



**ORDER NUMBER
F-22-25**

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

and

British Columbia Hydro and Power Authority
2024 Call for Power Electricity Purchase Agreements
Participant Cost Award Application

BEFORE:

T. A. Loski, Panel Chair
B. A. Magnan, Commissioner
W. E. Royle, Commissioner

on October 1, 2025

ORDER

WHEREAS:

- A. On February 12, 2025, British Columbia Hydro and Power Authority (BC Hydro) filed an application (Application) with the British Columbia Utilities Commission (BCUC) pursuant to section 71 of the *Utilities Commission Act* (UCA) for acceptance of ten electricity purchase agreements (EPAs) with the successful proponents of BC Hydro's 2024 call to acquire clean or renewable electricity from greenfield generating facilities in British Columbia;
- B. By Order G-51-25 dated February 26, 2025, and as amended by Orders G-72-25, G-114-25, G-122-25, G-131-25, G-155-25, G-164-25, and G-165-25, the BCUC established a regulatory timetable for review of the Application, which included, among other things, public notice, one round of BCUC information requests (IRs), letters of comment, Panel IRs, and BC Hydro responses to letters of comment and final argument;
- C. The following parties submitted letters of comment in the proceeding:
 - K'ómoks First Nation
 - Deputy Minister of Energy and Climate Solutions Peter Pokorny
 - Doig River First Nation
 - BC Sustainable Energy Association
 - The Association of Major Power Consumers of BC (AMPC)
 - Taylor Wind Project Inc.; and
 - Capstone Infrastructure Corporation and Wei Wai Kum First Nation;
- D. By Order E-8-25 dated August 25, 2025, the BCUC accepted the EPAs for filing;

- E. On August 11, 2025, AMPC filed a Participant Cost Award (PCA) application seeking \$20,228.21 with respect to its participation in the proceeding to review the EPAs; and
- F. The BCUC has reviewed AMPC's PCA application in accordance with the criteria set out in the BCUC's Rules of Practice and Procedure and considers the following determination to be warranted.

NOW THEREFORE pursuant to section 118 of the UCA, and for the reasons outlined in the decision accompanying this order, the BCUC denies AMPC's PCA application.

DATED at the City of Vancouver, in the Province of British Columbia, this 1st day of October 2025.

BY ORDER

Electronically signed by Tom Loski

T. A. Loski
Commissioner

British Columbia Hydro and Power Authority
2024 Call for Power Electricity Purchase Agreements
Participant Cost Award Application

DECISION

1.0 Background

On February 12, 2025, British Columbia Hydro and Power Authority (BC Hydro) filed an application (Application) with the British Columbia Utilities Commission (BCUC) pursuant to section 71 of the *Utilities Commission Act* (UCA) for acceptance of ten electricity purchase agreements (EPAs) with the successful proponents of BC Hydro's 2024 call to acquire clean or renewable electricity from greenfield generating facilities in British Columbia.¹

By Order G-51-25 dated February 26, 2025, and as amended by Orders G-72-25, G-114-25, G-122-25, G-131-25, G-155-25, G-164-25, and G-165-25, the BCUC established a regulatory timetable for review of the Application, which included, among other things, public notice, one round of BCUC information requests (IRs), letters of comment, Panel IRs, and BC Hydro responses to letters of comment and final argument.

By letter dated March 18, 2025, K'ómoks First Nation (K'ómoks) recommended that the BCUC require BC Hydro to answer certain listed questions and recommended that the BCUC amend the regulatory process to provide additional steps including a right of reply by affected First Nations and other interested parties as well as the provision of adequate participant funding (K'ómoks Letter of Comment). The BCUC responded to the K'ómoks Letter of Comment by letter dated March 28, 2025, in which the BCUC denied K'ómoks' request to amend the regulatory timetable and stated the following:

The Panel considers that the current regulatory process is fair and sufficient to explore issues related to First Nations consultation, as it provides for the BCUC to build the evidentiary record through IRs to BC Hydro, and for affected parties to make submissions via letters of comment. All affected parties, including K'ómoks, will have a meaningful opportunity to present their views fully and fairly, including with the benefit of BC Hydro's responses to BCUC IRs [...] The Panel will consider all submissions on the record when making its determinations and notes that letters of comment have been a long-standing way to actively participate in BCUC proceedings.

On May 1, 2025, the Association of Major Power Customers of BC (AMPC) filed a letter of comment in the proceeding (AMPC Letter of Comment). AMPC raised concerns over BC Hydro's procurement process and the resulting cost-effectiveness of its EPAs due to a lack of competitiveness, as well as concerns of over-procurement through the EPAs at the risk of ratepayers. AMPC proposed that the BCUC retain its own independent expert on utility EPA procurements to provide an assessment of best practices for requests for proposals from which the BCUC should codify the results as rules or guidance for future procurements.²

Letters of comment were also filed by Deputy Minister of Energy and Climate Solutions Peter Pokorny, Doig River First Nation, the BC Sustainable Energy Association, Taylor Wind Inc., and Capstone Infrastructure Corporation and Wei Wai Kum First Nation.

By Order E-8-25 dated August 25, 2025, the BCUC accepted the EPAs for filing.³

¹ Exhibit B-1, pp. 1–2.

² Exhibit D-5.

³ Order E-8-25 dated August 25, 2025.

By letter dated August 11, 2025, AMPC filed with the BCUC an application requesting a Participant Cost Award (PCA) in the amount of \$20,228.21 with respect to its participation in the proceeding to review the EPAs.⁴

2.0 Legislative Framework

Section 118(1) of the UCA provides that “[t]he commission may order a participant in a proceeding before the commission to pay all or part of the costs of another participant in the proceeding.”⁵

The BCUC’s rules applicable to PCA are set out in Part VI of the BCUC’s Rules of Practice and Procedure (Rules). The Rules stipulate the eligibility requirements and criteria used in assessing cost awards, including the process for applying for a cost award, eligible costs, and rates in BCUC proceedings.

Rule 37.01 states: “The BCUC may, in a proceeding, award costs to a participant or participants, determine the amount of such award, if any, and order a participant or participants to pay all or part of the costs of another participant or participants.”

Participant is defined in Rule 36.01 to mean: (a) an applicant in a proceeding; or (b) a party that has been granted intervener status in a proceeding.

Finally, Rule 4.03 provides that the BCUC may waive or modify one or more of its rules in exceptional circumstances.

3.0 PCA Application

AMPC is the only party to file a PCA application in this proceeding. In its PCA application, AMPC requests a cost award of \$20,228.21.

AMPC acknowledges that it was not granted intervener status in this proceeding as is required for PCA eligibility under the Rules, but argues that “a PCA award is justified in this proceeding given the stakes the EPAs have for ratepayers”.⁶ AMPC states that section 4 of the Rules empowers the BCUC to vary its Rules when justified and argues that this is a circumstance where a deviation is justified, and a cost award should be made.⁷

Specifically, AMPC submits that:⁸

- spending associated with the EPAs will have a material impact on future rates for all BC electricity ratepayers, and that this level of spending supports a minor level of funding for public review and scrutiny;
- the procurement process BC Hydro used to evaluate and accept the EPAs was novel, and the amount of energy being purchased under the EPAs exceeded that contemplated in the BCUC’s review of BC Hydro’s 2021 Integrated Resource Plan; and
- BCUC direction resulting from this proceeding will have value in future BC Hydro procurements, including an upcoming call for 5,000 gigawatt hours per year of additional clean and renewable energy.

⁴ AMPC PCA Application, p. 1.

⁵ BCUC Rules of Practice and Procedure, Order G-192-25.

⁶ AMPC PCA Application, p. 1.

⁷ AMPC PCA Application, p. 1.

⁸ AMPC PCA Application, p. 2.

AMPC states that, in its experience, applications of this magnitude would, at a minimum, provide for intervention, and would potentially involve intervener evidence and an oral hearing. In AMPC's view, its members would have qualified as interveners had the proceeding allowed.⁹

AMPC submits that it is a registered not-for-profit society that the BCUC and BC Hydro have recognized qualifies for PCA funding in the past, and argues that it requires ongoing PCA funding if it is to continue to participate in BCUC processes in the medium-to-long term. AMPC notes that a letter of comment process may have been necessary in this instance due to the timelines required for review of the Application, but argues that parties should not be penalized by the choice of an expedited process.¹⁰

AMPC submits that the AMPC Letter of Comment added value, and that AMPC participated responsibly and meaningfully within the limited process allowed by the BCUC because this matter is of important consequence to ratepayers. AMPC accordingly requests that the BCUC approve its PCA application in recognition of this.¹¹

Panel Determination

For the reasons that follow, AMPC's PCA application is denied.

Pursuant to Rule 37.01, the BCUC may award costs to a participant or participants in a proceeding. Rule 36.01, in turn, defines a "participant" as either (i) an applicant in a proceeding, or (ii) a party that has been granted intervener status in a proceeding. AMPC was neither an applicant nor an intervener.

AMPC submits that although it was not an eligible "participant" as defined in the Rules, the Panel should vary the Rules pursuant to Rule 4 because this is a circumstance where a deviation is justified. In particular, AMPC submits that this proceeding is of significant concern to ratepayers, that its members would have qualified as interveners had the proceeding allowed, and that the AMPC Letter of Comment added value to the proceeding.

The Panel is not persuaded, however, that there are any circumstances present that would justify deviating from the eligibility criteria set out in the Rules. Letters of comment have been a long-standing way to actively participate in BCUC proceedings, including proceedings that have had ratepayer impacts. Reflective of this, in the present case, the Panel denied K'ómoks' request to amend the regulatory timetable to allow for, among other things, a right of reply for interested parties and the provision of participant funding.¹²

Consistent with the Panel's reasoning at that time, the Panel finds that AMPC was provided a fair and sufficient opportunity to participate in the review of the Application through the filing of a letter of comment. In addition, contrary to AMPC's submission regarding the value AMPC provided in the proceeding, the Panel does not consider that the AMPC Letter of Comment materially contributed to a better understanding of the issues in the proceeding. The Panel notes that, in its decision regarding the acceptance of the EPAs, it saw "no merit at this time" in the proposals raised in the AMPC Letter of Comment.¹³

Since the Panel has found that there are no exceptional circumstances in the case at hand that justify a deviation from the Rules, the Panel finds that AMPC is not eligible for a cost award.

⁹ AMPC PCA Application, p. 2.

¹⁰ AMPC PCA Application, pp. 2–3.

¹¹ AMPC PCA Application, pp. 1–3.

¹² Exhibit A-4.

¹³ Order E-8-25, p. 10.

DATED at the City of Vancouver, in the Province of British Columbia, this 1st day of October 2025.

Electronically signed by Tom Loski

T. A. Loski
Panel Chair/Commissioner

Electronically signed by Bernard Magnan

B. A. Magnan
Commissioner

Electronically signed by Wendy Royle

W. E. Royle
Commissioner