

**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER** G-151-08

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IN THE MATTER OF
the Utilities Commission Act, R.S.B.C. 1996, Chapter 473

and

An Application by Canada Place Corporation
for an Exemption from Part 3 of the Utilities Commission Act
for the Supply of Cooling to Westbank Projects Corporation

BEFORE: L.F. Kelsey, Commissioner October 16, 2008
P.E. Vivian, Commissioner

O R D E R

WHEREAS:

- A. By a submission received May 16, 2007, Canada Place Corporation ("Canada Place") applied to the Commission, pursuant to Section 88(3) of the Utilities Commission Act (the "Act"), for an order exempting it from regulation as a public utility under the Act (the "Application"); and
- B. Canada Place intends to expand its chilled water plant to provide chilled water for cooling to Westbank Projects Corp. ("Westbank") for its Fairmont Pacific Rim Hotel and Residences ("Fairmont Pacific Rim") development at 1011 West Cordova Street in Vancouver, BC; and
- C. By letter dated June 12, 2007, Westbank confirmed that it was completing an agreement with Canada Place to obtain cooling for its development; and
- D. By email dated June 9, 2008, Canada Place confirmed that the parties have entered into an agreement for Canada Place to provide chilled water for cooling to Westbank. In the Application, Canada Place outlined the nature of the agreement, and stated that the agreement would have a term of 35 years and would be renewable; and
- E. Section 88(3) of the Act provides that the Commission may, on conditions it considers advisable, with the advance approval of the Lieutenant Governor in Council ("LGIC"), exempt a person, equipment or facilities from the application of all or any of the provisions of the Act; and
- F. By Order in Council 731 dated October 9, 2008 and attached as Appendix 1 to this Order, the LGIC granted advance approval to the Commission to exempt Canada Place from certain provisions of the Act for the purpose and subject to the terms set out in the draft Commission Order attached to the Order in Council; and

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G. The Commission has considered the Application and has determined that an exemption for Canada Place from certain provisions of the Act, for the provision of chilled water for cooling to Westbank, is in the public interest.

NOW THEREFORE the Commission orders as follows:

1. Pursuant to Section 88(3) of the Act and subject to paragraph 2 of this Order the Commission approves an exemption for Canada Place from Part 3 of the Act, with respect to the provision of chilled water for cooling to Westbank at its Fairmont Pacific Rim development.
2. This exemption, granted pursuant to this Order, shall remain in effect until the Commission orders otherwise following the determination of any complaint it receives from a person whose interests are affected.
3. Canada Place is responsible for the safe and proper operation of its facilities, consistent with the requirements of the applicable regulatory authorities.
4. Canada Place is directed to submit an annual letter to the Commission confirming that the provision of chilled water for cooling continues in effect.

DATED at the City of Vancouver, in the Province of British Columbia, this 16th day of October 2008.

BY ORDER

Original signed by

L.F. Kelsey,
Commissioner

Attachment

PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

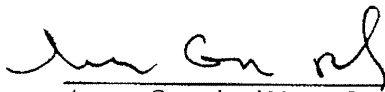
Order in Council No. 731 , Approved and Ordered OCT - 9 2008



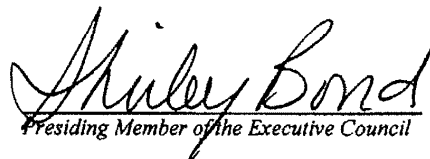
Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that approval is given to the British Columbia Utilities Commission to exempt Canada Place Corporation from Part 3 *Utilities Commission Act* for the purpose and subject to the terms set out in the attached draft order of the British Columbia Utilities Commission.



Attorney General and Minister Responsible
for Multiculturalism



Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section:- *Utilities Commission Act*, R.S.B.C. 1996, c. 473, s. 88 (3)
Other (specify):-

July 4, 2008

O/703/2008/4