



ORDER NUMBER

G-6-25

IN THE MATTER OF

the *Utilities Commission Act*, RSBC 1996, Chapter 473

and

Glencore Canada Corporation
Exemption under Section 88(3) of the UCA

BEFORE:

M. Jaccard, Commissioner

on January 14, 2025

ORDER

WHEREAS:

- A. On October 18, 2024, Glencore Canada Corporation (Glencore) filed an application (Application) with the British Columbia Utilities Commission (BCUC) pursuant to section 88(3) of the *Utilities Commission Act* (UCA) requesting that the BCUC grant an order to exempt Glencore and Brenda Renewables Ltd. (Brenda Renewables) from aspects of BCUC regulation under UCA with respect to the resale of electricity, supplied by British Columbia Hydro and Power Authority (BC Hydro) to Glencore's Substation located at Brenda Mine, BC (BDM Substation), to Brenda Renewables;
- 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. Glencore is a private Canadian company, and a wholly owned subsidiary of Glencore plc. Glencore owns and operates the BDM Substation at the Brenda Mine site. Glencore currently purchases electricity from BC Hydro under Rate Schedule 1830, delivered to the BDM Substation. Glencore also owns and operates an electrical distribution system downstream of the BDM Substation, which will be used to provide electricity service to Brenda Renewables;
- D. In the Application, Glencore states that it has entered into a lease agreement (Lease) for a term of more than five years with Brenda Renewables, and that Glencore will resell electricity purchased from BC Hydro to Brenda Renewables by passing on the actual BC Hydro demand and energy charges without markup using metered data provided by revenue metering equipment to be procured, installed and maintained by Glencore. Glencore also notes that Brenda Renewables will be the only purchaser of electricity from Glencore and will not resell electricity to others;

- E. Glencore will fall within the definition of a “public utility” under the UCA as a result of reselling electricity to Brenda Renewables under the Lease;
- F. By Order G-290-24, dated November 5, 2024, the BCUC established a public hearing for the review of the Application, which included public notice of the Application and a deadline for filing certain supplemental information (Supplemental Information);
- G. On November 14, 2024, Glencore filed the Supplemental Information, wherein Glencore clarified the scope of the requested exemption for Glencore was section 71 and Part 3 of the UCA, except for sections 25, 38, 42 and 43;
- H. Section 88(3) of the UCA provides that the BCUC may grant an exemption from the UCA with the advance approval of the minister responsible for the administration of the *Hydro and Power Authority Act*;
- I. By letter dated January 13, 2025, attached as Appendix A to this order, the Minister responsible for the administration of the *Hydro and Power Authority Act* granted advance approval to the BCUC to exempt Glencore and Brenda Renewables from section 71 of the UCA and Glencore from Part 3 of the UCA, except for sections 25, 38, 42 and 43; and
- J. The BCUC has reviewed the Application and the Supplemental Information and determines that the grant of a partial exemption to Glencore and Brenda Renewables from the operation of the UCA 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*, exempts
 - a. Glencore from the requirements of section 71 and Part 3 of the UCA, except for sections 25, 38, 42 and 43, with respect to the provision of electricity service to Brenda Renewables; and
 - b. Brenda Renewables from the requirements of section 71 of the UCA with respect to the purchase of electricity from Glencore under the Lease.
- 2. The exemptions referred to in Directive 1 of this order remain in effect until the BCUC orders that the exemptions no longer apply.

DATED at the City of Vancouver, in the Province of British Columbia, this 14th day of January 2025.

BY ORDER

Electronically signed by Mark Jaccard

M. Jaccard
Commissioner



January 13, 2025

Ref: 121880

Patrick Wruck
Commission Secretary
Suite 410, 900 Howe Street
Vancouver, BC
Canada V6Z 2N3

Email: Commission.Secretary@bcuc.com

**RE: Advance approval for exemption from *Utilities Commission Act* provisions for
Glencore Canada Corporation.**

Dear Mr. Wruck:

Thank you for your letter of December 3, 2024, regarding the BCUC's request to approve orders under section 88 of the *Utilities Commission Act* (UCA) to exempt Glencore Canada Corporation and Brenda Renewables Ltd. from certain provisions of the UCA.

I, Adrian Dix, Minister of Energy and Climate Solutions, confirm 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 Part 3; except sections 25, 38, 42, and 43; and section 71 of the of the *Utilities Commission Act*), as set out in the attached draft order of the British Columbia Utilities Commission.

Furthermore, as set out in the attached draft order, I also approve exempting Brenda Renewables Ltd. from section 71 of the of the *Utilities Commission Act*.

Thank you, for writing.

Sincerely,

A handwritten signature in black ink, appearing to read "Adrian Dix", with a stylized flourish at the end.

Adrian Dix
Minister

Attachment: BCUC Draft Order regarding Glencore exemption under Section 88(3) of the UCA.

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BEFORE:
M. Jaccard, Commissioner

on [date]

ORDER

WHEREAS:

- A. On October 18, 2024, Glencore Canada Corporation (Glencore) filed an application (Application) with the British Columbia Utilities Commission (BCUC) pursuant to section 88(3) of the *Utilities Commission Act* (UCA) requesting that the BCUC grant an order to exempt Glencore and Brenda Renewables Ltd. (Brenda Renewables) from aspects of BCUC regulation under UCA with respect to the resale of electricity, supplied by British Columbia Hydro and Power Authority (BC Hydro) to Glencore's Substation located at Brenda Mine, BC (BDM Substation), to Brenda Renewables;
- 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. Glencore is a private Canadian company, and a wholly owned subsidiary of Glencore plc. Glencore owns and operates the BDM Substation at the Brenda Mine site. Glencore currently purchases electricity from BC Hydro under Rate Schedule 1830, delivered to the BDM Substation. Glencore also owns and operates an electrical distribution system downstream of the BDM Substation, which will be used to provide electricity service to Brenda Renewables;
- D. In the Application, Glencore states that it has entered into a lease agreement (Lease) for a term of more than five years with Brenda Renewables, and that Glencore will resell electricity purchased from BC Hydro to Brenda Renewables by passing on the actual BC Hydro demand and energy charges without markup using metered data provided by revenue metering equipment to be procured, installed and maintained by Glencore. Glencore also notes that Brenda Renewables will be the only purchaser of electricity from Glencore and will not resell electricity to others;
- E. Glencore will fall within the definition of a "public utility" under the UCA as a result of reselling electricity to Brenda Renewables under the Lease;
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- G. On November 14, 2024, Glencore filed the Supplemental Information, wherein Glencore clarified the scope of the requested exemption for Glencore was section 71 and Part 3 of the UCA, except for sections 25, 38, 42 and 43;
- H. Section 88(3) of the UCA provides that the BCUC may grant an exemption from the UCA with the advance approval of the minister responsible for the administration of the *Hydro and Power Authority Act*;
- I. By letter dated [•], attached as Appendix [•] to this order, the Minister responsible for the administration of the *Hydro and Power Authority Act* granted advance approval to the BCUC to exempt Glencore and Brenda Renewables from section 71 of the UCA and Glencore from Part 3 of the UCA, except for sections 25, 38, 42 and 43; and
- J. The BCUC has reviewed the Application and the Supplemental Information and determines that the grant of a partial exemption to Glencore and Brenda Renewables from the operation of the UCA 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*, exempts
 - a. Glencore from the requirements of section 71 and Part 3 of the UCA, except for sections 25, 38, 42 and 43, with respect to the provision of electricity service to Brenda Renewables; and
 - b. Brenda Renewables from the requirements of section 71 of the UCA with respect to the purchase of electricity from Glencore under the Lease.
- 2. The exemptions referred to in Directive 1 of this order remain in effect until the BCUC orders that the exemptions no longer apply.

DATED at the City of Vancouver, in the Province of British Columbia, this day of [Month Year].

BY ORDER

M. Jaccard
Commissioner