



ORDER NUMBER
G-69-21

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

and

Lake Okanagan Resort
Potential Non-compliance of the *Utilities Commission Act*

BEFORE:
T. A. Loski, Commissioner

March 10, 2021

ORDER

WHEREAS:

- A. By Order G-201-20 dated July 30, 2020, the British Columbia Utilities Commission (BCUC) established a public hearing process to review Lake Okanagan Resort (LOR) potential contravention of the *Utilities Commission Act* (UCA) and non-compliance of BCUC orders and directives;
- B. By Order G-333-19 dated December 18, 2019, the BCUC determined that LOR is a public utility as defined in section 1 of the *UCA* and is therefore subject to regulation by the BCUC under the *UCA*;
- C. LOR sells metered electricity to condo owners of the following Strata Corporations under section 9.1 (Resale of Electricity) of British Columbia Hydro and Power Authority's (BC Hydro) Electric Tariff:
 - 1. Point Beach 1100 (Strata Plan KAS3858) – 24 units;
 - 2. Condo 1, 2 and 3 (Strata Plan KAS287) - 18 units;
 - 3. Chalet – Strata Plan KAS322 – 22 units;
 - 4. Kingfisher – Strata Plan KAS316 – 18 units;
 - 5. Lakeside & Terrace – Strata Plan KAS 520 - 99 units;
- D. By Letter L-26-20, LOR was directed to re-file comprehensive interim tariff pages for endorsement and to provide an update as to the progress and expected filing date of LOR's Permanent Rate Application by May 29, 2020. Further, LOR was directed to file with the BCUC a Certificate of Public Convenience and Necessity (CPCN) application and Permanent Rate Application by June 15, 2020;
- E. By Order G-167-20 dated June 22, 2020, pursuant to sections 42 and 43 of the *UCA*, the BCUC directed LOR to provide comments on the potential contravention of the *UCA* and non-compliance with BCUC Order G-333-19 and Letter L-26-20 by July 6, 2020;
- F. By letter dated October 9, 2020, LOR filed a two-week extension to gather additional information on the proceeding. The BCUC approved the request on October 19, 2020 and directed LOR to file with the BCUC,

a plan outlining LOR's expected filing dates for its CPCN application, permanent rate application and interim tariff pages;

- G. By letters dated November 3 and 19, 2020, respectively, LOR filed its proposed filing dates of the CPCN application, permanent rate application and interim tariff pages. LOR further submitted that a consultation process with stakeholders would be established and that a subsequent update would be provided to the BCUC;
- H. By letter dated January 12, 2021, LOR filed with the BCUC an update regarding its consultation process with stakeholders;
- I. By Order G-17-21 dated January 19, 2021, the BCUC established further regulatory process requesting further submissions by LOR as it relates to next steps and expected filing dates of compliance items following the results of stakeholder consultation;
- J. By letter dated February 8, 2021, LOR filed with the BCUC an update on upcoming filing dates of compliance items and stakeholder consultation sessions;
- K. By letter dated February 17, 2021, the BCUC temporarily adjourned the regulatory timetable for the Potential Non-compliance of the UCA proceeding pending receipt and assessment of LOR's exemption application filing by Monday, March 1, 2021;
- L. By letter dated March 1, 2021, LOR requested an adjournment of 10 days in order to get the full application together, circulate it to affected stakeholders, and obtain feedback from BCUC staff;
- M. On March 8, 2021, LOR submitted to the BCUC an application for interim tariff rates; and
- N. The BCUC has reviewed LOR's submission of interim tariff rates and considers no further action is required for the Potential Non-Compliance of the UCA proceeding.

NOW THEREFORE the BCUC adjourns the Potential Non-Compliance of the UCA proceeding pending further order from the BCUC.

DATED at the City of Vancouver, in the Province of British Columbia, this 10th day of March 2021.

BY ORDER

Original signed by:

T. A. Loski
Commissioner