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**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER G-226-11**

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

and

**Shape Properties Corp.
Nanaimo North Town Centre
Application 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
R.D. Revel, Commissioner

December 29, 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 (TS) No. 82 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 December 2, 2011, Shape Properties Corp. applied to the Commission under Section 13 of the LGS NSA for an interim and refundable rate;
- F. On December 13, 2011, the Commission issued Order G-213-11 which approved TS No. 82. The Order also required TS No. 82 to be revised so that for a customer who finds itself ineligible for consideration of a revision to its Historical Baseline (HBL), the customer's application may address the electricity efficiency and/or GHG effect of its capital investment;
- G. On December 22, 2011, BC Hydro filed a letter with the Commission explaining its inability to comply with the 20-day time limit to process the customer applications in abeyance, at least on the basis of a tariff supplement that accounts for Order G-213-11 directives regarding the revised eligibility threshold ;
- H. By letter dated December 23, 2011, BC Hydro filed a letter in support of Shape Properties Corp.'s application for an interim and refundable LGS rate for its Nanaimo North Town Centre property until the tariff sheets for RS 16XX and Electric TS No. 82 are accepted by the Commission.

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 Shape Properties Corp. Nanaimo North Town Centre, is interim and refundable effective the date of this Order.

DATED at the City of Vancouver, in the Province of British Columbia, this 29th day of December 2011.

BY ORDER

Original signed by:

D. Morton
Commissioner