



**ORDER NUMBER
E-22-20**

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

and

British Columbia Hydro and Power Authority
Biomass Energy Program Energy Supply Contracts for
Tolko Armstrong

BEFORE:

B. A. Magnan, Panel Chair
C. Brewer, Commissioner
T. A. Loski, Commissioner
R. I. Mason, Commissioner

on October 8, 2020

ORDER

WHEREAS:

- A. On September 11, 2020, the British Columbia Hydro and Power Authority (BC Hydro or the Authority) filed with the British Columbia Utilities Commission (BCUC), pursuant to section 71 of the *Utilities Commission Act* (UCA) and Order in Council No. 158, BC Reg. 71/2019 (OIC 158), an amending agreement dated December 1, 2019, between BC Hydro and Tolko Industries Ltd. (Tolko) respecting the Armstrong Wood Waste Co-Generation Facility (Amending Agreement and, altogether, the Filing);
- B. The Amending Agreement corrects a billing error present in the September 30, 2019 energy supply contract between BC Hydro and Tolko for the Armstrong Wood Waste Co-Generation Facility, which was accepted by the BCUC for filing on January 13, 2020, pursuant to OIC 158 and section 71 of the UCA;
- C. On April 1, 2019, the Province of British Columbia issued OIC 158, which contains a Direction to the BCUC Respecting the Biomass Energy Program (Direction). The Direction is applicable to biomass contracts in respect of a biomass facility that the Authority enters into between April 1, 2019 and December 31, 2021, and that “biomass facility” includes, among others, the Armstrong Wood Waste Co-Generation facility;
- D. The Direction states that the BCUC may not exercise its powers under sections 71(1)(b) or (3) of the UCA respecting applicable biomass contracts and may not disallow for any reason the recovery in rates of the Authority’s costs with respect to a biomass contract;

- E. The BCUC has not reviewed the Filing from a public interest perspective as the Amending Agreement is a “biomass contract” within the meaning of the Direction; and
- F. Given the provisions of OIC 158, the BCUC finds that acceptance of the Amending Agreement is warranted.

NOW THEREFORE pursuant to the OIC 158, section 71 of the UCA, and the BCUC’s Rules of Practice and Procedure, the BCUC orders as follows:

1. The BCUC accepts for filing the Amending Agreement.
2. The BCUC will keep the Amending Agreement confidential.

DATED at the City of Vancouver, in the Province of British Columbia, this 8th day of October 2020.

BY ORDER

Original signed by:

B. A. Magnan
Commissioner