

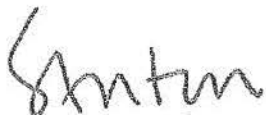
PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 400, Approved and Ordered June 20, 2014


Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that approval is given to the British Columbia Utilities Commission to make the exemptions from the indicated provisions of the *Utilities Commission Act* as set out in the attached draft order of the British Columbia Utilities Commission.



Attorney General and Minister of Justice



Presiding Member of the Executive Council

(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, RSBC 1996, c. 473, s. 88 (3)

Other: _____

BRITISH COLUMBIA
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- C. The draft Thermal Energy Service Scaled Regulatory Framework and Guide (TES Framework) proposes certain characteristics of public utilities Thermal Energy Systems that classify them to be a "Stream A" Thermal Energy System;
- D. On August 28, 2013, the Commission initiated a hearing to review the TES Framework including an exemption for certain Thermal Energy Systems;
- E. On December 31, 2013 the Commission released its Reasons for Decision on the TES Framework recommending certain exemptions from regulation and on January 2, 2014, the Commission requested that the Lieutenant Governor in Council (LGIC) grant advance approval for the exemptions;
- F. By Order in Council No. [•], dated [•] and attached as Appendix 1 to this Order, the LGIC grants advance approval to the Commission to exempt, from sections 44.1, 45 and 59-61 of the UCA, the class of cases where a public utility that is determined to be an owner/operator of a "Stream A" Thermal Energy System by the Commission; and
- G. The Commission has determined that this exemption from certain sections of the UCA properly conserves the public interest.

NOW THEREFORE pursuant to subsections 88(1) and 88(3) of the *Utilities Commission Act*, the Commission orders as follows:

- 1. Subject to Directives 2 and 3 of this Order, a person, or the person's lessee, trustee, receiver or liquidator, who owns or operates in British Columbia a Stream A Thermal Energy System, with a capital cost less than a maximum threshold and greater than a minimum threshold, as established by the Commission from time to time, is exempt from sections 44.1, 45 and 59-61 of the *Utilities Commission Act* for that specific Thermal Energy System.
- 2. The exemption of a person for a specific Thermal Energy System referred to in Directive 1 of this Order remains in effect for that person until the Commission, after a hearing on its own motion or after a hearing on a complaint by an interested person for which sufficient notice has been given to the person the Commission believes may be affected, orders that the exemption no longer applies to the person referred to in Directive 1 of this Order.
- 3. The exemption referred to in Directive 1 of this Order only applies if:
 - i. The person files information that allows the Commission to determine that this Order applies to the person's specific Thermal Energy System; and
 - ii. The Commission determines that this Order applies to the person's specific Thermal Energy System.

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DATED at the City of Vancouver, in the Province of British Columbia, this

day of [month] 2013.

BY ORDER

XXXX
Commissioner

Attachment