



**ORDER NUMBER
E-16-17**

IN THE MATTER OF
the *Utilities Commission Act*, RSBC 1996, Chapter 473

and

British Columbia Hydro and Power Authority
Section 71 Filing of the Electricity Purchase Agreement Renewal
Boston Bar Hydro

BEFORE:

M. Kresivo, QC, Commissioner
R. D. Revel, Commissioner

on September 25, 2017

ORDER

WHEREAS:

- A. On June 1, 2017, the British Columbia Hydro and Power Authority (BC Hydro), pursuant to section 71 of the *Utilities Commission Act* (UCA), filed with the British Columbia Utilities Commission (Commission) an Energy Purchase Agreements (EPA) with an effective date of April 1, 2017 between BC Hydro and Boston Bar Limited Partnership in relation to the Boston Bar run-of-river hydroelectric facility (Filing). In the Filing, BC Hydro seeks an order from the Commission that the EPA filed is in the public interest and is accepted for section 71 filing;
- B. On June 1, 2017, BC Hydro filed both redacted and un-redacted copies of the Filing and advised the Commission that it provided a redacted copy of the Filing to interveners in the BC Hydro Fiscal 2017 to Fiscal 2019 Revenue Requirements proceeding. BC Hydro requests that the un-redacted version of the Filing be held confidential as it contains information that is commercially sensitive, and the release of which may harm BC Hydro's negotiating position with respect to further EPA renewals;
- C. By Order G-61-12 dated May 17, 2012, the Commission established "Rules for Energy Supply Contracts for Electricity" (Rules) to facilitate the Commission-review of energy supply contracts for electricity. As stated in the Rules, the Commission will rely on all information it considers necessary to determine whether an energy supply contract is in the public interest;
- D. The Commission issued letter L-14-17 dated June 16, 2017, inviting submissions from stakeholders regarding whether the EPA is in the public interest and if there is a need for a hearing;
- E. On July 16, 2017, the BC Sustainable Energy Association and Sierra Club BC filed a submission, stating that if the Commission finds that the confidentially filed information is consistent with the publicly filed information then the Commission should find that the renewed EPA is in the public interest and accept it for filing under section 71 of the UCA without a public hearing;

- F. On July 18, 2017, the Commission issued non-confidential and confidential Commission staff questions to BC Hydro;
- G. On July 20, 2017, BC Hydro submitted its reply submission;
- H. On August 8, 2017, BC Hydro filed its responses to the non-confidential and confidential Commission staff questions and provided a redacted copy of its responses to the non-confidential questions to the stakeholder who made submissions regarding the Filing. The redactions were made to protect commercially sensitive and contractor specific information the disclosure of which could impact supplier interests and ongoing negotiations of other EPAs; and
- I. The Commission reviewed the Filing in accordance with the criteria under section 71(2.21) of the UCA and requirements under the Rules, and considered submissions by BC Hydro and the stakeholders. The Commission finds that the Boston Bar Hydro EPA is in the public interest and that a public hearing is not necessary for acceptance of the EPA.

NOW THEREFORE pursuant to section 71 of the *Utilities Commission Act* and the British Columbia Utilities Commission's Rules for Energy Supply Contracts for Electricity, the Commission orders as follows:

- 1. The Electricity Purchase Agreement dated April 1, 2017 between BC Hydro and Boston Bar Limited Partnership in relation to the Boston Bar run-of-river hydroelectric facility is in the public interest and is accepted for filing under section 71 of the *Utilities Commission Act*.
- 2. The Commission will hold confidential the un-redacted version of the Boston Bar Hydro EPA and the un-redacted additional information provided in confidence to the Commission in regard to the Boston Bar Hydro EPA on the basis that disclosure of commercially sensitive information may impair BC Hydro's ability to negotiate favourable EPAs on behalf of its customers in future.

DATED at the City of Vancouver, in the Province of British Columbia, this 25th day of September 2017.

BY ORDER

Original Signed By:

M. Kresivo, QC
Commissioner