



ORDER NUMBER
G-311-22

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

and

Barriere Ridge Power Inc.
Application for Exemption pursuant to
Section 88(3) of the *Utilities Commission Act*

BEFORE:

T. A. Loski, Panel Chair
C. M. Brewer, Commissioner
W. M. Everett, KC, Commissioner

on November 2, 2022

ORDER

WHEREAS:

- A. On March 16, 2021, Barriere Ridge Power Inc. (BR Power) filed an application with the British Columbia Utilities Commission (BCUC) for exemption from section 71 and partial exemption from part 3 of the *Utilities Commission Act* (UCA) with respect to its resale of electricity at Barriere Ridge Resort, a remote development of recreational properties on East Barriere Lake, which is approximately 20 km east of Barriere, BC (Application);
- B. In the Application, BR Power states that it purchases electricity from British Columbia Hydro and Power Authority (BC Hydro) and re-sells it to lot owners at Barriere Ridge Resort, all of whom are shareholders of BR Power;
- C. BR Power has been reselling electricity to lot owners since 2013, when it began operations of its electrical distribution system;
- D. BR Power acknowledges in the Application that by reselling energy to others, BR Power falls within the definition of “public utility” as defined in section 1 of the UCA;
- E. By Order G-130-21, the BCUC established a regulatory timetable for review of the Application, which included notification to the public, stakeholders, and the Shuswap Nation Tribal Council and member communities (Indigenous groups), one round of BCUC information requests (IRs), BR Power responses to BCUC IRs, a letter of comment period, and further process to be determined;
- F. By Order G-186-21, the BCUC amended the regulatory timetable in response to BR Power’s request for additional time to file responses to BCUC IR No. 1;

- G. On July 14, 2021, BR Power filed its responses to BCUC IR No. 1 with supplemental information filed on August 12, 2021;
- H. By Order G-246-21, the BCUC established a further regulatory timetable, which included a direction to BR Power to provide a second notice of the Application and order to Indigenous groups. Order G-246-21 also directed BR Power to provide the BCUC evidence of confirmation that the Indigenous groups received notice of the Application and order;
- I. On October 12, 2021, BR Power filed a submission with the BCUC, which included copies of notices sent to the Simpcw First Nation, the Shuswap Nation Tribal Council, the Adams Lake Indian Band, and the Shuswap Indian Band;
- J. By Order G-304-21, the BCUC found that there was insufficient evidence of confirmation that the Indigenous groups had received notice of the Application and Order and directed BR Power to deliver notice of the Application and order to the Indigenous groups and provide proof of such delivery to the BCUC;
- K. On November 9, 2021, BR Power filed a submission with the BCUC, which included confirmation of delivery of notices of the Application to the Indigenous groups. On December 2, 2021 and December 9, 2021, BR Power filed additional information regarding the notices provided to the Indigenous groups, including a letter from the Simpcw First Nation and a letter from the Adams Lake Indian Band;
- L. By Ministerial Order M88 dated March 24, 2022 and as attached as Appendix B to this order, the Minister responsible for the administration of the *Hydro and Power Authority Act* granted advance approval to the BCUC to exempt BR Power from section 71 and certain requirements of Part 3 of the UCA; and
- M. The BCUC has reviewed the Application, evidence, and submissions in this proceeding and considers that BR Power's request for exemption is warranted.

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*:
 - a. Exempts BR Power from the requirements of Part 3 of the UCA except for sections 24, 25, 38, 41, 42, 43 and 44 with respect to the resale of electricity to lot owners at Barriere Ridge Resort.
 - b. Exempts BR Power and the customers described in Directive 1a from section 71 of the UCA with respect to the resale of electricity provided that a BR Power customer is not re-selling electricity to third parties.
- 2. Pursuant to section 43 of the UCA, BR Power is directed to file an annual report within 90 days after fiscal year-end containing the information set out in Appendix A or as the BCUC may otherwise order.
- 3. 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 2nd day of November 2022.

BY ORDER

Original signed by:

T. A. Loski
Commissioner

Attachment

APPENDIX A
ANNUAL REPORTING REQUIREMENTS

A Report is required for Barriere Ridge Power Inc.
Resale of Electricity

(Reports are to be filed within 90 days after fiscal year-end)

Annual Submissions

- Public utility contact information;
- Number of customers served;
- Summary of annual maintenance work, including who performed the maintenance work;
- Any safety incidents in the preceding fiscal year; and
- Any customer complaints in the preceding fiscal year.

PROVINCE OF BRITISH COLUMBIA
ORDER OF THE MINISTER OF ENERGY, MINES
AND LOW CARBON INNOVATION

Utilities Commission Act

Ministerial Order No. M88

I, Bruce Ralston, Minister of Energy, Mines and Low Carbon Innovation, 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 Barriere Ridge Power Inc.) as set out in the attached draft order of the British Columbia Utilities Commission.

March 24, 2022

Date


Minister of Energy, Mines and
Low Carbon Innovation

(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: _____



bcuc
British Columbia
Utilities Commission

Suite 410, 900 Howe Street
Vancouver, BC Canada V6Z 2N3
bcuc.com

P: 604.660.4700
TF: 1.800.663.1385
F: 604.660.1102

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BEFORE:

T. A. Loski, Panel Chair
C. M. Brewer, Commissioner
W. M. Everett, QC, Commissioner

on [Date]

DRAFT ORDER

WHEREAS:

- A. On March 16, 2021, Barriere Ridge Power Inc. (BR Power) filed an application with the British Columbia Utilities Commission (BCUC) for exemption from section 71 and partial exemption from part 3 of the *Utilities Commission Act* (UCA) with respect to its resale of electricity at Barriere Ridge Resort, a remote development of recreational properties on East Barriere Lake, which is approximately 20 km east of Barriere, BC (Application);
- B. In the Application, BR Power states that it purchases electricity from British Columbia Hydro and Power Authority (BC Hydro) and re-sells it to lot owners at Barriere Ridge Resort, all of whom are shareholders of BR Power;
- C. BR Power has been reselling electricity to lot owners since 2013, when it began operations of its electrical distribution system;
- D. BR Power acknowledges in the Application that by reselling energy to others, BR Power falls within the definition of “public utility” as defined in section 1 of the UCA;
- E. By Order G-130-21, the BCUC established a regulatory timetable for review of the Application, which included notification to the public, stakeholders, and the Shuswap Nation Tribal Council and member communities (Indigenous groups), one round of BCUC information requests (IRs), BR Power responses to BCUC IRs, a letter of comment period, and further process to be determined;
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- G. On July 14, 2021, BR Power filed its responses to BCUC IR No. 1 with supplemental information filed on August 12, 2021;
- H. By Order G-246-21, the BCUC established a further regulatory timetable, which included a direction to BR Power to provide a second notice of the Application and order to Indigenous groups. Order G-246-21 also directed BR Power to provide the BCUC evidence of confirmation that the Indigenous groups received notice of the Application and order;
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- J. By Order G-304-21, the BCUC found that there was insufficient evidence of confirmation that the Indigenous groups had received notice of the Application and Order and directed BR Power to deliver notice of the Application and order to the Indigenous groups and provide proof of such delivery to the BCUC;
- K. On November 9, 2021, BR Power filed a submission with the BCUC, which included confirmation of delivery of notices of the Application to the Indigenous groups. On December 2, 2021 and December 9, 2021, BR Power filed additional information regarding the notices provided to the Indigenous groups, including a letter from the Simpcw First Nation and a letter from the Adams Lake Indian Band;
- L. By Ministerial Order XXX dated [date] and as attached as Appendix B 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 BR Power from section 71 and certain requirements of Part 3 of the UCA; and
- M. The BCUC has reviewed the Application, evidence, and submissions in this proceeding and considers that BR Power's request for exemption is warranted.

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*:
 - a. Exempts BR Power from the requirements of Part 3 of the UCA except for sections 24, 25, 38, 41, 42, 43 and 44 with respect to the resale of electricity to lot owners at Barriere Ridge Resort.
 - b. Exempts BR Power and the customers described in Directive 1a from section 71 of the UCA with respect to the resale of electricity provided that a BR Power customer is not re-selling electricity to third parties.
- 2. Pursuant to section 43 of the UCA, BR Power is directed to file an annual report within 90 days after fiscal year-end containing the information set out in Appendix A or as the BCUC may otherwise order.
- 3. 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 XX day of [Month Year].

BY ORDER

T. A. Loski
Commissioner

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