



ORDER NUMBER
G-289-19

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

and

British Columbia Hydro and Power Authority
Application for Approval of Section 2.5 Guidelines
for Tariff Supplement No. 3 to Rate Schedule 3808

BEFORE:

B. A. Magnan, Commissioner, Panel Chair
R. D. Revel, Commissioner

on November 18, 2019

ORDER

WHEREAS:

- A. On May 24, 2013, the British Columbia Hydro and Power Authority (BC Hydro) filed an application with the British Columbia Utilities Commission (BCUC) for Approval of Rates between BC Hydro and FortisBC Inc. (FBC) with regards to Rate Schedule 3808 (RS 3808), Tariff Supplement No. 3 – Power Purchase and Associated Agreements, and Tariff Supplement No. 2 to Rate Schedule 3808 (RS 3808 Application);
- B. In the RS 3808 Application BC Hydro requested approval to, among other things, replace an existing 1993 Power Purchase Agreement (PPA) with FBC under RS 3808 with a new PPA (New PPA) and proposed that Section 2.5 of the New PPA, contained in Tariff Supplement No. 3 to RS 3808, include the following language:
 - (a) Electricity taken under this Agreement:
 - (ii) shall not be sold to any FortisBC customer with self-generation facilities, or used by FortisBC to serve any such customer's load, when such customer is selling self-generated Electricity unless a portion of the customer's load equal to or greater than the customer-specific baseline is being served by Electricity that is not Electricity taken under this Agreement, where such customer-specific baseline is as determined in accordance with Commission-approved guidelines and in consultation with the customer;
- C. By Order G-60-14, on May 6, 2014, the BCUC approved the RS 3808 Application, including Section 2.5 (a)(ii), and by way of Directive 2 required BC Hydro to initiate a consultation process resulting in an application for RS 3808, Section 2.5 customer-specific baseline guidelines;
- D. Order G-60-14 also directed FBC to initiate a concurrent consultation process in its service territory and to file a resultant Self-Generation Policy application to establish high level principles for its service territory;
- E. On December 15, 2014, in compliance with Order G-60-14, BC Hydro filed its Application for Approval of Section 2.5 Guidelines for Tariff Supplement No. 3 to Rate Schedule 3808 (Application);

- F. By Order G-205-14, dated December 19, 2014, the BCUC issued a regulatory timetable, which included intervener registration and submissions from stakeholders on the process for the review of the Application;
- G. The Association of Major Power Customers of BC (AMPC), BC Sustainable Energy Association and the Sierra Club of British Columbia (BCSEA), British Columbia Old Age Pensioners' Organization, Active Support Against Poverty, Disability Alliance BC Counsel of Senior Citizens' Organizations of BC, and the Tenant Resource and Advisory Centre (BCOAPO *et al.*), Commercial Energy Consumers Association of British Columbia (the CEC), FortisBC Inc. (FBC), Alan Wait, and Zellstoff Celgar Partnership Limited (Celgar) registered as interveners;
- H. On January 9, 2015, in compliance with Order G-60-14, FBC filed the Self-Generation Policy Application (FBC SGP Application) and on January 13, 2015, by Order G-3-15, the BCUC established a procedural conference to hear submissions from stakeholders on the regulatory review process for the FBC SGP Application;
- I. To ensure regulatory efficiency, on January 13, 2015, by Order G-4-15, the regulatory timetable established by Order G-205-14 was suspended, as the BCUC considered that the submissions on further process for the review of the Application could be informed by the submissions made at the FBC SGP Application procedural conference;
- J. On February 27, 2019, by Order G-41-19, FBC's SGP Application was not approved;
- K. On July 23, 2019, BC Hydro filed a request to withdraw its Application for Approval of Section 2.5 Guidelines for Tariff Supplement No. 3 to Rate Schedule 3808 stating that in its view Section 2.5 Guidelines are not required at this time. As directed in BCUC Order G-60-14, the net-of-load methodology continues to apply for the purposes of the New PPA;
- L. By letter dated September 11, 2019, and in compliance with Directive 2 of Order G-60-14, the proceeding to review the Application was resumed;
- M. By letter dated October 23, 2019, the BCUC requested written submissions from registered interveners on BC Hydro's request to withdraw the Application;
- N. On November 7, 2019, AMPC, BCSEA, BCOAPO *et al.*, the CEC, FBC and Celgar provided submissions on BC Hydro's request to withdraw the Application and no objections were raised; and
- O. The Panel has reviewed the Application, BC Hydro's request for withdrawal and intervener submissions and considers that the following determination is warranted.

NOW THEREFORE the BCUC orders that pursuant to section 88.1 of the UCA, BC Hydro's request to withdraw its Application for Approval of Section 2.5 Guidelines for Tariff Supplement No. 3 to Rate Schedule 3808 is approved, and the Application is dismissed.

DATED at the City of Vancouver, in the Province of British Columbia, this 18th day of November 2019.

BY ORDER

Original signed by:

B. A. Magnan
Commissioner