

SIXTH FLOOR, 900 HOWE STREET, BOX 250
VANCOUVER, BC V6Z 2N3 CANADA
web site: <http://www.bcuc.com>



**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER** G-163-13

TELEPHONE: (604) 660-4700
BC TOLL FREE: 1-800-663-1385
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IN THE MATTER OF
the Utilities Commission Act, R.S.B.C. 1996, Chapter 473

and

Creative Energy Canada Platforms Corp.
Application for Approval to Acquire Central Heat Distribution Limited

BEFORE: L.F. Kelsey, Commissioner
B.A. Magnan, Commissioner
C. van Wermeskerken, Commissioner
October 7, 2013

O R D E R

WHEREAS:

- A. On August 22, 2013, Creative Energy Canada Platforms Corp. (Creative Energy) and Central Heat Distribution Limited (CHDL) entered into an agreement under which all of the issued and outstanding common shares of CHDL will be purchased by Creative Energy;
- B. On September 17, 2013, Creative Energy applied to the British Columbia Utilities Commission (Commission), pursuant to section 54 of the *Utilities Commission Act* (Act), for approval to acquire all of the issued and outstanding common shares of CHDL, which would result in CHDL becoming a direct, wholly owned subsidiary of Creative Energy (Application);
- C. CHDL is a public utility regulated by the Commission under the Act;
- D. Creative Energy is a privately held company incorporated in the Province of British Columbia to acquire CHDL;
- E. Section 54(9) of the Act states:

"The commission may give its approval under this section subject to conditions and requirements it considers necessary or desirable in the public interest, but the commission must not give its approval under this section unless it considers that the public utility and the users of the service of the public utility will not be detrimentally affected.";

- F. Creative Energy states that it will not seek to recover from CHDL customers any acquisition premium or transaction costs incurred directly in connection with the sales transaction;
- G. On August 28, 2013, CHDL and Creative Energy sent a joint letter to existing customers advising them of the sales transaction and provided customers with contact information should they have any questions or concerns about the sales transaction;

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- H. Creative Energy states that the acquisition of CHDL will not result in any adverse change or detrimental effect on CHDL's existing customers or how current steam service is provided to existing customers; and
- I. The Commission has determined that a regulatory timetable should be established and a public notice should be issued to provide the opportunity for participation by interested parties.

NOW THEREFORE the Commission orders as follows:

- 1. The Application shall proceed according to the Preliminary Regulatory Timetable attached as Appendix A to this Order.
- 2. Creative Energy must publish, as soon as possible, the Notice of Application, attached as Appendix B to this Order, in display ad format in the Vancouver Sun.
- 3. The Application, together with any supporting materials, will be made available for inspection at CHDL's Office, Suite 1, 720 Beatty Street, Vancouver, BC V6B 2M1 and at the British Columbia Utilities Commission, 6th Floor, 900 Howe Street, Vancouver, BC, V6Z 2N3. These materials will also be available on the Commission's website.
- 4. Interveners or Interested Parties should register with the Commission, in writing or electronic submission, by Monday, October 21, 2013. Interveners should specify the nature of their interest in the Application and the issues that they may intend to pursue. Interveners should also make a submission to the Commission on the appropriate regulatory process to review this Application by Monday, October 21, 2013.

DATED at the City of Vancouver, in the Province of British Columbia, this *Seventh* day of October 2013.

BY ORDER

Original signed by:

L.F. Kelsey
Commissioner

Attachments

Creative Energy Canada Platforms Corp.
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PRELIMINARY REGULATORY TIMETABLE

ACTION	DATES (2013)
Creative Energy to Publish Notice of Application	by Friday, October 11
Commission Information Requests (Commission IRs)	Tuesday, October 15
Intervener Registration and Submissions on Regulatory Process	Monday, October 21
Intervener Information Requests (Intervener IRs)	Thursday, October 24
Creative Energy responds to Commission IRs and Intervener IRs	Tuesday, October 29



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NOTICE OF APPLICATION

THE APPLICATION

Creative Energy Canada Platforms Corp., a privately held company incorporated in the Province of BC, has applied to the British Columbia Utilities Commission (Commission) for approval to acquire all of the issued and outstanding common shares of Central Heat Distribution Limited (CHDL), which would also result in CHDL becoming a direct, wholly owned subsidiary of Creative Energy.

REGISTERING TO PARTICIPATE

Persons who expect to actively participate in this proceeding should register as Interveners with the Commission, in writing or electronic submission, by Monday, October 21, 2013. Interveners should identify the issues that they intend to pursue and make a submission to the Commission on the appropriate regulatory process to review the Application.

Persons not expecting to actively participate, but who have an interest in the proceeding, should register as Interested Parties through the Commission's website or in writing, by Monday, October 21, 2013, identifying their interest in the proceeding.

By participating and/or providing comment on the Application, you agree that all submissions and/or correspondence received will be placed on the public record and posted on the Commission's website.

PUBLIC INSPECTION OF THE DOCUMENTS

The Application and supporting documents will be available for viewing online and in person at:

Central Heat Distribution Limited
Suite 1, 720 Beatty Street
Vancouver, BC V6B 2M1

BC Utilities Commission
Sixth Floor, 900 Howe Street
Vancouver, BC V6Z 2N3
<http://www.bcuc.com>

FURTHER INFORMATION

For further information, please contact Erica Hamilton, Commission Secretary:

Telephone: (604) 660-4700
BC Toll Free: 1-800-663-1385
Facsimile: (604) 660-1102
Email: commission.secretary@bcuc.com