

PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 571

, Approved and Ordered November 18, 2022



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

- (a) section 3 (2) of the Direction to the British Columbia Utilities Commission Respecting the Customer Crisis Fund Program, B.C. Reg. 163/2021, is amended by striking out “\$5 million” and substituting “\$11 million”, and
- (b) the attached Direction to the British Columbia Utilities Commission Respecting Residential and Commercial Customer Account Credits is made.



Minister of Energy, Mines and Low Carbon Innovation



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*, R.S.B.C. 1996, c. 473, s. 3

Other: OIC 365/2021

R01640177

DIRECTION TO THE BRITISH COLUMBIA UTILITIES COMMISSION RESPECTING RESIDENTIAL AND COMMERCIAL CUSTOMER ACCOUNT CREDITS

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SCHEDULE A

SCHEDULE B

Definitions

1 In this direction:

“**Act**” means the *Utilities Commission Act*;

“**authority commercial customer**” means

- (a) a person who was, on October 1, 2022, receiving service from the authority under a rate schedule established under the Electric Tariff of the authority and listed in section 1 of Schedule A, and
- (b) a person who was, on October 1, 2022, receiving service from the authority for a common area of a multiple occupancy building under a rate schedule established under the Electric Tariff of the authority and listed in section 2 of Schedule A;

“**authority commercial customer account**” means an account held by an authority commercial customer with the authority;

“**authority residential customer**” means a person, other than a person receiving service from the authority for a common area of a multiple occupancy building, who was, on October 1, 2022, receiving service from the authority under a rate schedule established under the Electric Tariff of the authority and listed in section 3 of Schedule A;

“**authority residential customer account**” means an account held by an authority residential customer with the authority;

“**customer crisis fund regulatory account**” means the regulatory account of the authority established under commission order G-166-17;

“**Fortis**” means FortisBC Inc.;

“Nelson (rural)” means the Corporation of the City of Nelson in relation to the provision of service to the non-municipal service area, also known as the rural service area;

“Nelson (rural) commercial customer” means one or more persons who were, on October 1, 2022, receiving service

- (a) in respect of one account,
- (b) from Nelson (rural), and
- (c) under Rate B-4 or C-4, as established under Schedule F to the Hydro Services Bylaw No. 3196, 2012;

“Nelson (rural) commercial customer account” means an account held by a Nelson (rural) commercial customer with Nelson (rural);

“Nelson (rural) residential customer” means one or more persons who were, on October 1, 2022, receiving service

- (a) in respect of one account,
- (b) from Nelson (rural), and
- (c) under Rate A-3, as established under Schedule F to the Hydro Services Bylaw No. 3196, 2012;

“Nelson (rural) residential customer account” means an account held by a Nelson (rural) residential customer with Nelson (rural);

“Nelson (urban)” means the Corporation of the City of Nelson in relation to the provision of service to the municipal service area, also known as the urban service area;

“New Westminster” means the Corporation of the City of New Westminster;

“revenue requirements application” means the BC Hydro Fiscal 2023 to Fiscal 2025 Revenue Requirements Application dated August 31, 2021 and submitted to the commission;

“specified costs” means the difference between

- (a) forecast costs in the revenue requirements application in relation to the following items during the period beginning April 1, 2022 and ending March 31, 2025:
 - (i) labour costs as set out in line 20 of Appendix A, Schedule 5 of the revenue requirements application other than the operating cost portion of current service pension costs;
 - (ii) vegetation management costs as set out in Table 5-27 of the revenue requirements application other than labour costs related to vegetation management;
 - (iii) fuel costs as set out in lines 5 and 6, chapter 5E, page 5E-44 of the revenue requirements application, other than the portion of fuel costs allocated to capital overhead, and
- (b) actual costs incurred by the authority in relation to the items set out in subparagraph (i), (ii) and (iii) during the period beginning April 1, 2022 and ending March 31, 2025;

“trade income deferral account” means the regulatory account established under commission order G-96-04 and the approval in section 4.6 of the reasons that accompany that order;

“utility commercial customer” means one or more persons who were, on October 1, 2022, receiving service

- (a) in respect of one account,
- (b) from a utility set out in column 1 of table 1 in Schedule B, and
- (c) under the corresponding rate description in column 2 of that table;

“utility commercial customer account” means an account held by a utility commercial customer with a utility set out in column 1 of table 1 in Schedule B;

“utility residential customer” means one or more persons who were, on October 1, 2022, receiving service

- (a) in respect of one account,
- (b) from a utility set out in column 1 of table 2 in Schedule B, and
- (c) under the corresponding rate description in column 2 of that table;

“utility residential customer account” means an account held by a utility residential customer with a utility set out in column 1 of table 2 in Schedule B.

Application

- 2 This direction is issued to the commission under section 3 of the Act.

Orders in relation to customer account credits – authority

- 3 Within 10 days of the date this direction comes into force, the commission must issue final orders so that

- (a) the authority must provide to each authority commercial customer an account credit on the customer’s open authority commercial customer account calculated using the following formula:

$$A = (B/C) \times \$115\,115\,788$$

where

A = the account credit;

B = the individual authority commercial customer energy consumption, in kWh,

- (i) in relation to service received under a rate set out in section 1 or 2 of Schedule A, and

- (ii) that equals actual energy consumed or a reasonable estimate of energy consumed during the period beginning October 1, 2021 and ending September 30, 2022;

C = the total of all individual authority commercial customer energy consumption, in kWh,

- (i) in relation to service received under a rate set out in section 1 or 2 of Schedule A, and

- (ii) that equals actual energy consumed or a reasonable estimate of energy consumed during the period beginning October 1, 2021 and ending September 30, 2022,

- (b) the authority commercial customer account referred to in paragraph (a) may be any open authority commercial customer account that the authority may reasonably determine is held by the same authority commercial customer,
- (c) the authority must provide to each authority residential customer an account credit of \$100 on the customer's open authority residential customer account,
- (d) the authority residential customer account referred to in paragraph (c) may be any open authority residential customer account that the authority may reasonably determine is held by the same authority residential customer,
- (e) the authority must make reasonable efforts to ensure that, if an authority residential customer holds more than one open authority residential customer account, only one account credit is provided to the authority residential customer, and
- (f) the authority
 - (i) must provide an account credit of \$19 265 701 to Fortis, and
 - (ii) may provide the account credit in more than one credit.

Orders in relation to customer account credits – Fortis

4 Within 10 days of the date this direction comes into force, the commission must issue final orders so that

- (a) Fortis must provide to each utility commercial customer of Fortis an account credit on the customer's utility commercial customer account with Fortis calculated using the following formula, unless that utility commercial customer account was closed after October 1, 2022:

$$A = (B/C) \times \$7\,571\,384$$

where

A = the account credit;

B = the individual utility commercial customer of Fortis energy consumption, in kWh, determined by

- (i) in the case of a utility commercial customer of Fortis billed monthly, the total kWh of electricity billed to that customer under a rate set out in Rate Schedule 20, 21, 22A, 23A, 30, 32, 60 or 61 as established under the Electric Tariff of Fortis over the 12 consecutive billing periods prior to October 1, 2022, or
- (ii) in the case of a utility commercial customer of Fortis billed every 2 months, the total kWh of electricity billed to that customer under a rate set out in Rate Schedule 20, 21, 22A, 23A, 30, 32, 60 or 61 as established under the Electric Tariff of Fortis over the 6 consecutive billing periods prior to October 1, 2022;

C = the total of all individual utility commercial customer of Fortis energy consumption, in kWh, determined for the purposes of variable B,

- (b) Fortis must provide to each utility residential customer of Fortis an account credit of \$100 on the customer’s open utility residential customer account with Fortis,
- (c) the utility residential customer account with Fortis referred to in paragraph (b) may be any open utility residential customer account that Fortis may reasonably determine is held by the same utility residential customer,
- (d) Fortis must make reasonable efforts to ensure that, if a utility residential customer holds more than one open utility residential customer account with Fortis, only one account credit is provided to the utility residential customer, and
- (e) Fortis must provide an account credit of \$417 254 to Nelson (rural).

Orders in relation to customer account credits – other utilities

- 5 (1) Within 10 days of the date this direction comes into force, the commission must issue final orders so that if the authority is satisfied that a utility set out in column 1 of the table in paragraph (b) agrees to the conditions set out in subsection (2), then
- (a) the authority must provide an account credit to Fortis in the amount set out in column 2 opposite the utility in column 1, and
 - (b) Fortis must provide an account credit in that amount to that utility:

Item	Column 1 Utility	Column 2 Amount
1	Corporation of the City of Grand Forks	\$299 622
2	Corporation of the City of Penticton	\$2 729 069
3	Corporation of the District of Summerland	\$746 292
4	Nelson (urban)	\$775 483

- (2) The conditions for the purposes of subsection (1) are the following:
- (a) the utility agrees to provide to each utility commercial customer of that utility an account credit on the customer’s utility commercial customer account with that utility calculated using the following formula, unless that utility commercial customer account was closed after October 1, 2022:

$$A = (B/C) \times D$$

where

- A = the account credit;
- B = the individual utility commercial customer energy consumption, in kWh, determined by
 - (i) in the case of a utility commercial customer billed monthly, the total kWh of electricity billed to that customer under a rate set out in column 2 of table 1 of Schedule B opposite the utility in column 1 over the 12 consecutive billing periods prior to October 1, 2022, or

- (ii) in the case of a utility commercial customer billed every 2 months, the total kWh of electricity billed to that customer under a rate set out in column 2 of table 1 of Schedule B opposite the utility in column 1 over the 6 consecutive billing periods prior to October 1, 2022;
- C = the total of all individual utility commercial customer energy consumption, in kWh, determined for the purposes of variable B;
- D = the designated credit set out in column 2 of table 3 in Schedule B opposite the utility set out in column 1;
- (b) the utility agrees to provide to each utility residential customer of that utility an account credit of \$100 on the customer's open utility residential customer account with that utility;
- (c) the utility agrees that the utility residential customer account referred to in paragraph (b) may be any open utility residential customer account with that utility that the utility may reasonably determine is held by the same utility residential customer;
- (d) the utility agrees to make reasonable efforts to ensure that, if a utility residential customer holds more than one open utility residential customer account with that utility, only one account credit is provided to the utility residential customer.

Orders in relation to customer account credits – Nelson (rural)

6 Within 10 days of the date this direction comes into force, the commission must issue final orders so that

- (a) Nelson (rural) must provide to each Nelson (rural) commercial customer an account credit on the customer's Nelson (rural) commercial customer account calculated using the following formula, unless that utility commercial customer account was closed after October 1, 2022:

$$A = (B/C) \times \$54\,099$$

where

- A = the account credit;
- B = the individual Nelson (rural) commercial customer energy consumption, in kWh, determined by
 - (i) in the case of a Nelson (rural) commercial customer billed monthly, the total kWh of electricity billed to that customer under Rate B-4 or C-4, as established under Schedule F to the Hydro Services Bylaw No. 3196, 2012, over the 12 consecutive billing periods prior to October 1, 2022, or
 - (ii) in the case of a Nelson (rural) commercial customer billed every 2 months, the total kWh of electricity billed to that customer under Rate B-4 or C-4, as established under Schedule F to the Hydro Services Bylaw No. 3196, 2012, over the 6 consecutive billing periods prior to October 1, 2022;
- C = the total of all individual utility commercial customer energy consumption, in kWh, determined for the purposes of variable B,

- (b) Nelson (rural) must provide to each Nelson (rural) residential customer an account credit of \$100 on the customer's open Nelson (rural) residential customer account,
- (c) the Nelson (rural) residential customer account referred to paragraph (b) may be any open Nelson (rural) residential customer account that Nelson (rural) may reasonably determine is held by the same Nelson (rural) residential customer, and
- (d) Nelson (rural) must make reasonable efforts to ensure that, if a Nelson (rural) residential customer holds
 - (i) more than one open Nelson (rural) residential customer account, only one account credit is provided to the Nelson (rural) residential customer, or
 - (ii) one or more open Nelson (rural) residential customer accounts and one or more open Nelson (urban) residential customer accounts, no account credit is provided to the Nelson (rural) residential customer.

Orders in relation to customer account credits – New Westminster

- 7 (1) Within 10 days of the date this direction comes into force, the commission must issue final orders so that if the authority is satisfied that New Westminster agrees to the conditions set out in subsection (2), then the authority must provide an account credit of \$4 933 545 to New Westminster.
- (2) The conditions for the purposes of subsection (1) are the following:
- (a) New Westminster agrees to provide to each utility commercial customer of New Westminster an account credit on the customer's utility commercial customer account with New Westminster calculated using the following formula, unless that utility commercial customer account was closed after October 1, 2022:

$$A = (B/C) \times \$1\,391\,524$$

where

A = the account credit;

B = the individual utility commercial customer of New Westminster energy consumption, in kWh, determined by

- (i) in the case of a utility commercial customer of New Westminster billed monthly, the total kWh of electricity billed to that customer under a rate set out in Rate 102, 201, 202, 210, 211, 212, 220, 230, 240 or 241 as established under the Electrical Utility Bylaw No. 6502, 1998 - Schedule A over the 12 consecutive billing periods prior to October 1, 2022, or
- (ii) in the case of a utility commercial customer of New Westminster billed every 2 months, the total kWh of electricity billed to that customer under a rate set out in Rate 102, 201, 202, 210, 211, 212, 220, 230, 240 or 241 as established under the Electrical Utility Bylaw No. 6502, 1998 - Schedule A over the 6 consecutive billing periods prior to October 1, 2022;

- C = the total of all individual utility commercial customer energy consumption, in kWh, determined for the purposes of variable B;
- (b) New Westminster agrees to provide to each utility residential customer of New Westminster an account credit of \$100 on the customer's open utility residential customer account with New Westminster;
 - (c) New Westminster agrees that the utility residential customer account with New Westminster referred to in paragraph (b) may be any open utility residential customer account with New Westminster that New Westminster may reasonably determine is held by the same utility residential customer;
 - (d) New Westminster agrees to make reasonable efforts to ensure that, if a utility residential customer holds more than one open utility residential customer account with New Westminster, only one account credit is provided to the utility residential customer.

Orders in relation to customer credit regulatory account

- 8** (1) Within 10 days of the date this direction comes into force, the commission must issue final orders so that the authority may
- (a) establish a customer credit regulatory account,
 - (b) transfer \$320 million from the trade income deferral account to the customer credit regulatory account, and
 - (c) defer to the customer credit regulatory account the total amount of account credits issued by the authority in accordance with the orders issued under sections 3, 5 and 7.
- (2) On application of the authority to the commission, the commission must allow the authority to close the customer credit regulatory account and transfer any remaining balance to the trade income deferral account.
- (3) The commission may not exercise its powers under the Act to make any other orders in respect of the customer credit regulatory account except on application by the authority.

Order in relation to customer crisis fund regulatory account

- 9** Within 10 days of the date this direction comes into force, the commission must issue a final order so that the authority may transfer \$6 million from the trade income deferral account to the customer crisis fund regulatory account.

Orders in relation to inflationary pressures regulatory account

- 10** Within 10 days of the date this direction comes into force, the commission must issue final orders so that the authority may
- (a) establish an inflationary pressures regulatory account,
 - (b) transfer \$74 million from the trade income deferral account to the inflationary pressures regulatory account, and
 - (c) defer specified costs to the inflationary pressures regulatory account.

SCHEDULE A

Rate schedules for paragraph (a) of “authority commercial customer”

- 1** The rate schedules for the purpose of paragraph (a) of the definition of “authority commercial customer” in section 1 of this regulation are the following:
 - (a) 1200;
 - (b) 1201;
 - (c) 1205;
 - (d) 1206;
 - (e) 1207;
 - (f) 1210;
 - (g) 1211;
 - (h) 1234;
 - (i) 1255;
 - (j) 1256;
 - (k) 1265;
 - (l) 1266;
 - (m) 1300;
 - (n) 1301;
 - (o) 1310;
 - (p) 1311;
 - (q) 1401;
 - (r) 1500;
 - (s) 1501;
 - (t) 1510;
 - (u) 1511;
 - (v) 1600;
 - (w) 1601;
 - (x) 1610;
 - (y) 1611.

Rate schedules for paragraph (b) of “authority commercial customer”

- 2** The rate schedules for the purpose of paragraph (b) of the definition of “authority commercial customer” in section 1 of this regulation are the following:
 - (a) 1101;
 - (b) 1121;
 - (c) 1151;
 - (d) 1161.

Rate schedules for “authority residential customer”

- 3** The rate schedules for the purpose of the definition of “authority residential customer” in section 1 of this regulation are the following:
- (a) 1101;
 - (b) 1107;
 - (c) 1121;
 - (d) 1127;
 - (e) 1148;
 - (f) 1151;
 - (g) 1161.

SCHEDULE B

Table 1: Utility Commercial Customer

Item	Column 1 Utility	Column 2 Rate Description
1	Corporation of the City of Grand Forks	Commercial/Industrial/Institutional Service as established under the Fees & Charges Bylaw No. 1958, 2014 - Schedule G
2	Corporation of the City of Penticton	Rate Codes 20; 25; 30; 35; 45 as established under the Electric Utility Services Bylaw, No. 2017-44
3	Corporation of the District of Summerland	Rate Codes E10; E12; E14; E15; E17; 19; E20 and E25 as established under the Fees and Charges Bylaw No. 98-001 – Schedule A
4	Fortis	Rate Schedules 20; 21; 22A; 23A; 30; 32; 60; 61 as established under the Electric Tariff of Fortis
5	Nelson (urban)	Rate B-1; C-1; E-1 as established under the Hydro Services Bylaw No. 3196, 2012 – Schedule B
6	New Westminster	Rate 102; 201; 202; 210; 211; 212; 220; 230; 240; 241 as established under the Electrical Utility Bylaw No. 6502, 1998 – Schedule A

Table 2: Utility Residential Customer

Item	Column 1 Utility	Column 2 Rate Description
1	Corporation of the City of Grand Forks	Residential Service as established under the Fees & Charges Bylaw No. 1958, 2014 - Schedule G
2	Corporation of the City of Penticton	Rate Code 10 as established under the Electric Utility Services Bylaw No. 2017-44
3	Corporation of the District of Summerland	Rate Codes E01 to E08 as established under the Fees and Charges Bylaw No. 98-001 – Schedule A
4	Fortis	Rate Schedules 1; 2A; 3A as established under the Electric Tariff of Fortis

Item	Column 1 Utility	Column 2 Rate Description
5	Nelson (urban)	Rate A-1 as established under the Hydro Services Bylaw No. 3196, 2012 – Schedule B
6	New Westminster	Rate 101; 103; 131; 134 as established under the Electrical Utility Bylaw No. 6502, 1998 – Schedule A

Table 3: Designated Credits

Item	Column 1 Utility	Column 2 Designated Credit
1	Corporation of the City of Grand Forks	\$98 568
2	Corporation of the City of Penticton	\$916 177
3	Corporation of the District of Summerland	\$183 767
4	Nelson (urban)	\$276 244