

**M 202 MINISTER'S ORDER NO. M-22-0205****IN THE MATTER OF THE SALE, PURCHASE OR PRODUCTION OF A POWER SERVICE AND AN EXEMPTION FROM THE PROVISIONS OF PART 3 OF THE UTILITIES COMMISSION ACT, R.S.B.C. 1996, c. 473, AS AMENDED ("THE ACT")**

WHEREAS, certain persons in the Province produce and sell to the British Columbia Hydro and Power Authority ("BC Hydro") or Powerex Corp. ("Powerex") a power service as defined in Section 22(1) of the Act;

AND WHEREAS, public utilities subject to the legislative authority of the Province are subject to regulation under Part 3 of the Act;

AND WHEREAS, persons who enter into energy supply contracts as defined in Section 68 of the Act must file copies of the contracts with the British Columbia Utilities Commission under Section 71 of the Act;

AND WHEREAS, pursuant to Section 22 of the Act, the Minister of Energy and Mines ("the Minister") is empowered to exempt, by order, persons selling, producing or purchasing a power service, and any equipment, facility, plant, project or system of such persons, from the provisions of Part 3 and Section 71 of the Act;


AND WHEREAS, the Minister considers that certain persons that produce and sell a power service to BC Hydro or Powerex should be exempt from the provisions of Part 3 except Section 22 of the Act, with respect to the production and sale to BC Hydro or Powerex of the power service;

AND WHEREAS, this exemption is made in addition to, and not in repeal of, exemptions ordered previously pursuant to Section 22 or its predecessors;

NOW THEREFORE, the Minister pursuant to Section 22 of the Act hereby exempts from the provisions of Part 3 except Section 22:

- (1) persons, their successors or assigns who produce and sell a power service to BC Hydro or Powerex, with respect to the production and sale to BC Hydro or Powerex of the power service;
- (2) subsection (1) above shall not apply to persons who at the time of their entering into an agreement to produce and sell the power service to BC Hydro or Powerex are otherwise a public utility; and
- (3) the equipment, facilities, plant, projects, or systems of the persons referred to in subsection (1) above which are used to produce and sell the power service to BC Hydro or Powerex, with respect to the production and sale to BC Hydro or Powerex of the power service.

Ordered this 6 day of June, 2002

  
Richard Neufeld  
Minister of Energy and Mines