

**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER E-7-09**

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

and

**A Filing by British Columbia Hydro and Power Authority
For Acceptance of an Electricity Purchase Agreement
from the Standing Offer Program**

BEFORE: D.A. Cote, Commissioner
P.E. Vivian, Commissioner

July 30, 2009

O R D E R

WHEREAS:

- A. Pursuant to section 71 of the *Utilities Commission Act* (the "Act") on February 25, 2009 British Columbia Hydro and Power Authority ("BC Hydro") filed with British Columbia Utilities Commission ("the Commission") an Electricity Purchase Agreement ("EPA") from the Standing Offer Program ("SOP") for the Cypress Creek Project (the "Filing"); and
- B. The Filing consisted of a confidential filing ("Attachment A") and a public filing ("Attachment B"); and
- C. BC Hydro filed Attachment A on a confidential basis because it contains information – the disclosure of which could reasonably be expected to result in harm to the proponent's competitive position and/or prejudice BC Hydro's acquisition processes under the SOP; and
- D. The Commission acknowledges receipt of Schedule 1, which BC Hydro included in the Filing that sets out the key project-specific EPA amendments to the Standard Form SOP EPA; and
- E. BC Hydro has confirmed that the Filing is for an eligible generating facility as set out in section 64.03 of the Act; and
- F. BC Hydro provided written notice to potentially affected First Nations to advise the Application for the EPA had been filed with the Commission; and
- G. BC Hydro received no comments from potentially affected First Nations; and
- H. Prior to issuing tenures, permits and licences related to the project, provincial and federal Crown agencies consulted potentially affected First Nations with respect to impacts on aboriginal rights and title; and

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- I. The Commission concludes that the Crown's duty to consult First Nations with respect to the filing of the EPA has been met; and
- J. The Commission has considered the Filing under the Standing Offer Program and has determined that it is in the public interest.

NOW THEREFORE the Commission orders as follows:

- 1. The Commission accepts for filing the Cypress Creek EPA that are set out in Appendix A and its Amendments that are set out in Appendix B to this Order as amendments to Energy Purchase Agreement, pursuant to section 71 of the Act.
- 2. The Commission will keep confidential Attachment A of the Filing.

DATED at the City of Vancouver, in the Province of British Columbia, this 30th day of July 2009.

BY ORDER

Original signed by:

D.A. Cote
Commissioner

Attachments

British Columbia Hydro and Power Authority
Electricity Purchase Agreement from the Standing Offer Program

Doc #	Project Name	Seller Company Name	Unadjusted Base Price (\$2008/MWh)	Plant Capacity (MW)	Term (years after COD)	Effective Date 2009
1	Cypress Creek (near Gold River, BC)	Synex Energy Resources Ltd.	\$84.23	2.836	30	January 21

#	SOP EPA Section	Amendments to Standard Form SOP EPA	Description
1	s. 5.8(b) Distribution/ Transmission System Outages	Additional wording to include outages for another generating station	The Cypress Creek project interconnects to a private line for the Mears Creek project which is already in operation. Outages caused by the Mears Creek project are not allocated to the system outage calculations.
2	s. 6.2(a) Post-COD Energy Price	Additional CPI adjustment	The annual CPI increase was not known at the time of execution. This formula translates the 2008 payment price to the 2009 payment price which applies on the effective date of this EPA.
3	s. 8.4(a) & (b) Assignment	Requirements for BC Hydro consent expanded	BC Hydro's consent requirements expanded to capture sales of the private line into which the Cypress Creek project interconnects.
4	s. 9.1(j) Termination by BC Hydro	Additional termination right	Integrated Land Management Bureau normally issues shorter term Licences of Occupation to applicants until the project is constructed. BC Hydro requires a termination right if the project loses the proper land tenure.
5	s. 10.1(d) Seller's Representat ions	Ownership of Private Line	Seller owns the private line where the Cypress Creek project is interconnected.
6	Appendix 1- Definitions	Some new and adjusted definitions	Definitions have been added or adjusted to support the additional project specific clauses added to the standard form EPA.