of the UCA provide the BCUC with the powers to act on any upheld complaints regarding safety and reliability. Review of Thermal Energy Systems Regulatory Framework Guidelines, December 21, 2023, Panel Report (TES Guidelines Review Phase 1 Panel Report), p. 47.

¹² BCUC Order G-120-14.

¹³ BCUC Order G-45-25.

¹⁴ Sections 23, 25, 38 and 41 of the UCA provide the BCUC with the powers to act on any upheld complaints regarding safety and reliability. TES Guidelines Review Phase 1 Panel Report, p. 53.

¹⁵ BCUC Order G-121-14 and individual exemption orders.

¹⁶ BCUC Order G-47-25 and individual exemption orders.

Eligibility Criteria

These guidelines establish new criteria for TES to be eligible for exemption; however, **these new eligibility criteria do not apply to Legacy TES**. The BCUC recognizes that it may not be possible and/or practical for Legacy TES to adhere to eligibility criteria that were not in effect at the time the TES was brought into service. As such, the eligibility criteria established by the 2015 TES Guidelines remain applicable to Legacy TES as set out below.

Legacy Micro TES

To be exempt under the Micro TES class exemption,¹⁷ Legacy Micro TES need only to have a capital cost that is less than \$500,000.¹⁸ If subsequent capital additions, including extensions, result in a TES that has, in aggregate, a capital cost of \$500,000 or more, the TES no longer qualifies as a Legacy Micro TES.

If the TES no longer qualifies as a Legacy Micro TES by exceeding the \$500,000 capital cost threshold, the TES Provider should determine whether it qualifies as a Micro TES under the new eligibility criteria set out in these guidelines (see Appendix B) or whether application as a Fixed-Scale, Affiliated Fixed-Scale, or District TES is required (see Appendices C, D, E, respectively).

Legacy Strata TES

No changes have been made to the eligibility criteria in these guidelines as compared to the 2015 TES Guidelines. To be exempt under the Strata TES class exemption,¹⁹ Legacy Strata TES must be owned or operated by a Strata Corporation²⁰ and exclusively serve that Strata Corporation's strata lot-owners.

Legacy Stream A TES

Exemptions continue to be governed by the individual exemption orders issued to these TES Providers. Any changes to the TES may result in it no longer qualifying as a Legacy Stream A TES. In this case, the TES Provider should determine whether it qualifies as a Micro TES under the new eligibility criteria set out in these guidelines (see Appendix B) or whether application as a Fixed-Scale, Affiliated Fixed-Scale or District TES is required (see Appendices C, D, E, respectively).

Requirements

These guidelines set out several other requirements and processes applicable to TES Providers, such as reporting requirements, the scope and process for complaints, capital reserve requirements, payment of the BCUC levy and/or other applicable costs, etc. **All such requirements set out by these guidelines apply to Legacy TES Providers, some of which have changed from the 2015 TES Guidelines.**

Legacy Micro and Strata TES

Changes from the 2015 TES Guidelines include the scope and process for complaints.

While Legacy Micro and Strata TES Providers were previously exempt from sections 23, 25, 38, and 41 of the UCA, this did not preclude the BCUC from hearing complaints related to the safety or reliability of these TES. Legacy Micro and Strata TES Providers remained, and continue to be, subject to the BCUC's jurisdiction under Part 6 of the UCA, which includes the BCUC's power to investigate or take action on a complaint. Legacy Micro and Strata TES Providers should refer to Appendices A and B for a description of all requirements and processes.

¹⁷ BCUC Order G-46-25.

¹⁸ If required by the BCUC, a Legacy Micro TES Provider must be able to demonstrate that the capital cost of the system and any capital additions, including extensions, in aggregate, is less than \$500,000 to qualify for the exemption.

¹⁹ BCUC Order G-45-25.

²⁰ For the purposes of these guidelines, reference to Strata Corporation refers to a person who is a Strata Corporation, or that person's lessee, trustee, receiver or liquidator.

Legacy Stream A TES

Changes from the 2015 TES Guidelines include annual and ad hoc reporting requirements. Legacy Stream A TES Providers should refer to Appendix C: Fixed-Scale TES for a description of all requirements and processes.

3.0 Part 3 | Complaints about TES Providers

The BCUC's [Customer Complaints Guide](#) provides information about filing a complaint with the BCUC and navigating the BCUC's complaints process. Parties should review the Customer Complaints Guide together with this section.

The BCUC will typically only review complaints from the TES customer who has entered into an agreement with the TES Provider, as opposed to end-users. For example, where the customer of a TES is a Strata Corporation, only the Strata Corporation may bring forward a complaint to the BCUC on behalf of the strata members. Strata members who bring forward a complaint to the BCUC will be directed to raise the issue with their Strata Corporation Council, the TES customer.

Before Filing a Complaint

Complainants must contact the TES Provider to try to resolve the matter. Many complaints are successfully resolved between the complainant and the TES Provider. **Before the BCUC will review a complaint, the complainant must satisfy the BCUC that it has made a serious attempt to resolve the matter with the TES Provider.** The BCUC's Customer Complaints Guide includes guidance on what information to keep as written records.

Filing a Complaint

If the TES Provider is unable to resolve the complaint, the complainant may file a written complaint with the BCUC. The BCUC's Customer Complaints Guide describes the necessary information to include in the complaint and the BCUC's website outlines how to file the complaint.

Review of a Complaint

The BCUC will review the complaint and the information submitted by the complainant in support of the complaint. If the complaint is within the BCUC's jurisdiction, the BCUC will provide the TES Provider with an opportunity to resolve the complaint or respond with their own information. The BCUC may ask the TES Provider to provide specific information and will consider all information in assessing the complaint.

If warranted, the BCUC may escalate the complaint to an adjudication process. This may result in a hearing where the BCUC may lift any applicable exemption(s), set rates and terms of service, order the TES Provider to improve service and/or other action the BCUC deems necessary. It is at the BCUC's discretion to determine what action, if any, to take on a complaint. Further, the BCUC may apportion proceeding costs between the TES Provider and other participants in the proceeding, as appropriate.

Scope of Complaints that the BCUC will Consider

Strata TES

Complaints may be filed with the BCUC regarding Strata TES Providers, including about matters related to safety²¹ and reliability²². Given the presence of other legislation, such as the [Strata Property Act](#), the BCUC will not hear complaints regarding rates or terms of service.²³

²¹ Complaints pertaining to safety may include that the operation of the TES has caused, or has the potential to cause, harm or injury to persons, or material damage that impairs the value, condition or function of property.

²² Complaints pertaining to reliability may include that the TES is performing, or has a high probability of performing, in an unreliable manner such that service is not adequate, dependable or consistent.

²³ TES Guidelines Review Phase 1 Panel Report, p. 14.

Micro TES and Fixed-Scale TES

Complaints may be filed with the BCUC regarding Micro and Fixed-Scale TES Providers, including about matters related to safety²¹ and reliability²² and certain matters related to rates and terms of service.

The scope of rate-related complaints is limited to:

- Accordance with regulatory requirements: The rates, rate adjustment method (as applicable) and/or terms of service were not disclosed in the long-term service agreement for the term of the agreement; and/or the long-term service agreement does not meet the minimum requirements established by these guidelines. For Fixed-Scale TES, complaints may also be filed where the plain language explanation does not adhere to the minimum requirements established by these guidelines.
- Accordance with long-term service agreement: The rates charged and/or the terms of service do not conform to the long-term service agreement between the TES Provider and the TES customer. The BCUC will not consider the propriety of rates so long as the TES Provider is charging rates that are in accordance with the long-term service agreement. For Fixed-Scale TES, complaints may also be filed where the rates charged and/or the terms of service do not conform to the plain language explanation.

Affiliated Fixed-Scale and District TES

The BCUC will review all complaints within its jurisdiction regarding Affiliated Fixed-Scale and District TES Providers.

Appendix A: Strata TES

A.0 Strata TES

Appendix A provides information for Strata TES Providers. This includes details about the applicable TES class exemption, how to qualify for it, and other relevant information.

A.1 Eligibility Criteria

A Strata TES is a TES owned or operated by a Strata Corporation²⁴ (Strata TES Provider) that exclusively serves that Strata Corporation's strata-lot owners.

A.2 Exemptions Granted

No application or registration is required for Strata TES Providers to qualify for a Strata TES class exemption.

Strata TES Providers are exempt from active regulation by the BCUC for the specific Strata TES. Therefore, Strata TES Providers do not need to seek BCUC approval to construct the Strata TES nor is there a need to seek BCUC approval for the rates charged to strata-lot owners.

Specifically, Strata TES Providers are exempt from Part 3 of the UCA, except for the following sections:²⁵

- Section 23 – General supervision of public utilities
- Section 25 – BCUC may order improved service
- Section 38 – Public utility must provide service
- Section 41 – No discontinuance without permission
- Section 42 – Duty to obey orders
- Section 43 – Duty to provide information
- Section 44 – Duty to keep records

A.3 Reporting Requirements

There are no annual or safety reporting requirements for Strata TES Providers.²⁶

A.4 BCUC Regulation Levy and Recovery of Proceeding Costs

Strata TES Providers are not required to pay the BCUC regulation levy.

Strata TES Providers may be required to pay proceeding costs should a proceeding be required, such as a proceeding resulting from a complaint regarding a Strata TES Provider. The BCUC may apportion proceeding costs between the Strata TES Provider and other participants in the proceeding, as appropriate.

²⁴ For the purposes of these guidelines, reference to Strata Corporation refers to a person who is a Strata Corporation, or that person's lessee, trustee, receiver or liquidator.

²⁵ BCUC Order G-45-25.

²⁶ The BCUC's annual reporting requirements, which are set out in BCUC Letter L-46-23, and the BCUC's Safety Reporting Requirements, as established in the BCUC's Public Utility Safety Guidelines, do not apply to Strata TES Providers.

A.5 Complaints

Complaints may be filed with the BCUC regarding Strata TES Providers, including about matters related to safety²⁷ and reliability.²⁸ Given the presence of other legislation, such as the [Strata Property Act](#), the BCUC will not hear complaints regarding rates or terms of service.

²⁷ Complaints pertaining to safety may include that the operation of the TES has caused, or has the potential to cause, harm or injury to persons, or material damage that impairs the value, condition or function of property.

²⁸ Complaints pertaining to reliability may include that the TES is performing, or has a high probability of performing, in an unreliable manner such that service is not adequate, dependable or consistent.

Appendix B: Micro TES

B.0 Micro TES

Appendix B provides information for Micro TES Providers. This includes details about the applicable TES class exemption, how to qualify for it, and other relevant information.

B.1 Eligibility Criteria

A Micro TES is a TES owned or operated by a TES Provider (Micro TES Provider) that meets the following eligibility criteria:

1. The TES has an AACE²⁹ Class 3 capital cost estimate of less than \$1,000,000;³⁰
2. There is no arrangement granting the TES Provider exclusive or near-exclusive rights to provide service (e.g. mandatory connection);³¹ and
3. There is a long-term service agreement, including rates and terms of service, between the TES Provider and each of its customers. The long-term service agreement must set out all rates for the term, or initial rates and the method by which the rates will adjust over the term. The terms of service must include, but are not limited to, terms pertaining to the disconnection of service to a particular customer, termination of the agreement, emergency services and complaints.³²

If subsequent capital additions, including extensions, result in a TES that has, in aggregate, a capital cost of \$1,000,000 or more, the Micro TES Provider must apply to the BCUC for approval as a Fixed-Scale, Affiliated Fixed-Scale or District TES, as applicable.

B.2 Exemptions Granted

No application or registration is required for Micro TES Providers to qualify for a Micro TES class exemption.

Micro TES Providers are exempt from active regulation by the BCUC for the specific Micro TES. Therefore, Micro TES Providers do not need to seek BCUC approval to construct the Micro TES nor is there a need to seek BCUC approval for the rates charged to its customer(s).

Specifically, Micro TES Providers are exempt from all of Part 3 of the UCA, except the following sections:³³

- Section 23 – General supervision of public utilities
- Section 25 – BCUC may order improved service

²⁹ Association for the Advancement of Cost Engineering International.

³⁰ This threshold is based on the cost to construct the TES and is not related in any way to the purchase price. Where the original cost estimate is not easily available, the TES Provider is expected to use its best efforts to determine the construction cost. The construction cost should reflect the cost to acquire the physical components at the time the TES was constructed along with all costs that are incurred to install the components and ensure that they operate correctly at the time of commissioning.

³¹ The requirement that there be no arrangement granting a TES Provider an exclusive right to provide thermal energy applies only to the transaction between a TES Provider and a TES customer, such as a strata corporation. The end-user of the thermal energy service, such as a tenant or strata unit holder, may be required to take thermal energy service based on the terms established in the agreement between the TES Provider and the TES customer. In such cases, the TES is still eligible for the Micro TES class exemption.

³² The BCUC encourages Micro TES Providers to incorporate the minimum requirements for long-term service agreements that are established for Fixed-Scale TES, which are set out in Appendix C.

³³ BCUC Order G-46-25.

- Section 38 – Public utility must provide service
- Section 41 – No discontinuance without permission
- Section 42 – Duty to obey orders
- Section 43 – Duty to provide information
- Section 44 – Duty to keep records

Although there is no requirement for Micro TES Providers to file an application to qualify for a Micro TES class exemption, they must retain all records to demonstrate to the BCUC, if required to do so, that the TES meets the eligibility criteria of a Micro TES. Demonstration of exemption eligibility may arise following a complaint, or for any reason considered necessary by the BCUC. Such records include:

- Capital cost estimates;
- Documentation to demonstrate that there are no arrangements granting an exclusive or near exclusive right to provide thermal energy service; and
- Long-term service agreement(s) between the Micro TES Provider and its customer(s).

B.3 Reporting Requirements

There are no annual or safety reporting requirements for Micro TES Providers.³⁴

B.4 BCUC Regulation Levy and Recovery of Proceeding Costs

Micro TES Providers are not required to pay the BCUC regulation levy.

Micro TES Providers may be required to pay proceeding costs should a proceeding be required, such as a proceeding resulting from a complaint against a Micro TES Provider. The BCUC may apportion proceeding costs between the Micro TES Provider and other participants in the proceeding, as appropriate.

B.5 Complaints

Complaints may be filed with the BCUC regarding Micro TES Providers, including about matters related to safety³⁵ and reliability³⁶ and certain matters related to rates and terms of service. The scope of rate-related complaints is limited to:

- Accordance with regulatory requirements: The rates, rate adjustment method (as applicable) and/or terms of service were not disclosed in the long-term service agreement for the term of the agreement and/or the long-term service does not meet the minimum requirements established by these guidelines.
- Accordance with long-term service agreement: The rates charged and/or the terms of service do not conform to the long-term service agreement between the Micro TES Provider and the TES customer. The BCUC will not consider the propriety of rates so long as the Micro TES Provider is charging rates that are in accordance with the long-term service agreement.

³⁴ The BCUC's annual reporting requirements, which are set out in BCUC Letter L-46-23, and the BCUC's Safety Reporting Requirements, as established in the BCUC's Safety Guidelines, do not apply to Micro TES Providers.

³⁵ Complaints pertaining to safety may include that the operation of the TES has caused, or has the potential to cause, harm or injury to persons, or material damage that impairs the value, condition or function of property.

³⁶ Complaints pertaining to reliability may include that the TES is performing, or has a high probability of performing, in an unreliable manner such that service is not adequate, dependable or consistent.

Appendix C: Fixed-Scale TES

C.0 Fixed-Scale TES

Appendix C provides information for Fixed-Scale TES Providers. This includes details about the applicable TES class exemption and how to apply for it, minimum requirements for long-term service agreements between Fixed-Scale TES Providers and their customers, reporting requirements, and other relevant information.

C.1 Eligibility Criteria

A Fixed-Scale TES is a TES owned or operated by a TES Provider (Fixed-Scale TES Provider) that meets the following eligibility criteria:

1. The TES is sized to serve a known thermal energy load;³⁷
2. There is a long-term service agreement, including rates and terms of service, between the TES Provider and each of its customers. The long-term service agreement must meet the minimum requirements established by Section C.4 and must be executed and filed with the BCUC prior to operation;
3. The TES has an AACE³⁸ Class 3 capital cost estimate of \$1,000,000 or more;³⁹
4. The TES Provider has access to sufficient capital reserves. Further information on capital reserve requirements is provided in Section C.5;
5. There is no arrangement granting the TES Provider exclusive or near exclusive rights to provide service (e.g. mandatory connection);⁴⁰ and
6. The TES Provider is not affiliated to any of its customers.⁴¹

To be eligible for the Fixed-Scale TES exemption, the TES must meet all the criteria listed above.

If the long-term service agreement is entered into by two parties that are affiliated, the TES is not eligible for this exemption. In this case, the TES Provider should refer to Appendix D.

³⁷ Known thermal energy load is the forecast thermal energy demand of the TES' customer(s). The TES system capacity and the installed infrastructure must be limited to that which is necessary to serve this forecast demand.

³⁸ Association for the Advancement of Cost Engineering International.

³⁹ This threshold is based on the cost to construct the TES and is not related in any way to the purchase price.

⁴⁰ The requirement that there be no arrangement granting a TES Provider an exclusive right to provide thermal energy applies only to the transaction between a TES Provider and a TES customer, such as a strata corporation. The end-user of the thermal energy service, such as a tenant or strata unit holder, may be required to take thermal energy service based on the terms established in the agreement between the TES Provider and the TES customer. In such cases, the TES is still eligible for the Fixed-Scale TES exemption.

⁴¹ For the purposes of these guidelines, the BCUC considers that a TES Provider and a TES customer are affiliates if one of them is a subsidiary of the other, both of them are subsidiaries of the same entity, or each of them is controlled by the same person. The BCUC may determine, in its discretion, that a TES Provider and a TES customer are affiliates in circumstances where there is reason to consider that the parties are not independent of each other. In exercising this discretion, the BCUC will consider the nature of relationships between the parties, including for example any partnership or joint venture between the parties. This may include, but is not limited to, situations where an owner-developer signs an agreement with an affiliated TES Provider on behalf of a future strata customer.

C.2 Exemptions Granted

Fixed-Scale TES Providers are eligible for exemption from rate regulation, the requirement for approval to construct and operate the TES (known as a Certificate of Public Convenience and Necessity (CPCN)), the obligation to serve, and long-term resource and conservation planning for the specific TES.

Specifically, Fixed-Scale TES Providers are eligible to be exempt from the following sections of the UCA:

- Sections 28 to 30, 34 to 35, 39 – Obligation to serve potential customers
- Section 44.1 – Long-term resource and conservation planning
- Section 45 – CPCN
- Sections 59 to 61 – Rates and rate schedules

C.3 Exemption Application Requirements

Fixed-Scale TES Providers must apply to the BCUC to request the Fixed-Scale TES exemption.

A TES Provider must not begin the construction or operation of a public utility plant or system without first obtaining a CPCN or receiving an exemption from the need for a CPCN.⁴² Therefore, Fixed-Scale TES Providers must apply for and be granted the Fixed-Scale TES exemption in advance of constructing or purchasing a TES.

To apply for the Fixed-Scale exemption, Fixed-Scale TES Providers must file a [Fixed-Scale TES Exemption Application Form](#) with the BCUC and should do so a minimum of 45 days in advance of the desired approval date. The Fixed-Scale TES exemption application form requires information demonstrating that all eligibility criteria of a Fixed-Scale TES are met.

As part of the BCUC's review of the exemption application, the BCUC may ask clarifying questions to the TES Provider. Following review, the BCUC will either:

- issue an order granting the TES Provider a Fixed-Scale TES exemption for the specific TES;⁴³ or
- notify the TES Provider that the Fixed-Scale exemption will not be granted, in which case the TES Provider may either re-apply addressing any deficiencies or may seek BCUC approval to construct and operate the TES by filing a CPCN and rates application.

If the TES Provider does not receive a Fixed-Scale TES exemption, the TES Provider should refer to the requirements of a District TES or an Affiliated Fixed-Scale TES (if applicable), unless otherwise informed by the BCUC.

⁴² UCA, section 45(1).

⁴³ Given that Fixed-Scale TES Providers are exempt from sections 59 to 61 of the UCA (rates and rate schedules), once a Fixed-Scale TES Provider has been granted a Fixed-Scale TES exemption for the specific TES, it does not need to seek BCUC approval for its rates.

All long-term service agreements must be filed with the BCUC. If a Fixed-Scale TES Provider is unable to file executed agreement(s) at the time of the exemption application, the Fixed-Scale TES Provider must:

- attest in the exemption application form that all long-term service agreements will be in place prior to the start of operations and that such agreements will meet the minimum requirements established by these guidelines; and
- file each long-term service agreement with the BCUC once executed and prior to the start of operations.

Failure to file all executed long-term service agreements prior to the start of operations may result in the BCUC lifting the exemptions granted to the TES Provider, potentially limiting the TES Provider's ability to charge for service.

C.4 Minimum Requirements for Long-Term Service Agreements

Fixed-Scale TES Providers must have a long-term service agreement with each of its customers. Fixed-Scale TES Providers must also provide a plain language explanation of the Fixed-Scale TES to each of its customers and/or prospective customers. This section sets out the minimum provisions for these items, both of which must be filed with the BCUC prior to the start of operations.

Long-Term Service Agreement

Given the TES Provider's ongoing obligation to provide safe and reliable service under the UCA, the service(s) provided by the TES Provider should continue for as long as the premise(s) are occupied, while the initial term of the agreement should be for a period of at least 20 years.

Long-term service agreement(s) between the Fixed-Scale TES Provider and its customer(s) must, at a minimum, include the items listed below:

1. Identification of the thermal energy service(s) provided by the Fixed-Scale TES Provider.
2. Description of the scope of TES assets owned by the Fixed-Scale TES Provider versus any thermal energy service-related assets owned by the customer or others.
3. All rates for thermal energy service, including:
 - a. the initial rate(s);
 - b. the future rate(s) or the rate adjustment method for future rate(s) changes for the term of the agreement;
 - c. any minimum or maximum bill amounts and/or volumes applicable to the long-term service agreement. If none exist, this should be clearly stated;
 - d. any lump sum payment(s) that may be required at defined stages of the agreement, such as the start and/or end;
 - e. any defined charges for the termination or non-renewal of the long-term service agreement by the customer. Clauses must clearly state what is to be paid and/or how it will be calculated.
4. Explanation of how the billing determinants for all applicable rates are determined, metered, calculated or estimated, whichever is applicable.
5. Description of the circumstances, if any, where disconnection of service may occur and, if applicable, the required actions and timing for service reconnection to occur.
6. Identification of any costs that are not covered under the TES rates that will be at the customers' own expense, such as fuel input costs.

7. Telephone number or other means by which customers will be able to contact the TES Provider in the event of disputes and/or concerns with rates and/or services.
8. Telephone number or other means by which customers will be able to contact the TES Provider in the event of an emergency.
9. Information regarding the BCUC complaints process.
10. Description of the role of the BCUC, including, at a minimum, the following clause:

The Customer acknowledges [TES Provider name] is a public utility as defined in the *Utilities Commission Act*. The British Columbia Utilities Commission has not reviewed this Agreement, nor has it approved the rates charged for thermal energy service. Any disputes between the Customer and the TES Provider that are within the jurisdiction of the British Columbia Utilities Commission pursuant to the *Utilities Commission Act*, may be referred for determination to the British Columbia Utilities Commission. The British Columbia Utilities Commission has established guidelines for the regulation of thermal energy systems, which are available at bcuc.com.

Plain Language Explanation

Fixed-Scale TES Providers must provide a plain language explanation of the TES and the services provided to each of its customers and/or prospective customers. This should be provided with a property disclosure statement or similar document provided to an end user, such as a purchaser of a strata unit served by the Fixed-Scale TES Provider.

The explanation should, at a minimum, plainly state the thermal energy services provided, the term of the agreement, the initial rate and how it changes over time, billing arrangements, and scope of assets owned by the TES Provider versus the customer. It should also describe the circumstances under which any penalty or termination payments would be payable, and the relevant BCUC complaint processes.

C.5 Capital Reserve Requirements

A Fixed-Scale TES Provider must have sufficient capital reserve provisions in place to ensure its ability to replace or repair equipment essential to maintaining safe and reliable service. The need for replacement or repair may arise in situations where equipment either fails to operate prior to its end of life or as it comes to the end of its planned useful life.

As part of the Fixed-Scale TES exemption application form, Fixed-Scale TES Providers are required to:

- State the minimum amount of capital reserves that are planned to be held and/or accessible for each year that the Fixed-Scale TES is operating. A Fixed-Scale TES Provider may have access to sufficient capital reserve provisions through a combination of borrowing capacity, letters of credit, shareholder financing, cash reserves, insurance, etc.;
- Explain why the planned and/or accessible capital reserve provisions are reasonable, given the size, capacity and/or complexity of the specific TES; and
- Explain if capital reserves are calculated on a portfolio basis (multiple TES) or an individual TES basis.

Fixed-Scale TES Providers must also attest in each annual report that the minimum amount of capital reserves continues to be held and/or remain accessible.

The BCUC may, at any time, initiate a further review of a Fixed-Scale TES Provider's capital reserve provisions.

C.6 Extensions

An extension is a capital addition to the TES to provide additional thermal generating capacity to meet increased demand and/or expand the service area of the TES.

The basis for the Fixed-Scale TES class exemption is that the TES is constructed with only the thermal generating capacity and distribution equipment required to serve a known load.⁴⁴ As such, a Fixed-Scale TES is expected not to require extension(s). Circumstances may arise, however, where a Fixed-Scale TES Provider identifies an opportunity to serve additional customers, and where it is in the interests of its current customers to do so.

BCUC approval is required prior to constructing or operating an extension to a Fixed-Scale TES.

The Fixed-Scale TES Provider must file a new [Fixed-Scale TES Exemption Application Form](#) with the BCUC and should do so a minimum of 45 days in advance of the desired approval date.

The BCUC will review the application to determine whether the Fixed-Scale TES exemption continues to apply to the TES with the extension. If the TES, with the proposed extension, does not meet the eligibility criteria of a Fixed-Scale TES, the TES Provider would need to seek the necessary approvals from the BCUC as a District TES (or Affiliated Fixed-Scale TES, if applicable). See Appendix E (or D, if applicable) for further information on these requirements.

C.7 Reporting Requirements

Annual Report

All Fixed-Scale TES Providers must submit to the BCUC on or before February 15 an annual report for the previous calendar year, in accordance with the [Fixed-Scale TES Annual Report Form](#). TES Providers with more than one Fixed-Scale TES may file a single annual report itemizing each TES.

Information provided in the Fixed-Scale TES Provider's annual report regarding energy delivered and sales is used in the BCUC's assessment of the annual levy paid by Fixed-Scale TES Providers and is also included within the BCUC's Annual Report to the BC Legislature. Accordingly, this information will not be held confidential.

Fixed-Scale TES Providers may also be required to file certain safety related information in their annual report, as described below.

Safety Reporting

The BCUC's [Public Utility Safety Guidelines](#) set out reporting requirements that apply to all public utilities that are subject to the BCUC's jurisdiction under sections 23, 25, 38, and 42 of the UCA, unless otherwise directed by the BCUC. Fixed-Scale TES Providers should review the BCUC's Public Utility Safety Guidelines together with these guidelines.

⁴⁴ TES Guidelines Review Phase 1 Panel Report, p. 24.

The following sets out the applicability of the BCUC's Public Utility Safety Guidelines reporting requirements for all Fixed-Scale TES Providers and describes the safety related information that must be filed with the BCUC:

- **The Emergency Reporting requirement applies to Fixed-Scale TES Providers**
A Fixed-Scale TES Provider must notify the BCUC as soon as practicable following a critical safety incident arising from its service, for example, an incident involving death or serious injury, or an incident where the Fixed-Scale TES' service caused significant damage to public or private property and/or posed a significant risk to public safety.⁴⁵
- **The Annual Safety Declaration reporting requirement does not apply to Fixed-Scale TES Providers**
Fixed-Scale TES Providers are to include a summary of the following in their annual report based on the previous calendar year:
 - any material safety incidents,
 - any investigations performed by another regulator into material safety incidents, and
 - any material penalties/fines related to safety issued by a regulator to the TES Provider (together, "material safety matters").⁴⁶

TES Providers that have experienced no material safety matters in the previous calendar year have no safety reporting requirements in their annual report. The BCUC encourages TES Providers to engage with BCUC staff regarding the appropriate materiality threshold for their utility prior to filing material safety matters in their annual report to ensure the appropriate balance of transparency and regulatory burden.

- **Ad Hoc Engagement applies to Fixed-Scale TES Providers**
Ad Hoc Engagement with BCUC staff regarding Fixed-Scale TES safety-related matters is encouraged.

C.8 TES Ownership

As noted in Section C.2, Fixed Scale TES Providers are exempt from certain sections of the UCA. Fixed Scale TES Providers remain subject to many other obligations set out by the UCA, including obligations regarding TES ownership. Approval must be obtained from the BCUC pursuant to sections 52 to 54 of the UCA, as applicable, prior to any transfer of ownership or a reviewable interest, or any consolidation, merger, or amalgamation of a Fixed-Scale TES or TES Provider.

The current owner of the Fixed-Scale TES must provide the new owner with copies of the accounts and records of the Fixed-Scale TES, and the new owner must ensure that they maintain and keep this information, unless otherwise directed by the BCUC.

C.9 BCUC Regulation Levy and Recovery of Proceeding Costs

Fixed-Scale TES Providers are required to pay the BCUC regulation levy.⁴⁷

Fixed-Scale TES Providers may be required to pay proceeding costs. A proceeding is typically required to complete the review of an exemption application and may be required as a result of a complaint against a TES.

⁴⁵ BCUC Public Utility Safety Guidelines, p. 2.

⁴⁶ As stated in the Public Utility Safety Guidelines, the BCUC generally expects that material safety matters would be of a magnitude that would attract the significant interest of the public of British Columbia. TES Providers are expected to use reasonable discretion in determining what constitutes a material safety matter.

⁴⁷ The BCUC recovers its expenses, arising from the administration of the UCA, through an annual levy. The levy is apportioned among regulated utilities on the basis of energy sold in a calendar year. For reference, the levy was \$0.0436 per GJ for calendar year 2023.

The BCUC may apportion proceeding costs between the Fixed-Scale TES Provider and other participants in the proceeding, as appropriate.

C.10 Complaints

Complaints may be filed with the BCUC regarding Fixed-Scale TES Providers, including about matters related to safety⁴⁸ and reliability⁴⁹ and certain matters related to rates and terms of service.

The scope of rate-related complaints is limited to:

- Accordance with regulatory requirements: The rates, rate adjustment method (as applicable) and/or terms of service were not disclosed in the long-term service agreement for the term of the agreement or were not plainly stated; and/or the long-term service agreement and/or plain language explanation does not meet the minimum requirements established by these guidelines.
- Accordance with long-term service agreement: The rates charged and/or the terms of service do not conform to the long-term service agreement between the Fixed-Scale TES Provider and the TES customer, or the plain language explanation provided. The BCUC will not consider the propriety of rates so long as the Fixed-Scale TES Provider is charging rates that are in accordance with the long-term service agreement.

⁴⁸ Complaints pertaining to safety may include that the operation of the TES has caused, or has the potential to cause, harm or injury to persons, or material damage that impairs the value, condition or function of property.

⁴⁹ Complaints pertaining to reliability may include that the TES is performing, or has a high probability of performing, in an unreliable manner such that service is not adequate, dependable or consistent.

Appendix D: Affiliated Fixed-Scale TES

D.0 Affiliated Fixed-Scale TES

Appendix D provides information for Affiliated Fixed-Scale TES Providers. This includes details about applicable regulatory applications, reporting requirements, and other relevant information.

An Affiliated Fixed-Scale TES is a TES owned or operated by a TES Provider (Affiliated Fixed-Scale TES Provider) that meets the eligibility criteria of a Fixed-Scale TES but the TES Provider is affiliated with one or more of its customers.

This may include, but is not limited to, a situation where an owner-developer of a new building is affiliated with the TES Provider providing service to this building and the owner-developer executes a long-term service agreement on behalf of a future strata corporation.

For the purposes of these guidelines, the BCUC considers that a TES Provider and a TES customer are affiliates if one of them is a subsidiary of the other, both of them are subsidiaries of the same entity, or each of them is controlled by the same person. The BCUC may determine, in its discretion, that a TES Provider and a TES customer are affiliates in circumstances where there is reason to consider that the parties are not independent of each other. In exercising this discretion, the BCUC will consider the nature of relationships between the parties, including for example any partnership or joint venture between the parties.

Where the TES Provider and the TES customer of a Fixed-Scale TES are affiliated with one another, no TES class exemptions are applicable.⁵⁰

As such, a Certificate of Public Convenience and Necessity (CPCN) must be granted to the TES Provider prior to construction or purchase of a TES, and rates (interim or permanent) must be approved by the BCUC prior to charging customers for thermal energy service.

D.1 Minimum Requirements for Long-Term Service Agreements

Affiliated Fixed-Scale TES Providers, same as Fixed-Scale TES Providers, must have a long-term service agreement with each of its customers. As described in Section D.2.2, Affiliated Fixed-Scale TES Providers must file all long-term service agreements as part of their rate(s) applications for approval by the BCUC.

The same minimum requirements as outlined in Appendix C (Section C.4) for Fixed-Scale TES Providers are applicable to these agreements, with one exception: in place of requirement 10, Affiliated Fixed-Scale TES Providers are to include the following:

The Customer acknowledges [TES Provider name] is a public utility as defined in the *Utilities Commission Act*. Any disputes between the Customer and the TES Provider that are within the jurisdiction of the British Columbia Utilities Commission pursuant to the *Utilities Commission Act*, may be referred for determination to the British Columbia Utilities Commission. The British Columbia Utilities Commission has established guidelines for the regulation of thermal energy systems, which are available at bcuc.com.

⁵⁰ TES Guidelines Review Phase 1 Panel Report, p. 37. The BCUC found that it is appropriate to regulate TES Providers in cases where there is a conflict of interest between the TES Provider and the TES customer.

Similarly, Affiliated Fixed-Scale Providers are to provide a plain language explanation of the TES to its customers/prospective customers. As described in Section D.2.2, Affiliated Fixed-Scale TES Providers must file all plain language explanations as part of their rate(s) applications. The same requirement as outlined in Appendix C for Fixed-Scale TES Providers is applicable to Affiliated Fixed-Scale Providers, however, the plain language explanation must make clear that any rate(s) identified are subject to approval by the BCUC.

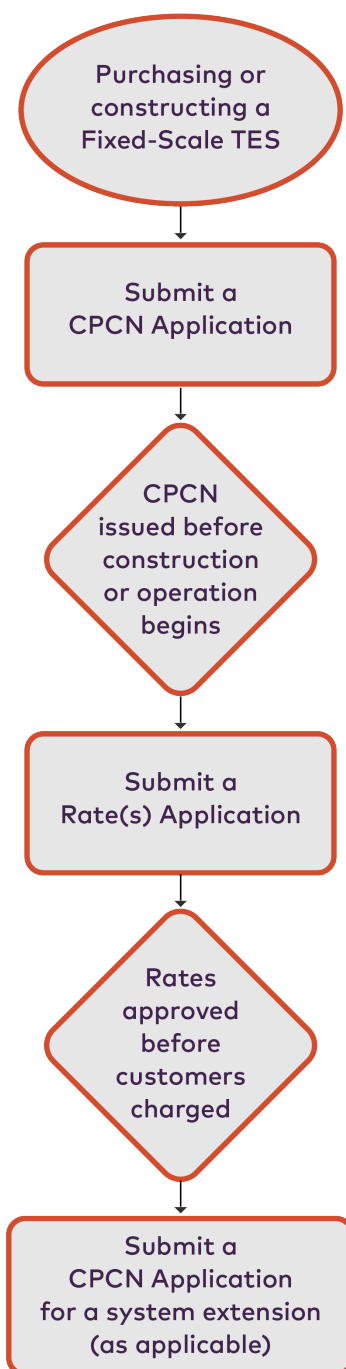
D.2 Regulatory Application Process and Requirements

This section provides guidance for the following regulatory applications applicable to Affiliated Fixed-Scale TES Providers:

- CPCN applications: Affiliated Fixed-Scale TES Providers must apply for and be granted a CPCN in advance of constructing a TES or prior to purchasing a TES;
- Rate(s) applications: Affiliated Fixed-Scale TES Providers must apply for and be granted approval of rates (interim or permanent) prior to charging customers for service; and
- CPCN applications for system extensions: BCUC approval is required prior to constructing an extension to the TES.

Please refer to the Affiliated Fixed-Scale TES Regulatory Application flowchart below.

Figure 2: Affiliated Fixed-Scale TES Regulatory Application Flowchart



D.2.1 CPCN Application

To apply for a CPCN, Affiliated Fixed-Scale TES Providers should:

- complete an [Affiliated Fixed-Scale TES CPCN application form](#); and
- file it a minimum of 90 days in advance of the desired approval date.

Affiliated Fixed-Scale TES Providers must apply for and be granted a CPCN in advance of constructing or purchasing a TES.⁵¹

The BCUC's [CPCN Guidelines](#)⁵² do not apply to Affiliated Fixed-Scale TES Providers. The information in the Affiliated Fixed-Scale TES CPCN application form is expected to be sufficient for the BCUC to determine whether the Affiliated Fixed-Scale TES is in the public interest.

Once received, the BCUC will undertake a preliminary review of the application form to ensure that all required information is included. If the application form is complete, the BCUC will determine the appropriate regulatory process to review the CPCN application.

Following review, the BCUC will either:

- grant a CPCN to the TES Provider for the specific TES, if it is determined to be in the public interest; or
- provide other direction to the TES Provider.

An order granting a CPCN may include terms and conditions that the BCUC considers are in the public interest.

D.2.2 Rate(s) Application

The following subsections describe the timing, application filing requirements and review process for an Affiliated Fixed-Scale TES Provider's rate(s) application.

Timing of Rate(s) Application

An Affiliated Fixed-Scale TES Provider must apply for and be granted approval of rates (interim or permanent) prior to charging any customer for service.

The rate(s) application should include any interim approvals sought and be filed a minimum of 45 days in advance of the desired effective date for rates to provide the BCUC sufficient time to review the filing.

⁵¹ UCA, section 45. The need to obtain a CPCN prior to constructing a public utility plant or system applies to all persons, not simply entities that are already, or otherwise, public utilities.

⁵² The BCUC's 2015 Certificate of Public Convenience and Necessity Application Guidelines
https://docs.bcuc.com/documents/Guidelines/2015/DOC_25326_G-20-15_BCUC-2015-CPCN-Guidelines.pdf

Rate(s) Application Requirements

Sections 59 to 61 of the UCA will apply to the BCUC's review of rate(s). An Affiliated Fixed-Scale TES Provider's rate(s) application must include, at a minimum, the following information:

1. Copy(ies) of the long-term service agreement(s) for each customer.
2. Copy(ies) of the plain language explanation for each customer.
3. Supporting evidence, calculations and financial schedules in an electronic format for each proposed amount in the schedule of rate(s) and any other rates (e.g. minimum or maximum bill amounts, lump sum payments, and/or early termination penalties).
4. Analysis for how the rate(s) for thermal energy service, including the initial rate(s) and the future rate(s) and/or the rate adjustment method address the following objectives:
 - a. provide transparency and predictability to TES customers;
 - b. reflect the costs to provide service to TES customers and the appropriate cost allocation between customers;
 - c. encourage the TES Provider to increase operational efficiency, manage costs and enhance performance;
 - d. promote rate stability for customers, while avoiding undue intergenerational inequity;
 - e. encourage a robust methodology to forecast energy demand to support rates;
 - f. limit cross subsidization and prevent undue discrimination and/or preference between customers served by different long-term service agreements.

If any of the above rate-setting objectives are not applicable in the specific circumstances of the Affiliated Fixed-Scale TES, TES Providers should provide a detailed explanation as to why not.

5. The proposed method for determining the TES Provider's cost of capital, such as the deemed capital structure and allowed return on equity, with reference to the BCUC's generic cost of capital decision(s) concerning the fair rate of return for utilities.
6. If there is more than one customer, qualitative and quantitative explanation(s) for any differences contained in the long-term service agreements. These explanations should address any cross-subsidization between customers and demonstrate that differences do not result in undue discrimination and/or preferential treatment. If no differences in the long-term service agreements exist, then this should be clearly stated.
7. If a rate adjustment method for future rate changes is applicable: an analysis for why the proposed approach to adjust the thermal energy rate(s) over time is fair and reasonable; and what alternative approaches were considered and why those options were not chosen.
8. The proposed regulatory process for the review of the application, with supporting rationale and suggested timelines.

Rate(s) Application Review Process

The BCUC will undertake a preliminary review of the application to ensure that all required information is included. If the BCUC considers that the rate(s) application is complete, the BCUC will establish a hearing and determine the appropriate regulatory process.

Following the conclusion of the hearing, the BCUC may issue an order approving the rate(s) or provide other direction to the TES Provider.

D.2.3 Extensions

An extension is a capital addition to the TES to provide additional thermal generating capacity to meet increased demand and/or expand the service area of the TES.

A Fixed-Scale TES, affiliated or not, is expected not to require extension(s); the TES is constructed initially with only the thermal generating capacity and distribution equipment required to serve a known load. However, circumstances may arise where an Affiliated Fixed-Scale TES identifies an opportunity to serve additional customers, and where it is in the interests of its current customers to do so.

BCUC approval is required prior to constructing or operating an extension to an Affiliated Fixed-Scale TES.⁵³

The Affiliated Fixed-Scale TES Provider should:

- complete an [Affiliated Fixed-Scale TES CPCN Application Form](#); and
- file it a minimum of 60 days in advance of the desired approval date.

Following a review of the application, the BCUC will determine whether the proposed extension is in the public interest.

D.3 Ongoing Operational Requirements

An Affiliated Fixed-Scale TES Provider is subject to the same operational requirements described by these guidelines as a Fixed-Scale TES Provider. Specifically, the following sections of Appendix C are applicable to Affiliated Fixed-Scale TES Providers:

- Section C.5: Capital Reserve Requirements (Affiliated Fixed-Scale Providers are to provide the required information as part of its CPCN application, not the exemption application form as stated for Fixed-Scale TES Providers);
- Section C.7: Reporting Requirements;
- Section C.8: TES Ownership; and
- Section C.9: BCUC Regulation Levy and Recovery of Proceeding Costs.

D.4 Complaints

The BCUC will review all complaints within its jurisdiction regarding Affiliated Fixed-Scale TES Providers.

⁵³ Section 45(1) of the UCA: Except as otherwise provided, after September 11, 1980, a person must not begin the construction or operation of a public utility plant or system, or an extension of either, without first obtaining from the commission a certificate that public convenience and necessity require or will require the construction or operation.

Appendix E: District TES

E.0 District TES

Appendix E provides information for District TES Providers. This includes details about applicable regulatory applications and filing requirements, reporting requirements, and other relevant information.

A District TES is a TES owned or operated by a TES Provider (District TES Provider) that does not qualify for any TES class exemptions and is not an Affiliated Fixed-Scale TES.

A District TES may include centralized or distributed thermal energy generating facilities. These facilities provide thermal energy to multiple residential and/or commercial buildings via an underground distribution piping system. As opposed to a Fixed-Scale TES, the components of a District TES may be initially sized to serve forecast increases in thermal energy demand resulting from the connection of new customers to the TES in the future.

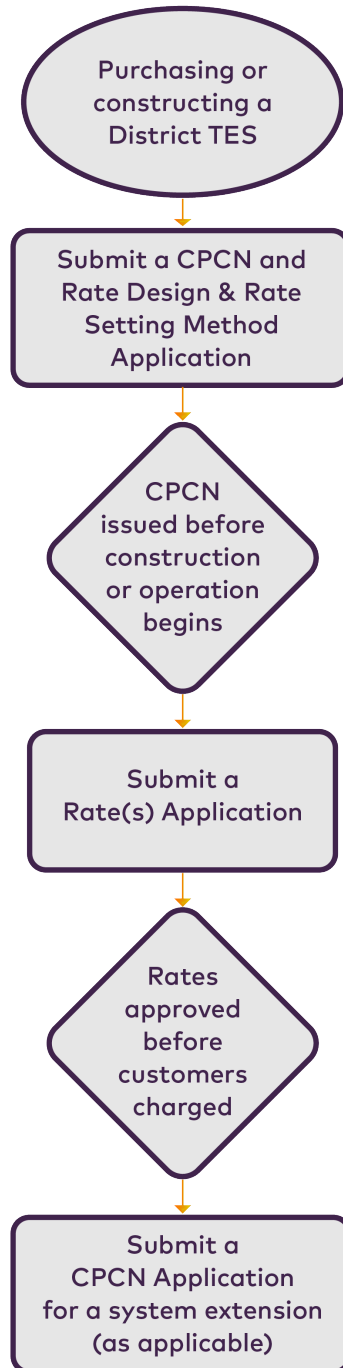
E.1 Regulatory Application Process and Requirements

This section provides guidance for the following regulatory applications applicable to District TES Providers:

- Certificate of Public Convenience and Necessity (CPCN), rate design and rate setting method applications: District TES Providers must apply for and be granted a CPCN in advance of constructing a TES or prior to purchasing a TES. District TES Providers are expected to apply simultaneously for a CPCN and approval of the rate design and rate setting method for rates to be charged to customers in one application.
- Rate(s) applications: District TES Providers must apply for and be granted approval of rates (interim or permanent) prior to charging customers for service; and
- CPCN applications for system extensions: Once in operation, District TES Providers may wish to construct an extension to the TES. Most extensions to District TES will require a CPCN.

Please refer to the District TES Regulatory Application flowchart below.

Figure 3: District TES Regulatory Application Flowchart



E.1.1 CPCN, Rate Design, and Rate Setting Method Application

The following subsections describe the timing, application filing requirements and review process for a District TES Provider's CPCN, rate design, and rate setting method application.

E.1.1.1 Application Timing

As noted above, District TES Providers are expected to apply simultaneously for a CPCN and approval of the rate design and rate setting method for rates to be charged to customers in one application.

District TES Providers must apply for and be granted a CPCN and approval of its rate design and rate setting method prior to constructing or purchasing a District TES.⁵⁴

District TES Providers should apply for a CPCN and approval of its rate design and rate setting method a minimum of six months prior to the desired approval date.

The following subsections set out application filing requirements: first for the CPCN component of the application, and second for the rate design and rate setting method component of the application.

E.1.1.2 Application Requirements – CPCN

This section sets out CPCN application filing requirements for District TES Providers. The BCUC's CPCN Guidelines⁵⁵ do not apply to District TES Providers.

A CPCN application for a District TES should include the following information:

1. Applicant Information

- Applicant contact information.
- Summary of applicant's technical and financial capacity.

2. Project Need and Alternatives Considered

- Studies or summary statements identifying the need and requirements for the TES facilities.
- Heating and/or cooling load analysis and energy demand forecast for the project, including a description of the method and key assumptions used to forecast energy consumption and demand.
- Rationale for the selection of the TES project over alternative TES system designs; factors that may be considered include reliability, service quality, developer preference, cost, energy objectives, etc. Any cost estimates used for the purpose of comparing feasible alternatives should be completed, at a minimum, to an AACE⁵⁶ Class 4 accuracy.

⁵⁴ UCA, section 45. The need to obtain a CPCN prior to constructing a public utility plant or system applies to all persons, not simply entities that are already, or otherwise, public utilities.

⁵⁵ The BCUC's 2015 Certificate of Public Convenience and Necessity Application Guidelines
https://docs.bcuc.com/documents/Guidelines/2015/DOC_25326_G-20-15_BCUC-2015-CPCN-Guidelines.pdf

⁵⁶ Association for the Advancement of Cost Engineering International.

3. Project Description

- Description of the TES selected, including engineering design, capacity, location options and preference, safety and reliability considerations, and all ancillary or related facilities that are proposed to be constructed, owned or operated by the TES Provider.
- Risk analysis identifying all significant risks to successful completion and operation of the project, including an assessment of the probability of each risk occurring, and the consequences and the cost to mitigate the risk. Risks related to the successful operation of the project may include, for example, risks of sufficient thermal energy demand materializing.
- Anticipated construction and TES operation schedule.

4. Project Cost

- An overall capital cost estimate of the TES project (AACE Class 3 minimum). The overall cost estimate should provide an estimated cost for each element within a work breakdown structure appropriate for a AACE Class 3 level of project definition.
- Basis of estimate document that describes how the overall capital cost estimate was developed.
- Annual operating budget specifying major cost components.
- The minimum amount of capital reserves to be held and/or accessible for each year that the TES is operating, including a description of how the minimum amount of capital reserves was determined and whether the capital reserves are calculated on a portfolio basis (multiple TES) or an individual TES basis.⁵⁷
- A forecast of the indicative rate(s) for all rate classes, including underlying assumptions and financial models, at the commencement of TES operations based on the TES Provider's proposed rate design and rate setting method.

5. First Nations Consultation

- Identification of the First Nations potentially affected by the application, assessment of the scope (if any) of the Crown's duty to consult with respect to the project, chronology of consultation to date, and summary of any specific issues or concerns identified.
- Description of how the specific issues or concerns raised by the First Nation were avoided, mitigated or otherwise accommodated, or an explanation of why no further action is required to address an issue or concern.

6. Public Engagement

- Overview of the community, social and environmental setting in which the project will be constructed and operated, and of the public who may be directly impacted by the project.
- Summary statement explaining how prospective customers, local government(s), and/or other impacted or potentially impacted parties have been consulted.
- Description of the issues and concerns raised during consultations, the measures taken or planned to address issues or concerns, or an explanation of why no further action is required to address an issue or concern.

⁵⁷ As noted in Section E.2, a District TES Provider must have sufficient capital reserve provisions in place to ensure its ability to replace or repair equipment essential to maintaining safe and reliable thermal energy service.

7. Provincial Government Energy Objectives

- Discussion of how the proposed TES is consistent with and will advance the government's energy objectives as set out in the [Clean Energy Act](#).

8. Proposed Regulatory Process

- A proposed regulatory process for the review of the application, with supporting rationale and suggested timelines.⁵⁸

An explanation should be provided if any of the above information is not included in the CPCN application.

E.1.1.3 Application Requirements – Rate Design and Rate Setting Method

This section provides guidance and filing requirements for District TES Providers' application for approval of the rate design and rate setting method.

Approval of the rate design and a rate setting method will be reviewed under sections 59 to 61 of the UCA.⁵⁹

Rate design establishes the structure of rates for each customer class (e.g., residential, commercial) and ensures that each customer class pays its fair share of the cost to provide service. The rate structure⁶⁰ may include fixed components (such as those charged per kilowatt, m² or month) and variable components (such as those charged per kilowatt hour).

A **rate setting method** is the approach that the TES Provider uses to establish the initial rate(s) to be charged for thermal energy service and establish how thermal energy rate(s) will adjust over time.

In developing a rate design and rate setting method, TES Providers may consider, but are not limited to, the following methods for establishing the initial rate(s) for thermal energy service and future rate(s) adjustments:

- setting the rate(s) using a comparable benchmark TES Provider's approved thermal energy rate(s) based on an assessment that the specific TES Provider's cost recovery requirements at the time of operations are expected to be similar. Supporting rationale or calculations should be included;
- setting the rate(s) based on a flow-through of actual costs (e.g. energy costs);
- indexing future rate(s) changes to, for example, publicly available inflation indices, the price of alternative fuels such as electricity or renewable natural gas, or an approved benchmark TES Provider's rates;
- establishing future rate(s) changes using a formula, if, for example, performance is within an acceptable level for a range of performance metrics, including customer service, reliability, safety, etc.;
- setting the rate(s) based on a traditional cost-of-service for a specified future period. Any proposals under this method should include an analysis of the proposed approach compared to alternatives, considering regulatory efficiency;

⁵⁸ For combined CPCN, rate design and rate setting method applications, TES Providers should propose one regulatory process for review of the combined application.

⁵⁹ Section 60(1)(b.1) of the UCA states: the commission may use any mechanism, formula or other method of setting the rate that it considers advisable, and may order that the rate derived from such a rate mechanism, formula or other method is to remain in effect for a specified period.

⁶⁰ James C. Bonbright, *Principles of Public Utility Rates*, Columbia University Press, 1961.

- setting the rate(s) based on a levelized cost recovery, with the use of regulatory accounts to address anticipated changes in customer demand due to, for example, the planned multi-year build-out of the District TES; or
- adjusting future rate(s) using any other clearly defined rate escalation factor or formulas.

The rate design and rate setting method application should include, at a minimum, the following:

1. The proposed rate design and rate setting method, including an analysis of how the proposal will result in rate(s) that are not unjust, unreasonable, unduly discriminatory or unduly preferential and how the proposal addresses each of the following objectives:
 - a. provide transparency and predictability to customers;
 - b. reflect the appropriate cost allocation between customers;
 - c. reduce the regulatory burden and related costs to both the TES Provider and customers;
 - d. encourage the TES Provider to increase operational efficiency, manage costs and enhance performance;
 - e. reduce the risk to customers that the actual rate(s) to be charged at the commencement of TES operations will be materially different from the indicative rate(s) in the CPCN application;
 - f. promote rate stability for customers, while supporting intergenerational equity (or avoiding intergenerational inequity and the undue use of regulatory accounts); and
 - g. encourage a robust methodology to forecast energy demand to mitigate forecast risk.

If any of the above-noted rate setting method objectives are not applicable in the specific circumstances of the District TES, a detailed explanation as to why not.

2. Alternatives considered with respect to the rate design and rate setting method, and why those alternatives are not proposed.
3. A forecast of the indicative rate(s) for all rate classes, including underlying assumptions and financial models, at the commencement of TES operations based on the TES Provider's proposed rate design and rate setting method.
4. The proposed method for determining the TES Provider's cost of capital, including the deemed capital structure and allowed return on equity, with reference to the BCUC's generic cost of capital decision(s) concerning the fair rate of return for utilities.
5. The rationale for the use of regulatory accounts, if any, including detailed information regarding the proposed account(s). For example, if the TES Provider is proposing a levelized cost recovery approach or a method to account for variances between certain forecast and actual costs. TES Providers should review the BCUC's [Regulatory Account Filing Guidelines](#) and address all filing considerations listed in those guidelines.
6. Draft rate schedules containing placeholders for the rate(s).
7. A proposed regulatory process for the review of the application, with supporting rationale and suggested timelines.⁶¹

While District TES Providers are not required to apply to the BCUC for approval of the actual rate(s) to be charged to customers as part of the rate design and rate setting method application, District TES Providers are not precluded from making such a request.

⁶¹ For combined CPCN, rate design and rate setting method applications, TES Providers should propose one regulatory process for review of the combined application.

E.1.1.4 Application Review Process

Typically, the BCUC will review the CPCN and the rate design and rate setting method application in one proceeding. Once received, the BCUC will undertake a preliminary review of the application to ensure that all required information is included. If the BCUC considers that the application is complete, the BCUC will determine the appropriate regulatory process, considering any proposals from the District TES Provider.

At the conclusion of the proceeding, the BCUC may issue an order that:

- grants the CPCN;
- approves the rate design and rate setting method for the rates to be charged to customers for a given length of time; and/or
- provides other direction to the District TES Provider.

E.1.2 Rate(s) Application

The following subsections describe the timing, application filing requirements and review process for a District TES Provider's rate(s) application.

E.1.2.1 Application Timing

A District TES Provider must apply for and be granted approval of rates (interim or permanent) prior to charging any customer for service.

The application should include any interim approvals sought and be filed a minimum of 45 days in advance of the desired effective date to provide the BCUC sufficient time to review the filing and consider next steps.

E.1.2.2 Application Requirements

The approval of rate(s) will be reviewed under sections 59 to 61 of the UCA. A District TES rate(s) application should include, at a minimum, the following:

1. The proposed rate(s) for all rate classes and the effective date(s), with supporting evidence, calculations and financial schedules in an electronic format,⁶² in accordance with the TES Provider's BCUC-approved rate design and rate setting method.
2. A detailed explanation for any variance between the proposed rate(s) and the indicative rates provided as part of the previously filed application for approval of the rate design and rate setting method.
3. The forecast annual customer energy consumption, including a description of the method and key assumptions used to develop the forecast, for as long as the proposed rate(s) are effective or, if the TES Provider is proposing a levelized cost recovery approach, for as long as the term of the proposed rate levelization period.
4. A proposed tariff including the definitions, terms and conditions of service and rate schedule(s), with reference to the BCUC's final decision on the rate design and rate setting method and the directives contained therein, as applicable.

⁶² i.e. a working spreadsheet model.

5. The proposed regulatory process for the review of the application, with supporting rationale and suggested timelines.

E.1.2.3 Application Review Process

The BCUC will undertake a preliminary review of the application to ensure that all required information is included. If the BCUC considers that the rate(s) application is complete, the BCUC will establish a public hearing and determine the appropriate regulatory process, considering any proposals from the District TES Provider.

Following the conclusion of the hearing, the BCUC may issue an order approving the rate(s) or provide other direction to the District TES Provider.

E.1.3 Extensions

Once in operation, a District TES Provider may wish to construct an extension to the TES. An extension is a capital addition to the TES to provide additional thermal generating capacity to meet increased demand and/or expand the service area of the TES.

Most extensions to District TES will require a CPCN from the BCUC.⁶³

Where required, a District TES Provider must apply for and be granted a CPCN prior to beginning construction of an extension to a District TES.

For an extension to a District TES that involves the addition of incremental thermal generating capacity, District TES Providers should apply for a CPCN for the extension a minimum of six months prior to the desired approval date. In this case, the District TES Provider should file a CPCN application following the requirements provided in Section E.1.1.2.

For an extension to a District TES that involves only the expansion of the TES' service territory, District TES Providers should apply for a CPCN for the extension a minimum of three months prior to the desired approval date. In this case, the TES Provider should file an application that includes the following:

1. A description of the proposed TES extension, including any relevant process flow diagrams, plan view schematics, description of equipment, location of customer connections;
2. A description of the thermal energy supply and demand before and after the proposed extension and confirmation that the District TES will maintain sufficient equipment redundancy after the proposed extension;
3. The estimated capital cost of the proposed TES extension (AACE Class 3 minimum);
4. The net present value of the proposed TES extension, including key assumptions used to calculate the net present value;
5. Details of any required contributions, including supporting calculations; and

⁶³ Section 45(2) of the UCA: a public utility that is operating a public utility plant or system on September 11, 1980, is authorized to construct and operate extensions to its plant or system without seeking BCUC approval. Section 45(5) of the UCA: if it appears to the BCUC that a public utility should, before constructing or operating an extension to a utility plant or system, apply for a separate CPCN, the BCUC may, not later than 30 days after construction of the extension is begun, order that section 45(2) does not apply in respect of the construction or operation of the extension.

6. The estimated impact to current rates, including calculations and financial schedules showing the current rates and estimated impact to rates over time resulting from the proposed TES extension, as well as any estimated impact over time to any approved deferral accounts.

Following a review of the application, the BCUC will determine whether the proposed extension is in the public interest. The BCUC expects that the regulatory review process for a proposed extension to a District TES may vary based on the scope and scale of the proposed extension.

E.2 Capital Reserve Requirements

A District TES Provider must have sufficient capital reserve provisions in place to ensure its ability to replace or repair equipment essential to maintaining safe and reliable thermal energy service. The need for replacement or repair may arise in situations where equipment either fails to operate prior to its end of life or as it comes to the end of its planned useful life.

As part of their CPCN application, District TES Providers are required to file certain information about their capital reserve provisions in their CPCN application as outlined in Section E.1.1.2 above.

The BCUC may, at any time, initiate a further review of a District TES Provider's capital reserve provisions.

E.3 Reporting Requirements

Annual Report

District TES Providers must file an annual report with the BCUC within four months of the District TES Provider's fiscal year end. Annual report requirements change from time to time; as of the date of these guidelines, annual reporting requirements are set out in BCUC [Letter L-46-23](#). District TES Providers may also be required to file certain safety related information in their annual report, as described below.

Safety Reporting

The BCUC's [Public Utility Safety Guidelines](#) set out reporting requirements that apply to all public utilities that are subject to the BCUC's jurisdiction under sections 23, 25, 38, and 42 of the UCA, unless otherwise directed by the BCUC. District TES Providers should review the BCUC's Public Utility Safety Guidelines together with these guidelines.

The following sets out the applicability of the BCUC's Public Utility Safety Guidelines reporting requirements to District TES Providers and describes the safety related information that must be filed with the BCUC:

- **The Emergency Reporting requirement applies to District TES Providers**
A District TES Provider must notify the BCUC as soon as practicable following a critical safety incident arising from its service, for example, an incident involving death or serious injury, or an incident where the District TES Provider's service caused significant damage to public or private property and/or posed a significant risk to public safety.⁶⁴
- **The Annual Safety Declaration reporting requirement does not apply to District TES Providers**
District TES Providers are to include a summary of the following in their annual report based on the previous calendar year:
 - any material safety incidents,
 - any investigations performed by another regulator into material safety incidents, and

⁶⁴ BCUC Public Utility Safety Guidelines, p. 2.

- any material penalties/fines related to safety issued by a regulator to the TES Provider (together, “material safety matters”).⁶⁵

TES Providers that have experienced no material safety matters in the previous calendar year have no safety reporting requirements in their annual report. The BCUC encourages TES providers to engage with BCUC staff regarding the appropriate materiality threshold for their utility prior to filing material safety matters in their annual report to ensure the appropriate balance of transparency and regulatory burden.

- **Ad Hoc Engagement applies to District TES Providers**

Ad Hoc Engagement with BCUC staff regarding District TES safety-related matters is encouraged.

E.4 TES Ownership

District TES Providers are subject to all obligations, as applicable, as set out by the UCA. One such obligation is regarding TES ownership. Approval must be obtained from the BCUC pursuant to sections 52 to 54 of the UCA, as applicable, prior to any transfer of ownership or a reviewable interest, or any consolidation, merger, or amalgamation of a District TES or TES Provider.

The current owner of the District TES must provide the new owner with copies of the District TES accounts and records, and the new owner must ensure that they maintain and keep this information, unless otherwise directed by the BCUC.

E.5 BCUC Regulation Levy and Recovery of Proceeding Costs

District TES Providers are required to pay the BCUC regulation levy.⁶⁶

District TES Providers may be required to pay proceeding costs. A proceeding is typically required to complete the review of CPCN and rate(s) applications and may be required as a result of a complaint against a TES. The BCUC may apportion proceeding costs between the District TES Provider and other participants in the proceeding, as appropriate.

E.6 Complaints

The BCUC will review all complaints within its jurisdiction regarding District TES Providers.

⁶⁵ As stated in the Public Utility Safety Guidelines, the BCUC generally expects that material safety matters would be of a magnitude that would attract the significant interest of the public of British Columbia and TES Providers are expected to use reasonable discretion in determining what constitutes a material safety matter.

⁶⁶ The BCUC recovers its expenses, arising from the administration of the UCA, through an annual levy. The levy is apportioned among regulated utilities on the basis of energy sold in a calendar year. For reference, the levy was \$0.0436 per GJ for calendar year 2023.



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