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BRITISH COLUMBIA	
UTILITIES COMMISSION	
ORDER	
NUMBER	E-31-10

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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 Amending Electricity Purchase Agreements
And Contractual Developments related to
Electricity Purchase Agreements filed for Information

BEFORE: L.F. Kelsey, Commissioner November 4, 2010

O R D E R

WHEREAS:

- A. Pursuant to section 71 of the *Utilities Commission Act* (the Act) on August 13, 2010, British Columbia Hydro and Power Authority (BC Hydro) filed with the British Columbia Utilities Commission (Commission) two agreements (the Amending Agreements) that amend Electricity Purchase Agreements for the period ending July 31, 2010 (the Filing). The Amending Agreements are listed in Appendix A to this Order and are more specifically identified in Attachment 1 of the Filing;
- B. As subsection 7(1)(h) of the *Clean Energy Act* (CEA) states BC Hydro is exempt from filing with the Commission EPAs awarded pursuant to the Standing Offer Program (SOP) described in section 15. BC Hydro's view is the existing SOP EPAs are not EPAs awarded pursuant to the SOP described in section 15 of the CEA, because the existing EPAs were awarded pursuant to the 2008 SOP established under what was then subsections 45(6.1) and 45(6.2) of the Act;
- C. The Commission notes that the Amending Agreements are for previously approved projects in Orders E-19-09 and E-6-10 under the 2008 SOP;
- D. In its Filing, BC Hydro included Attachment 7 that sets out contractual developments related to Electricity Purchase Agreements and states that it considers these contractual developments are not amendments to the agreements. The contractual developments are listed in Appendix B to this Order;

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E. The Commission has considered the Application and has determined that it is in the public interest.

NOW THEREFORE the Commission orders that the Amending Agreements set out in Appendix A to this Order are accepted for filing as amendments to energy supply contracts pursuant to section 71 of the Act.

DATED at the City of Vancouver, in the Province of British Columbia, this 5th day of November 2010.

BY ORDER

Original signed by:

L.F. Kelsey
Commissioner

Attachments

**British Columbia Hydro and Power Authority
Amending Agreements to Electricity Purchase Agreements**

Project Name	Seller Company Name	Description	Effective Date
Cedar Road LFG	Cedar Road LFG Inc.	Increases Plant Capacity from 0.633 MW to 1.266 MW	June 28, 2010
Canoe Creek Hydro	Canoe Creek Hydro Limited Partnership	Extends the term by from 25 years to 40 years with no change to the EPA energy prices. Makes necessary changes to the EPA to reflect the assignment from the Canoe Creek Hydro Company Ltd. to Canoe Creek Hydro Limited Partnership	July 6, 2010

**British Columbia Hydro and Power Authority
Electricity Purchase Agreements
Contractual Developments for Information**

Project Name	Seller Company Name	Seller Company Name	Descriptions	Effective Date
Princeton Power	Compliance Power Corporation	Termination Agreement	To terminate the EPA between BC Hydro and Compliance Power Corporation	March 15, 2010
Rutherford Creek Hydro	Rutherford Creek Power LP	Consent Agreement	Consent to change of control which results from the reorganization of Innergex Power Trust, Innergex Power Income Fund and Innergex Renewable Energy Inc.	March 15, 2010
Glacier and Howser Creek	Purcell Green Power Inc.	Termination	To terminate the EPA between BC hydro and Purcell Green Power Inc.	June 29, 2010
Canoe Creek Hydro	Canoe Creek Hydro Limited Partnership	Assignment and Assumption Agreement	Canoe Creek Hydro Company Ltd. is assignment the EPA to Canoe Creek Hydro Limited Partnership. Canoe Creek Hydro Company Ltd. is the General Partner of Canoe Creek Hydro Limited Partnership	July 5, 2010