



~~CONFIDENTIAL~~
ORDER NUMBER
R-42-22

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

and

Tolko Industries Limited
Confirmation of Alleged Violation of Mandatory Reliability Standard:
PRC-005-1 Requirement 1 – Violation ID: BCUC2019000710

BEFORE:

E. B. Lockhart, Panel Chair
W. M. Everett, KC, Commissioner
B. A. Magnan, Commissioner

on December 20, 2022

ORDER

WHEREAS:

- A. On August 20, 2021, the Western Electricity Coordinating Council (WECC), acting as the Administrator for the British Columbia Mandatory Reliability Standards Program (BC MRS Program), issued Notice of Alleged Violation (NOAV) CF1923 to Tolko Limited Industries (Tolko) citing Alleged Violation of PRC-005-1 R1, identified as Violation ID: BCUC2019000710 (Alleged Violation);
- B. The British Columbia Utilities Commission (BCUC) by Order G-123-09 approved the Compliance Monitoring Program (CMP) Section 4 of which provides the process for proceeding with alleged violations to Mandatory Reliability Standards adopted by the BCUC. The most recent revisions to the CMP were approved by Order R-40-17;
- C. The Alleged Violation was identified by way of a Compliance Audit conducted by WECC between October 21, 2019 and October 25, 2019;
- D. NOAV CF1923 describes the facts and circumstances that allegedly demonstrate or constitute the Alleged Violation together with additional information, including a proposed penalty amount, pursuant to Section 4.3.2 of the CMP;
- E. Pursuant to Section 4.4.2 of the CMP, Tolko had to elect one of three options for its response to the Alleged Violation and pursuant to Section 4.4.1, to submit its response within 30 days to the Administrator;
- F. By letter dated September 14, 2021, Tolko submitted its response, in accordance with Section 4.4.2, stating that it does not contest the Alleged Violation (Tolko Response);

- G. Pursuant to Section 5.1.2 of the CMP, Tolko is not required to, but may, prepare a Mitigation Plan (MP) for an Alleged Violation at any time;
- H. On September 15, 2021, Tolko submitted an MP, with a proposed completion date of December 3, 2021, regarding the Alleged Violation. The BCUC accepted the MP by Order R-18-22 dated May 12, 2022; and
- I. The BCUC has reviewed the information regarding the Alleged Violation in NOAV CF1923 and the Tolko Response and considers confirmation of the Alleged Violation is warranted. Any Confirmed Violations are deemed contraventions of the *Utilities Commission Act* (UCA) and may be subject to penalty by the BCUC.

NOW THEREFORE pursuant to section 125.2(10) of the UCA and in accordance with the CMP, the BCUC makes the following orders:

1. Tolko has contravened Reliability Standard PRC-005-1 Requirement 1, as set out in NOAV CF1923 issued to Tolko on August 20, 2021.
2. Alleged Violation PRC-005-1 R1, identified as Violation ID: BCUC2019000710 is confirmed.

DATED at the City of Vancouver, in the Province of British Columbia, this 20th day of December 2022.

BY ORDER

Original signed by:

E. B. Lockhart
Commissioner