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**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER R-83-12**

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

and

**Toba Montrose General Partnership
Confirmation of Alleged Violation of Mandatory Reliability Standards
PER-002-0 Requirement 3 – Violation ID: BCUC201000206
PER-002-0 Requirement 4 – Violation ID: BCUC201000207
PER-003-0 Requirement 1 – Violation ID: BCUC201000208**

BEFORE: D.M. Morton, Commissioner

December 13, 2012

O R D E R

WHEREAS:

- A. Order G-123-09 approved the Compliance Monitoring Program (CMP) which provides a process for dealing with violations to Mandatory Reliability Standards (MRS) adopted by the British Columbia Utilities Commission (Commission);
- B. On August 30, 2012, the Western Electricity Coordinating Council (WECC), acting as the Commission's MRS Administrator, issued a Notice of Alleged Violation (NOAV) to Toba Montrose General Partnership (TMGP) for Violation of Reliability Standards listed above beginning on November 1, 2010. The NOAV described the nature of the violations and provided an assessment of the severity of the violations;
- C. On August 30, 2012, WECC also advised TMGP of its rights under Section 4.2 of the CMP, pursuant to which TMGP has thirty days (30) to respond to the NOAV. The CMP also states if TMGP fails to respond within 30 days, the Commission may consider the Alleged Violations in the absence of a submission;
- D. On September 5, 2012, TMGP responded to the NOAV and were in agreement with the Alleged Violations. TMGP stated it was their intention to submit a letter of acceptance in response to the NOAV, yet indicated to WECC that the NOAV did not correctly depict the capacity of the generating facilities. WECC began revising the NOAV to correctly depict the generating capacity;
- E. In a letter dated September 20, 2012, TMGP agreed with the Alleged Violations and confirmed it had submitted and implemented Mitigation Plans to correct the Alleged Violations and their underlying causes;

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- F. On October 3, 2012, WECC issued the revised NOAV which correctly depicted the generating capacity at TMGP;
- G. The Commission has reviewed WECC's recommendation and considers confirmation of the violations is warranted.

NOW THEREFORE pursuant to section 125.2 of the *Utilities Commission Act* and section 4.1 of the Compliance Monitoring Program, the Commission confirms the Alleged Violations identified above. At a later date, the Commission may initiate a process leading to the determination of the severity of the violations.

DATED at the City of Vancouver, in the Province of British Columbia, this 13th day of December 2012.

BY ORDER

Original signed by:

D.M. Morton
Commissioner