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**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER G-147-11**

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

and

**Cowichan Valley Regional District
Application for 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
N.E. MacMurchy, Commissioner

August 18, 2011

O R D E R

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 August 1, 2011, Cowichan Valley Regional District applied to the Commission to have its Cowichan Lake Sports Arena (Cowichan) Historical Baseline (HBL) adjusted pursuant to Clause 13 of the NSA to reflect its recent investment. The application also made a request that its current LGS rate be set as interim and refundable (Cowichan Application);

BRITISH COLUMBIA
UTILITIES COMMISSION

ORDER
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2

- E. The Cowichan Application is the sixth application made under Section 13 of the LGS NSA since Commission Order G-110-10 was issued. The first application was made by Pacific Bioenergy Prince George Limited Partnership (Pacific Bioenergy); the second application was made by International Forest Products Limited (Interfor); the third was made by Evolution Home Owners Association; the fourth was made by Sunnyside Greenhouses Ltd.; and the fifth was made by Vancouver Island Health Authority;
- F. On July 8, 2011, the Commission issued Order G-119-11 allowing the reconsideration request by BC Hydro to rescind Order G-64-11 that approved the Interfor application. Order G-119-11 has the effect of allowing the review of the Pacific BioEnergy application as a forum to hear BC Hydro's proposed tariff supplement in an application filed on May 18, 2011;
- G. By letter dated July 26, 2011, BC Hydro wrote to the Commission to propose a review process of an application filed earlier on May 18, 2011. The May 18, 2011 application contains BC Hydro's proposed modified rule to be applied to new load of existing accounts arising from "significant, permanent increases in energy consumption" as well as BC Hydro's response to the Pacific BioEnergy application;
- H. By letter dated August 12, 2011, BC Hydro filed a letter of support regarding Cowichan request for interim and refundable rate for the Cowichan Lake Sports Arena.

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 the Cowichan Lake Sports Arena account, is interim and refundable effective the date of this Order.

DATED at the City of Vancouver, in the Province of British Columbia, this 18th day August 2011.

BY ORDER

Original signed by:

D. Morton
Commissioner