



ORDER NUMBER
G-108-20

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

and

Ravens Landing Industrial Park Ltd.
Application for Exemption pursuant to section 88(3) of the *Utilities Commission Act*

BEFORE:

R. I. Mason, Panel Chair
W. M. Everett, QC, Commissioner

on May 6, 2020

ORDER

WHEREAS:

- A. On April 15, 2019, Ravens Landing Industrial Park Ltd. (RLIP) filed an application (Application) with the British Columbia Utilities Commission (BCUC) for a partial exemption from Part 3 of the *Utilities Commission Act* (UCA);
- B. RLIP owns part of a commercial strata park located at 1763 Sean Heights, Saanichton BC, comprised of three buildings with 27 separate strata units (Strata Park). Nine strata units are owned directly by their occupant; the remaining 18 strata units are owned by RLIP and rented by tenants, some with lease terms greater than five years;
- C. RLIP purchases the energy used by the Strata Park directly from BC Hydro and re-sells it to all occupants of the Strata Park at rates not exceeding the price that BC Hydro would have charged the occupants had such tenants been customers of BC Hydro;
- D. By letter to the BCUC dated September 11, 2018, RLIP acknowledged that it meets the definition of a public utility as defined in the UCA due to the existence of owner-occupied units within the Strata Park;
- E. By Order G-177-18 dated September 24, 2018, the BCUC, having been granted advance approval by the Minister responsible for the administration of the *Hydro and Power Authority Act*, ordered a class exemption for all BC Hydro customers with lease arrangements where the lessor, not otherwise a public utility provides electricity only to the lessee, where the lease period is greater than five years, provided the service or commodity is not resold to or used by others and meets the criteria of BC Hydro Electric Tariff Terms and Conditions for the Resale of Electricity and provided all other requirements of the UCA are met;
- F. On June 6, 2019, by Order G-124-19 the BCUC established a regulatory timetable in respect of the Application which included intervener registration;

- G. On June 19, 2019, by Order G-133-19 the regulatory timetable was amended to allow further time for intervenor registration;
- H. The Commercial Energy Consumers Association of British Columbia (CEC) and Eppic Waterjet Inc. (Eppic Waterjet) registered as Interveners;
- I. On July 4, 2019, the BCUC issued BCUC Information Request No. 1 (IR) to RLIP. The CEC and Eppic Waterjet issued IRs on July 17 and 18, 2019, respectively, to RLIP;
- J. On July 30, 2019, RLIP submitted its responses to the BCUC, CEC and Eppic Waterjet IRs;
- K. Neither RLIP nor any registered intervenor made submissions on further process by the deadline of August 22, 2019;
- L. On October 15, 2019, the CEC filed its final argument supporting RLIP's application for partial exemption from Part 3 of the UCA. RLIP did not file a final argument and submitted its reply argument on October 30, 2019. Eppic Waterjet did not file any final submissions;
- M. By Ministerial Order M143 dated May 5, 2020 and as attached as Appendix A to this order, the Minister responsible for the administration of the *Hydro and Power Authority Act* granted advance approval to the BCUC to partially exempt RLIP from the requirements of Part 3 to the UCA; and
- N. The BCUC has reviewed the Application and considers RLIP's Application for exemption is in the public interest.

NOW THEREFORE the BCUC orders as follows:

- 1. Pursuant to section 88(3) of the UCA, the BCUC, having been granted advance approval by the Minister responsible for the administration of the *Hydro and Power Authority Act*, effective as of the date of this order, exempts in respect of RLIP's provision of electricity within the Strata Park to occupants who are not its lessees:
 - a. RLIP from section 71 and Part 3 of the UCA except for sections 25, 38, 41, 42 and 44; and
 - b. Any occupant at the Strata Park from section 71 of the UCA.
- 2. The exemption referred to in Directive 1 of this order remains in effect until the BCUC, after conducting a hearing, orders that the exemption no longer applies.

DATED at the City of Vancouver, in the Province of British Columbia, this 6th day of May 2020.

BY ORDER

Original signed by:

R. I. Mason
Commissioner
Attachment

PROVINCE OF BRITISH COLUMBIA
ORDER OF THE MINISTER OF ENERGY, MINES
AND PETROLEUM RESOURCES

Utilities Commission Act

Ministerial Order No. M143

I, Bruce Ralston, Minister of Energy, Mines and Petroleum Resources, order that pursuant to section 88(3) of the *Utilities Commission Act*, approval is given to the British Columbia Utilities Commission to make the exemptions from the indicated provisions of the *Utilities Commission Act* (related to Ravens Landing Industrial Park Ltd.) as set out in the attached draft order of the British Columbia Utilities Commission.

May 5, 2020
Date


Minister of Energy, Mines and
Petroleum Resources

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Utilities Commission Act*, R.S.B.C. 1996, s. 88(3)
Other: _____



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Utilities Commission

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Ravens Landing Industrial Park Ltd.

Application for Exemption pursuant to section 88(3) of the *Utilities Commission Act*

BEFORE:

R. I. Mason, Panel Chair
W. M. Everett, QC, Commissioner

on [Date]

ORDER

WHEREAS:

- B. On April 15, 2019, Ravens Landing Industrial Park Ltd. (RLIP) filed an application (Application) with the British Columbia Utilities Commission (BCUC) for a partial exemption from Part 3 of the *Utilities Commission Act* (UCA);
- C. RLIP owns part of a commercial strata park located at 1763 Sean Heights, Saanichton BC, comprised of three buildings with 27 separate strata units (Strata Park). Nine strata units are owned directly by their occupant; the remaining 18 strata units are owned by RLIP and rented by tenants, some with lease terms greater than five years;
- D. RLIP purchases the energy used by the Strata Park directly from BC Hydro and re-sells it to all occupants of the Strata Park at rates not exceeding the price that BC Hydro would have charged the occupants had such tenants been customers of BC Hydro;
- E. By letter to the BCUC dated September 11, 2018, RLIP acknowledged that it meets the definition of a public utility as defined in the UCA due to the existence of owner-occupied units within the Strata Park;
- F. By Order G-177-18 dated September 24, 2018, the BCUC, having been granted advance approval by the Minister responsible for the administration of the *Hydro and Power Authority Act*, ordered a class exemption for all BC Hydro customers with lease arrangements where the lessor, not otherwise a public utility provides electricity only to the lessee, where the lease period is greater than five years, provided the service or commodity is not resold to or used by others and meets the criteria of BC Hydro Electric Tariff Terms and Conditions for the Resale of Electricity and provided all other requirements of the UCA are met;
- G. On June 6, 2019, by Order G-124-19 the BCUC established a regulatory timetable in respect of the Application which included intervenor registration;

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- H. On June 19, 2019, by Order G-133-19 the regulatory timetable was amended to allow further time for intervener registration;
- I. The Commercial Energy Consumers Association of British Columbia (CEC) and Eppic Waterjet Inc. (Eppic Waterjet) registered as Interveners.
- J. On July 4, 2019, the BCUC issued BCUC Information Request No. 1 (IR) to RLIP. The CEC and Eppic Waterjet issued IRs on July 17 and 18, 2019, respectively, to RLIP;
- K. On July 30, 2019, RLIP submitted its responses to BCUC, CEC and Eppic Waterjet IRs;
- L. Neither RLIP nor any registered intervener made submissions on further process by the deadline of August 22, 2019;
- M. On October 15, 2019, the CEC filed its final argument supporting RLIP's application for partial exemption from Part 3 of the UCA. RLIP did not file a final argument and submitted its reply argument on October 30, 2019. Eppic Waterjet did not file any final submissions;
- N. By Ministerial Order [xx] dated [Month, Day, Year] and as attached as Appendix A to this order, the Minister responsible for the administration of the *Hydro and Power Authority Act* granted advance approval to the BCUC to partially exempt RLIP from the requirements of Part 3 to the UCA; and
- O. The BCUC has reviewed the Application and considers RLIP's Application for exemption is in the public interest.

NOW THEREFORE the BCUC orders as follows:

- 1. Pursuant to section 88(3) of the UCA, the BCUC, having been granted advance approval by the Minister responsible for the administration of the *Hydro and Power Authority Act*, effective as of the date of this order, exempts in respect of RLIP's provision of electricity within the Strata Park to occupants who are not its lessees:
 - a. RLIP from section 71 and Part 3 of the UCA except for sections 25, 38, 41, 42 and 44; and
 - b. Any occupant at the Strata Park from section 71 of the UCA.
- 2. The exemption referred to in Directive 1 of this order remains in effect until the BCUC, after conducting a hearing, orders that the exemption no longer applies.

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DATED at the City of Vancouver, in the Province of British Columbia, this [date] day of [Month, Year].

BY ORDER

R. I. Mason
Commissioner

DRAFT