

PROVINCE OF BRITISH COLUMBIA

Ministerial Order No. **M 407**

**ORDER OF THE ATTORNEY GENERAL AND
MINISTER RESPONSIBLE FOR TREATY NEGOTIATIONS**

IN THE MATTER OF THE SALE, PURCHASE OR PRODUCTION OF A POWER SERVICE AND AN EXEMPTION FROM THE PROVISIONS OF PART 3 AND SECTION 71 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 Powerex Corp. ("Powerex") a power service as defined in Section 22(1) of the Act;

AND WHEREAS, Powerex and BC Hydro and Power Authority ("the Authority") have entered into a Transfer Pricing Agreement which has been filed with the Utilities Commission;

AND WHEREAS, the Provincial Energy Plan seeks to encourage establishment of Independent Power Producers;

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 Attorney General and Minister Responsible for Treaty Negotiations ("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;

NOW THEREFORE, I, Geoff Plant, Attorney General and Minister Responsible for Treaty Negotiations pursuant to section 22 of the Act hereby exempt from Section 71 of the Act, persons, and 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 .

3 December 2004

Date

P. Gerry Plant

Attorney General and Minister Responsible for
Treaty Negotiations

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: Utilities Commission Act, s. 22

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