



ORDER NUMBER
G-196-19

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

and

Creative Energy Vancouver Platforms Inc.
Application for a Certificate of Public Convenience and Necessity for Beatty-Expo Plants and Approval of
Corporate Reorganization

BEFORE:

D. A. Cote, Panel Chair
D. J. Enns, Commissioner
M. Kresivo, QC, Commissioner

on August 22, 2019

ORDER

WHEREAS:

- A. On June 29, 2018, Creative Energy Vancouver Platforms Inc. (Creative Energy) filed an application with the British Columbia Utilities Commission (BCUC) for a Certificate of Public Convenience and Necessity (CPCN) pursuant to sections 45 and 46 of the *Utilities Commission Act* (UCA), to construct and operate new and renovated steam plant works and related facilities at Creative Energy's existing site at 720 Beatty Street in Vancouver and at an adjacent site within BC Place Stadium (Proposed Project), along with additional approvals required in connection to the Proposed Project (Application);
- B. In the Application, Creative Energy sought the following approvals:
- Pursuant to sections 45 and 46 of the UCA, a CPCN for the construction and operation of the following components of the Proposed Project at an estimated total capital cost estimated at \$53.1 million:
 - The Expo Plant, including facilities to interconnect steam, condensate and fuel oil services between the Expo and Beatty Plants;
 - The Beatty Plant renovation;
 - Pursuant to section 44.2 of the UCA, acceptance of additional capital expenditures of up to \$5.25 million that would only be payable by Creative Energy if it expanded generating capacity at the Beatty Plant within the first 20 years after completion of the Proposed Project;
 - Pursuant to sections 56 and 60 of the UCA, approval to establish a regulatory deferral account to record the undepreciated net book value of the Creative Energy assets that were retired as part of the Proposed Project; and

- Pursuant to sections 60 and 61 of the UCA, approval of a new long-term customer service agreement between B.C. Pavilion Corporation (PavCo) and Creative Energy for heating service to the BC Place Stadium;
- C. Further, pursuant to sections, 50, 52, 53 and 54 of the UCA, Creative Energy sought approval of the steps related to a corporate reorganization involving Creative Energy;
- D. On February 19, 2019, the BCUC issued its decision with accompanying Order G-38-19 (Decision), with the following determinations:
 - Creative Energy's Application was not approved at that time; and
 - Creative Energy was invited to file a revised application addressing the Panel's concerns within one year from the date of the Decision, failing which, the Application would be dismissed;
- E. On April 26, 2019, Creative Energy filed revisions to the Application for a CPCN for Beatty-Expo Plants and Approval of Corporate Reorganization (Revisions to the Application), in response to BCUC Decision;
- F. On May 21, 2019, the BCUC issued Order G-107-19 establishing the specified scope (Scope) for this proceeding and the regulatory timetable for continuation of the regulatory process, including the BCUC and interveners Information Request (IR) No. 1 on the Scope, Creative Energy responses to the BCUC and interveners IR No. 1 on the Scope and Creative Energy and interveners submissions on further process with further process to be determined;
- G. On July 15, 2019, the BCUC issued Order G-159-19 establishing a further regulatory timetable for the proceeding, including the BCUC and interveners' Information Request (IR) No. 2 on the Scope, Creative Energy's responses to IRs No. 2 on the Scope and final and reply arguments;
- H. By letter dated August 15, 2019, the CEC requested a one-week extension for the filing of its final submission;
- I. On August 16, 2019, Creative Energy filed its final argument, including comments regarding the CEC's request to extend the filing date for its final argument; and
- J. The Panel has reviewed the CEC's extension request and Creative Energy's comments, and considers amending the regulatory timetable for this proceeding is warranted.

NOW THEREFORE for the reasons set out in Appendix B of this order, the BCUC orders that the regulatory timetable established by Order G-159-19 is amended and the regulatory process is to proceed in accordance with the regulatory timetable, as set out in Appendix A to this order.

DATED at the City of Vancouver, in the Province of British Columbia, this 22nd day of August 2019.

BY ORDER

Original signed by:

D. A. Cote,
Commissioner
Attachment

Creative Energy Vancouver Platforms Inc.
Application for a Certificate of Public Convenience and Necessity for Beatty-Expo Plants and Approval
of Corporate Reorganization

REGULATORY TIMETABLE

Action	Date (2019)
Intervenors final argument	Thursday, September 19
Creative Energy reply argument	Thursday, September 26

Creative Energy Vancouver Platforms Inc.
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REASONS FOR DECISION

By letter dated August 15, 2019, the Commercial Energy Consumers Association of British Columbia (CEC) requested a one-week extension for the filing of its final submission for the Creative Energy Vancouver Platforms Inc.'s (Creative Energy) Application for a Certificate of Public Convenience and Necessity for the Expo-Beatty Plants and Reorganization (Application) to Thursday, September 19, 2019.

The CEC submitted that, due to a very busy regulatory schedule of various BCUC proceedings this summer, the CEC has been fully engaged. However, its challenge for this proceeding is that the primary consultant who has been dealing with it since the proceeding commenced will be unavailable due to travel commitments and the wedding of her son, from the filing date of Creative Energy's final submission, August 29, 2019, to September 16, 2019. Consequently, and to ensure that the CEC final submission has its key consultant's contribution, the CEC has requested a one-week extension for the filing of its final submissions from Thursday, September 12, 2019 to Thursday, September 19, 2019. The CEC further stated it has no concern with the extension of Creative Energy's reply argument to Thursday, October 3, 2019.

On August 16, 2019, Creative Energy filed its final argument in this proceeding, also providing comments regarding the CEC's request to extend the filing date for its final argument. Creative Energy acknowledged the circumstances set out by the CEC in support of its request for an extension. However, Creative Energy stated that it does not support any delay into the BCUC's consideration of the Application, for which Creative Energy has continually stressed expedience to the extent possible.

Creative Energy noted that it filed its final argument on August 16, 2019, two weeks in advance of the due date of August 29, 2019. Therefore, Creative Energy is of the view that the CEC's consultant has ample opportunity to prepare its final argument by September 12, 2019. Further, Creative Energy noted that, in case the BCUC grants the CEC its requested extension, Creative Energy will still commit to file its reply argument by September 26, 2019 as per current regulatory timetable, pursuant to Order G-159-19.

The Panel has reviewed the CEC's deadline extension request and Creative Energy's comments to determine whether amending the regulatory timetable is warranted.

The Panel notes that Creative Energy filed its final argument on August 16, 2019, instead of August 29, 2019, which provides additional time to the CEC's consultant to consider Creative Energy's final submission in preparation of the CEC's final argument in this proceeding. The Panel also notes that, even if the CEC's request for extension is granted, Creative Energy commits to filing its reply argument in accordance with the current regulatory timetable, pursuant to Order G-159-19. Therefore, granting the CEC's extension request would not extend an already scheduled regulatory review process.

The Panel further observes that the schedule set by the existing regulatory timetable, pursuant to Order G-159-19, was determined taking into account the availability of the Panel appointed to conduct the review of the Application. Therefore, the Panel is of the view that extending the deadline for intervenor final argument, while maintaining the due date for Creative Energy's reply argument does not delay the BCUC's consideration of the Application.

In consideration of the above, the Panel has determined that the CEC's request for an extension for the filing of interveners' final argument is granted. The Panel requests the CEC to file its final argument no later than Thursday, September 19, 2019.