



**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER G-18-12**

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

and

**An Application by Bird's Eye Cove Estates Ltd.
for Approval of the Extension of the Completion Date
for the Transfer of Utility Assets of
Bird's Eye Cove Estates Ltd. to Cove Power Society and
Permission to Cease Operation as a Public Utility**

BEFORE: L.F. Kelsey, Commissioner
C.A. Brown, Commissioner
D.M. Morton, Commissioner

February 23, 2012

O R D E R

WHEREAS:

- A. On October 20, 2011, Bird's Eye Cove Estates Ltd. applied pursuant to section 52 of the *Utilities Commission Act* (the Act) for an order approving the sale and disposition of Utility Assets of Bird's Eye Cove Estates Ltd. to Cove Power Society as set out in an agreement dated June 3, 2008, (the Purchase Agreement) and pursuant to section 41 of the Act, permission to cease operation as a public utility (the Application);
- B. Bird's Eye Cove Estates Ltd. is a corporation duly incorporated under the laws of the Province of British Columbia and carries on business as Birds Eye Cove Power;
- C. On June 20, 2011, Cove Power Society was incorporated under British Columbia's Society Act. Cove Power Society intends to purchase the utility assets of Bird's Eye Cove Estate Ltd.;
- D. The purpose of Cove Power Society is to provide utility services to and for the benefit of its members, initially by providing electrical energy, and from time to time thereafter as approved by the members; to provide such other services, amenities, facilities, equipment or infrastructure to and for the benefit of its members, as approved by the members from time to time, and to do all things necessary or reasonably incidental to achieving the foregoing purpose;

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- E. On February 14, 2012, Cove Power Society filed its Second Amendment and Extension Agreement requesting the words "February 15, 2012" in the seller's Order G-186-11 and the Exemption Order are deleted and replaced with the words "the date that is fifteen business days from the date in which Cove Power Society receives the Exemption Order from the Commission, but no later than August 15, 2012.";
- F. Previously, the Commission had reviewed the Application, the evidence and the submissions and had considered the sale and disposition of the utility assets to be in the public interest subject to certain conditions and requirements that remain as set out below;
- G. The Commission reviewed the Second Amendment and Extension Agreement and considers the sale and disposition of the utility assets remain in the public interest subject to certain conditions and requirements that have been revised as set out below.

NOW THEREFORE the Commission orders as follows:

- 1. This Order G-18-12 replaces the previously approved Order G-186-11.
- 2. The Commission approves the sale and disposition of the utility assets of Bird's Eye Cove Estates Ltd. to Cove Power Society as set forth in the Purchase Agreement, pursuant to section 52 of the Act.
- 3. In the event that Bird's Eye Cove Estates Ltd. and Cove Power Society fail to complete the sale and disposition of the utility assets as set forth in the Purchase Agreement within 14 calendar days after the date that is fifteen business days from the date in which Cove Power Society receives the Exemption Order from the Commission, but no later than August 15, 2012, the Application is dismissed.
- 4. Upon completion of the sale and disposition of the utility assets of Bird's Eye Cove Estates Ltd. to Cove Power Society as referenced in paragraph 2 above, the Commission grants permission to Bird's Eye Cove Estates Ltd. to cease operation as a public utility.

DATED at the City of Vancouver, in the Province of British Columbia, this 24th day of February 2012.

BY ORDER

Original signed by:

D.M. Morton
Commissioner