



ORDER NUMBER
G-293-23

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

and

111 E 5th Partnership and 111 E 5th Property Inc.
Exemption under Section 88(3) of the UCA

BEFORE:

E. B. Lockhart, Chair
W. E. Royle, Commissioner

on October 27, 2023

ORDER

WHEREAS:

- A. On September 25, 2023, 111 E 5th Partnership and 111 E 5th Property Inc. (Applicant), filed an application (Exemption Application) with the British Columbia Utilities Commission (BCUC) pursuant to section 88(3) of the *Utilities Commission Act* (UCA) seeking approval for exemption from section 71 and Part 3 of the UCA, in respect of the sale of electricity to Creative Energy Mount Pleasant Limited Partnership (CEMP) for use in the Mount Pleasant District Cooling System (DCS);
- B. Under the UCA, a public utility is defined in section 1, in part, as:

A person, or the person's lessee, trustee, receiver or liquidator, who owns or operates in British Columbia, equipment or facilities for the (a) production, generation, storage, transmission, sale, delivery or provision of electricity, natural gas, steam or any other agent for the production of light, heat, cold or power to or for the public or a corporation for compensation;
- C. The Applicant is the registered owner of lands and premises located at 111 E 5th Avenue (Building M3) and 111 E 5th Partnership is the beneficial owner of Building M3. Building M3 is part of a five-building development located at Main Street and East 5th Avenue in Vancouver, BC (Main Alley Development);
- D. In the Exemption Application, the Applicant states that in order to operate the Mount Pleasant DCS, CEMP relies on the electricity and water supplied through Building M3's existing service connections to British Columbia Hydro and Power Authority (BC Hydro) and the City of Vancouver, respectively;
- E. The developers and owners of the Main Alley Development have partnered with CEMP to upgrade and expand the Mount Pleasant DCS, located in Building M3. Following this, CEMP will sell its centralized cooling energy to the owners of the Main Alley Development under 25-year Customer Service Agreements;
- F. As of February 15, 2024, the Applicant intends to resell the electricity it has purchased from BC Hydro, under Large General Service Rate Schedule 1611, to CEMP for the operation of the Mount Pleasant DCS at the

same rates paid by the Applicant, without markup, based on the Mount Pleasant DCS's actual consumption;
and

- G. The BCUC determines that the establishment of a public hearing process to review the Exemption Application is warranted.

NOW THEREFORE the BCUC orders as follows:

1. A public hearing process is established for the review of the Exemption Application in accordance with the regulatory timetable as set out in Appendix A to this order.
2. The Applicant is directed to endeavor to have the public notice attached as Appendix B and a copy of this order published in a clearly visible location on the homepage of the Main Alley Development website, by no later than Thursday, November 2, 2023.
3. The Applicant is directed, as soon as reasonably possible, but no later than Thursday, November 2, 2023, to provide written notification of the Exemption Application and a copy of this order, electronically to CEMP, BC Hydro and any other potentially affected parties.
4. In accordance with BCUC's Rules of Practice and Procedure, parties who wish to participate in the proceeding may submit a letter of comment, in the form available on the BCUC's website at: <https://www.bcuc.com/Forms/LetterOfComment>.
5. Letters of comment must be submitted by the date established in the regulatory timetable attached as Appendix A to this order, and may be submitted via the BCUC's website or by mail to the BCUC, Suite 410, 900 Howe Street, Vancouver, BC V6Z 2N3.

DATED at the City of Vancouver, in the Province of British Columbia, this 27th day of October 2023.

BY ORDER

Original signed by:

E. B. Lockhart
Commissioner

Attachment

111 E 5th Partnership and 111 E 5th Property Inc.
Exemption under Section 88(3) of the UCA

REGULATORY TIMETABLE

Action	Date (2023)
Public Notice to be published on the Main Alley Development website	Thursday, November 2
Applicant to provide notice of the proceeding to CEMP, BC Hydro, and any other potentially affected parties	Thursday, November 2
Confirmation of compliance with notice requirements	Friday, November 3
BCUC Information Request (IR) No. 1 to the Applicant	Thursday, November 9
Applicant responses to BCUC IR No. 1	Thursday, November 23
Letter of Comment deadline	Thursday, November 30
Applicant response to Letters of Comment, if any	Thursday, December 7
Further regulatory process	To be determined



We want to hear from you

111 E 5th Partnership and 111 E 5th Property Inc. Exemption under Section 88(3) of the UCA

111 E 5th Partnership and 111 E 5th Property Inc. (Applicant) have applied, pursuant to section 88(3) of the *Utilities Commission Act* (UCA), for an exemption from Part 3 of the UCA, which gives the British Columbia Utilities Commission the authority to oversee a public utility with respect to its commercial operations, rates, reliability, and safety, as well as section 71 of the UCA which gives the BCUC oversight over a public utility's energy purchase agreements. The Applicant owns and operates an 8-metre length of electrical infrastructure which it will use to resell, at flow-through rates, electricity it purchases from the British Columbia Hydro Authority (BC Hydro) to Creative Energy Mount Pleasant Limited Partnership (CEMP). This electricity will be used to energise the Mount Pleasant District Cooling System (DCS), which will in turn supply cooling energy to all buildings in a five-building development located at Main Street and East 5th Avenue in Vancouver in which both the Mount Pleasant DCS and the Applicant's premises are located.

HOW TO PARTICIPATE

- Submit a letter of comment

For more information about the Application, please visit the [Proceeding Webpage](#) on bcuc.com under "Our Work – Proceedings". To learn more about getting involved, please visit our website at www.bcuc.com/get-involved or contact us at the information below.

IMPORTANT DATES

1. **Thursday, November 30, 2023** – Deadline to submit a letter of comment to the BCUC

GET MORE INFORMATION

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