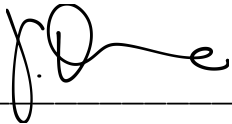


**PROVINCE OF BRITISH COLUMBIA**  
**ORDER OF THE MINISTER OF ENERGY, MINES**  
**AND LOW CARBON INNOVATION**

*Utilities Commission Act*

Ministerial Order No. M143

I, Josie Osborne, Minister of Energy, Mines and Low Carbon Innovation, order 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 Creative Energy Thompson Rivers Limited Partnership and Thompson Rivers University) as set out in the attached draft order of the British Columbia Utilities Commission.



\_\_\_\_\_  
*Minister of Energy, Mines and  
Low Carbon Innovation*

May 23, 2023

\_\_\_\_\_  
*Date*

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*(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, R.S.B.C. 1996, s. 88(3)

Other: \_\_\_\_\_

**ORDER NUMBER**

**G-xx-xx**

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

and

Creative Energy Thompson Rivers Limited Partnership  
Application for Approval of a Certificate of Public Convenience and Necessity  
for the Thompson Rivers University Low-Carbon District Energy System

and

Thompson Rivers University Application for Approval of an  
Exemption Pursuant to Section 88(3) of the *Utilities Commission Act*

**BEFORE:**

E. B. Lockhart, Panel Chair  
T. A. Loski, Commissioner  
A. Pape-Salmon, Commissioner

DATE

**ORDER**

**WHEREAS:**

On November 25, 2021, Creative Energy Thompson Rivers Limited Partnership (Creative Energy) filed an application with the British Columbia Utilities Commission (BCUC) for a Certificate of Public Convenience and Necessity (CPCN) for the Thompson Rivers University (TRU) Low Carbon District Energy System (LCDES) pursuant to sections 45 and 46 of the *Utilities Commission Act* (UCA) (CPCN Application);

In the CPCN Application, Creative Energy seeks BCUC approval, pursuant to section 88(3) of the UCA, for an exemption from any requirement to file with the BCUC an energy supply contract with TRU under section 71 of the UCA, in relation to TRU's provision of electricity and natural gas to Creative Energy with respect to the TRU LCDES (Creative Energy Exemption Application);

On December 9, 2021, TRU applied to the BCUC for an order pursuant to section 88(3) of the UCA exempting TRU from section 71 and Part 3 of the UCA in respect of the transmission, sale, delivery or provision of electricity and natural gas by TRU to Creative Energy for use in the TRU LCDES (TRU Exemption Application);

TRU proposes to resell electricity from British Columbia Power and Hydro Authority and natural gas purchased from Shell North America (Canada) Ltd, to Creative Energy for use in the LCDES which will be used to provide heating to TRU's campus in the City of Kamloops;

TRU acknowledges that it will own equipment or facilities in British Columbia (BC) for the transmission, sale, delivery or provision of electricity or natural gas for compensation and therefore falls under the definition of a public utility under section 1 of the UCA;

By Order G-7-22 dated January 11, 2022, the BCUC among other things, ordered that both Creative Energy's CPCN Application, including the Creative Energy Exemption Application, and the TRU Exemption Application be heard at the same time, and established a written hearing process and a regulatory timetable for review of the applications, which consisted of, among other things, public notice, intervener registration, BCUC and intervener information requests (IR) and submissions on further process;

The Commercial Energy Consumers Association of BC was the sole intervener;

The regulatory timetable was subsequently amended by Orders G-41-22, dated February 18, 2022 and by Order G-97-22 dated April 7, 2022 to include Panel IR, Creative Energy and TRU final arguments, intervener argument and reply arguments;

On May 3, 2022, Creative Energy and TRU filed their final arguments, and included a request to adjourn the proceeding pending the outcome of an application with the Ministry of Advanced Education and Skills Training (Ministry) for approval of the statutory right of way (SRW);

By Orders G-122-22 and subsequent letters, the BCUC adjourned the proceeding and granted extension requests made by Creative Energy to provide the BCUC an update on the SRW application;

By BCUC Order G-356-22, upon notice of Ministry approval of the SRW, the BCUC proceeded to intervener final argument and reply argument;

By Ministerial Order [XX] dated [XX] and as 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 Creative Energy from section 71 of the UCA and TRU from section 71 and Part 3 of the UCA; and

The BCUC has reviewed Creative Energy and TRU's Exemption Applications, evidence, and the submissions made in this proceeding and determines that Creative Energy and TRU's requests for exemption are in the public interest and their approval is warranted.

**NOW THEREFORE** the BCUC orders as follows:

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*:

- a. Exempts TRU and its electricity and gas infrastructure from section 71 and Part 3 of the UCA with respect to the provision and resale of electricity and natural gas by TRU to Creative Energy for use in the LCDES, provided that Creative Energy is not re-selling energy to others.
- b. Exempts Creative Energy from section 71 of the UCA with respect to the purchase of electricity and natural gas supply from TRU for use in the LCDES, provided that Creative Energy is not selling energy to others.

The Exemptions become effective as of the date of this order.

The Exemptions referred to in Directive 1 of this order remain in effect until the BCUC, after conducting a hearing, orders that the Exemptions no longer apply.

**DATED** at the City of Vancouver, in the Province of British Columbia, this (XX) day of (Month Year).

BY ORDER

E. B. Lockhart  
Commissioner

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