



ORDER NUMBER
F-16-25

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
Participant Cost Award Application

BEFORE:

T. A. Loski, Commissioner

on May 26, 2025

ORDER

WHEREAS:

- A. On December 20, 2019, by Order G-341-19, the British Columbia Utilities Commission (BCUC) established a public hearing for the review of the Thermal Energy System (TES) Regulatory Framework Guidelines (TES Guidelines);
- B. The review of the TES Guidelines was conducted in two phases: Phase 1 consisted of a review of the 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);
- C. On December 21, 2023, the BCUC concluded Phase 1 of the review of the TES Guidelines and released its Panel Report;
- D. On February 29, 2024, by Order F-16-24, the BCUC awarded final Participant Assistance/Cost Awards for Phase 1 of the review of the TES Guidelines;
- 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, which included BCUC issuance of draft TES Guidelines followed by written submissions and reply submissions from interveners regarding the draft TES Guidelines;
- F. On February 26, 2025, by Order G-48-25, the BCUC issued final TES Guidelines;
- G. The following participants filed Participant Cost Award (PCA) applications with the BCUC by March 5, 2025, with respect to their participation in the proceeding: British Columbia Old Age Pensioners' Organization et al. (BCOAPO), BC Sustainable Energy Association (BCSEA), and Residential Consumer Intervener Association (RCIA);

- H. On April 8, 2025, by Order F-8-25, the BCUC awarded costs to BCOAPO, BCSEA and RCIA for their participation in Phase 2 of the review of the TES Guidelines;
- I. On April 14, 2025, Borealis GeoPower Inc. (Borealis) filed a PCA application seeking an award of \$9,577.50 with respect to its participation as an intervener in Phase 2 of the review of the TES Guidelines; and
- J. The BCUC has reviewed Borealis' PCA application in accordance with the criteria and rates set out in the BCUC's Rules of Practice and Procedure and determines that Borealis' PCA application should be approved.

NOW THEREFORE pursuant to section 118(2) of the *Utilities Commission Act*, and for the reasons outlined in the decision accompanying this order, the BCUC orders that costs are awarded to Borealis in the amount of \$9,577.50 for its participation in the Phase 2 review of the TES Guidelines.

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

BY ORDER

Electronically signed by Tom Loski

T. A. Loski
Commissioner

British Columbia Utilities Commission
Review of Thermal Energy Systems Regulatory Framework Guidelines Phase 2
Participant Cost Award Application

DECISION

1.0 Background

On December 20, 2019, the British Columbia Utilities Commission (BCUC) established a public hearing for the review of the Thermal Energy System (TES) Regulatory Framework Guidelines (TES Guidelines). The review of the TES Guidelines was conducted in two phases: Phase 1 consisted of a review of the 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). Phase 1 concluded on December 21, 2023, when the BCUC issued its Panel Report.¹

On April 3, 2024, by Order G-98-24, the BCUC established a public hearing and regulatory timetable for the Phase 2 TES Guidelines review proceeding, which included issuance by the BCUC of draft guidelines, and written submissions and reply submissions from interveners regarding the draft guidelines. On February 26, 2025, by Order G-48-25, the BCUC issued the final TES Guidelines.

By March 5, 2025, the BCUC received applications for participant cost awards (PCA) from British Columbia Old Age Pensioners' Organization et al., BC Sustainable Energy Association, and Residential Consumer Intervener Association with respect to their participation in the Phase 2 TES Guidelines review proceeding and on April 8, 2025, by Order F-8-25, the BCUC awarded costs to these participants for their participation in the proceeding.

On April 14, 2025, the BCUC received a PCA application from Borealis GeoPower Inc. (Borealis) with respect to its participation in the Phase 2 TES Guidelines review proceeding as an intervener. Through its participation in the proceeding, Borealis also represented the Canadian Geothermal Energy Association and Kitselas Geothermal Inc.²

2.0 Legislative and Regulatory Framework

Section 118(2) of the *Utilities Commission Act* provides that the BCUC may, if it considers it to be in the public interest, pay all or part of the costs of participants in its proceedings.

The BCUC's rules applicable to PCA are set out in Part VI of the BCUC Rules of Practice and Procedure (Rules).³

Rule 35.01 states:

¹ On February 29, 2024, by Order F-16-24, the BCUC awarded final Participant Assistance/Cost Awards for Phase 1 of the review of the TES Guidelines to British Columbia Old Age Pensioners' Organization et al., BC Sustainable Energy Association, Borealis GeoPower Inc., and Residential Consumer Intervener Association.

² Exhibit C2-1

³ The Rules were established by Order G-178-22 dated June 30, 2022, and were later amended by orders G-72-23 and G-296-24, dated April 3, 2023 and November 14, 2024, respectively. Order G-98-24, which established Phase 2 of the review of the TES Guidelines, directed that determinations regarding participating funding in Phase 2 of the review of the TES Guidelines proceeding will be made in accordance with the PCA criteria and rates set out in the Rules.

Any application by a participant for a cost award must be filed with the BCUC no later than 5 business days following the issuance of the final decision or report in a proceeding, unless the BCUC permits otherwise.

Rule 36.01 provides that the BCUC will determine the amount of a cost award, if any, in accordance with the purpose of the PCA rules and that it will consider the applicable criteria set out under this rule.

3.0 Borealis PCA Application

On April 14, 2025, Borealis filed a PCA application seeking an award of \$9,577.50 with respect to its participation as an intervener in the Phase 2 TES Guidelines review proceeding. In its PCA application, Borealis provides a letter from one of its intervener group members, Kitselas Geothermal Inc. In this letter, Kitselas Geothermal Inc. acknowledges that the deadline to file PCA applications in this proceeding was March 5, 2025, which is five business days after the issuance of the final TES Guidelines on February 26, 2025. This letter explains that senior members of Kitselas Geothermal were only able to turn their attention to the outcome of the BCUC's review of the TES Guidelines after the Kitselas First Nation's Treaty and Self-Government Constitution ratification vote which occurred on April 10, 2025. The letter provides a link to a Government of BC news release, which provides the Minister of Indigenous Relations and Reconciliation's statement on the Kitselas Treaty and Self-Government Constitution vote outcome.⁴

Panel Determination

The Panel determines that Borealis is awarded \$9,577.50 as applied for.

The Panel first considers whether to accept Borealis' PCA application, which was filed past the March 5, 2025, deadline established by the Rules. In this instance, the Panel acknowledges that Borealis was not able to file a timely PCA application as some of its intervener group members were occupied with the substantial efforts required during the lead-up to the Kitselas First Nation's Treaty and Self-Government Constitution ratification vote, which occurred on April 10, 2025. The Panel considers that this unique circumstance sufficiently justifies the late filing of Borealis' PCA application.

The Panel has reviewed the PCA application in accordance with the assessment criteria and rates set out in the Rules. The Panel considers that Borealis participated efficiently throughout the Phase 2 TES Guidelines review proceeding and contributed to a better understanding by the BCUC of the issues in the proceeding. Accordingly, the Panel finds that the cost award should be approved in full.

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

Electronically signed by Tom Loski

T. A. Loski
Commissioner

⁴ Minister's statement on Kitselas Treaty, Constitution vote outcome, retrieved from <https://news.gov.bc.ca/releases/2025IRR0010-000320#:~:text=As%20the%20minister%20of%20Indigenous,consultation%20with%20neighbouring%20First%20Nations.>