



ORDER NUMBER
E-13-23

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

and

FortisBC Inc.
Capacity and Energy Purchase and Sale Agreement between
FortisBC Inc. and Powerex Corporation – Second Amending Agreement

BEFORE:

B. A. Magnan, Panel Chair
C. M. Brewer, Commissioner
L. Brown, Commissioner
E. B. Lockhart, Commissioner

on August 17, 2023

ORDER

WHEREAS:

- A. On July 26, 2023, pursuant to section 71 of the *Utilities Commission Act* (UCA), FortisBC Inc. (FBC) filed an application, including appendices (Application), with the British Columbia Utilities Commission (BCUC), requesting the BCUC's acceptance of the Second Amending Agreement to the Capacity and Energy Purchase and Sale Agreement (CEPSA) between FBC and Powerex Corporation (Powerex) (Second Amending Agreement);
- B. FBC submits that Sections 3, 4, 5 and 8 of the CEPSA are exempt from regulation under the UCA;
- C. Section 1(2) of the UCA states that "[t]his Act does not apply to Powerex Corp." In addition, under Ministerial Order No. M407 issued December 3, 2004, pursuant to section 22 of the UCA, the Minister exempted from section 71 of the UCA "persons, their successors and assigns, who enter into an energy supply contract with Powerex for the delivery of power services to Powerex, and Powerex, in respect of such contracts.";
- D. By Order G-61-12 dated May 17, 2012, the BCUC approved the Rules for Energy Supply Contracts for Electricity (Rules). The Rules facilitate the BCUC's review of energy supply contracts for electricity and proposed energy supply contracts for electricity under section 71 of the UCA;
- E. By Order E-10-15 dated April 27, 2015, to the extent that it is within the BCUC's jurisdiction, the BCUC accepted the Capacity and Energy Purchase and Sale Agreement (CEPSA) between FBC and Powerex. The CEPSA is a master agreement that sets out the terms and conditions for future market transactions regarding capacity and energy entered into between FBC and Powerex;

- F. By Order E-19-19 dated October 24, 2019, to the extent that it is within the BCUC's jurisdiction, the BCUC accepted the First Amending Agreement of the CEP SA;
- G. FBC requests that the information in the Application be kept confidential in perpetuity due to their commercially sensitive nature; and
- H. The BCUC has considered the Application and is satisfied that the Second Amending Agreement, to the extent it is within the BCUC's jurisdiction, should be accepted for filing as an energy supply contract under section 71 of the UCA and the Rules.

NOW THEREFORE pursuant to section 71 of the UCA and the Rules, the BCUC accepts, to the extent it is within the BCUC's jurisdiction, the Second Amending Agreement executed between FBC and Powerex as filed. The BCUC orders that the Application be kept confidential until the BCUC determines otherwise due to their commercially sensitive nature.

DATED at the City of Vancouver, in the Province of British Columbia, this 17th day of August 2023.

BY ORDER

Original signed by:

B. A. Magnan
Commissioner