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**BRITISH COLUMBIA  
UTILITIES COMMISSION**

**ORDER  
NUMBER G-172-11**

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

and

An Application by Nelsen Lodge Strata Plan EPS54  
for a Prospective Growth Adjustment pursuant to  
Clause 13 of the Large General Service Negotiated Settlement Agreement  
as Approved by Commission Order G-110-10

**BEFORE:** L.F. Kelsey, Commissioner  
C.A. Brown, Commissioner  
D. Morton, Commissioner  
October 13, 2011

### **ORDER**

#### **WHEREAS:**

- A. On October 16, 2009, British Columbia Hydro and Power Authority (BC Hydro) filed its Large General Service (LGS) Rate Application seeking orders establishing new energy rates, including two-part rates, for customers who take or would take service under Rate Schedules (RS) 1200, 1201, 1210, 1211 – General Service (35kW and Over);
- B. A negotiated settlement process was held to review the LGS Rate Application during March and April 2010 and a Negotiated Settlement Agreement (NSA) was reached and was made public on May 14, 2010. The British Columbia Utilities Commission (Commission) approved the NSA by Order G-110-10 dated June 29, 2010;
- C. Clause 13 of the NSA (attached as Appendix B to Order G-110-10) states: “[c]ustomers on a two-part rate who anticipate significant, permanent increases in energy consumption may apply to the BCUC to seek an increase in their HBLs, on a prospective basis. ‘Permanent’ means arising from a significant capital investment in plant. ‘Significant’ means increases in energy consumption totaling at least 30%, or 4,000,000 kWh. In addition, the customer’s application may address the electricity efficiency and/or GHG effect of the capital investment”;
- D. On May 18, 2011, BC Hydro applied to the Commission for approval of Tariff Supplement No. 78 which contains the rules with respect to which applications under Clause 13 of the LGS NSA would be considered;

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- E. On July 8, 2011, the Commission issued Order G-136-11 which established a written hearing proceeding and regulatory timetable to hear BC Hydro's proposed Tariff Supplement No. 78 Application. The timetable allows for Interveners Final Submissions by October 6, 2011 and Reply Submission from BC Hydro by October 12, 2011;
- F. On September 28, 2011, Nelsen Lodge Strata Plan EPS 54 (Nelsen Lodge) applied to the Commission to have its historical baseline (HBL) adjusted pursuant to Clause 13 of the NSA to reflect its expansion in three phases from 2009 to 2011. Nelsen Lodge also requested that its LGS rates be set as interim and refundable;
- G. By letter dated October 4, 2011, BC Hydro filed a letter of support regarding Nelsen Lodge's request for interim and refundable rates, with the understanding that the application by Nelsen Lodge will be reviewed after the BC Hydro's application for approval of Tariff Supplement No. 78 has been reviewed and an order issued.

**NOW THEREFORE** pursuant to section 89 of the *Utilities Commission Act*, the Commission orders that BC Hydro's LGS rate, as it is applicable to Nelsen Lodge, is interim and refundable effective the date of this Order.

**DATED** at the City of Vancouver, in the Province of British Columbia, this 13<sup>th</sup> day October 2011.

BY ORDER

*Original signed by:*

D. Morton  
Commissioner