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**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER G-200-13**

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

and

**Christopher Stewart doing business as Casa Del Mila Oro Geothermal
and Casa Del Mila Oro Geothermal**

BEFORE: C.A. Brown, Commissioner
N.E. MacMurchy, Commissioner November 28, 2013
B.A. Magnan, Commissioner
D.M. Morton, Commissioner
R.D. Revel, Commissioner
C. van Wermeskerken, Commissioner

O R D E R

WHEREAS:

- A. On May 15, 2013, the British Columbia Utilities Commission received a complaint from a customer of Casa Del Mila Oro (CDMO) Geothermal regarding energy services at Casa Del Mila Oro Resort, located at 5401 Lakeshore Drive, Osoyoos, British Columbia;
- B. CDMO Geothermal has not been granted a Certificate of Public Convenience and Necessity nor has it made application for approval of rates for public utility service. Prior to the May 15, 2013 contact from the complainant, CDMO Geothermal was not operating under regulatory oversight under the *Utilities Commission Act* (UCA);
- C. On May 30, 2013 and on September 19, 2013, the Commission Secretary sent letters to CDMO Geothermal requesting specific information about CDMO Geothermal in order to determine if it is a public utility under the UCA. Responses were received but the requested information was not provided;
- D. On October 29, 2013, the complainant provided the Commission with a copy of an invoice dated January 1, 2013 from CDMO Geothermal with a business address of 47-5401 Lakeshore Drive, Osoyoos, BC and addressed to the complainant for payment of a rate charged for "Geothermal Utility Service";
- E. The UCA defines a public utility as "a person, or the person's lessee, trustee, receiver or liquidator, who owns or operates in British Columbia, equipment or facilities for (a) the production, generation, storage, transmission, sale, delivery or provision of electricity, natural gas, steam or any other agent for the

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production of light, heat, cold or power to or for the public or a corporation for compensation..." (emphasis added);

- F. Under section 82(1)(a) of the UCA the Commission may, on its own motion, inquire into, hear and determine a matter that under this Act it may inquire into, hear or determine on application or complaint
- G. The Commission has reviewed the information provided to date and considers there to be sufficient grounds to warrant a hearing to determine whether CDMO Geothermal is a public utility under the UCA.

NOW THEREFORE pursuant to section 82(1) of the *Utilities Commission Act*, the Commission orders as follows:

- 1. A Written Hearing Process to determine if Casa Del Mila Oro (CDMO) Geothermal is operating as a public utility under the *Utilities Commission Act* (UCA) is hereby established.
- 2. Affected parties are invited to provide evidence and/or comment on whether CDMO Geothermal is operating as a public utility under the UCA in writing to the Commission Secretary at commission.secretary@bcuc.com by Monday, December 9, 2013.

DATED at the City of Vancouver, in the Province of British Columbia, this 29th day of November 2013.

BY ORDER

Original signed by:

D.M. Morton
Commissioner