bcuc
British Columbia
Utilities Commission

Patrick Wruck
Commission Secretary

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January 29, 2020

Sent via email

RAVENS LANDING EXEMPTION APPLICATION **EXHIBIT A-8**

The Honourable Bruce Ralston
Minister of Energy, Mines and Petroleum Resources
PO Box 9060, Stn Prov Govt
Victoria, BC V8W 9E2
EMPR.Minister@gov.bc.ca

Re: Ravens Landing Industrial Park Ltd. – Application for an Exemption from Part 3 of the *Utilities Commission Act* – Exemption Approval

Dear Minister Ralston:

On November 21, 2019, the British Columbia Utilities Commission (BCUC) issued a letter to the Ministry of Energy, Mines and Petroleum Resources requesting advance approval to issue an order under section 88(3) of the *Utilities Commission Act* (UCA) to grant Ravens Landing Industrial Park Ltd. (RLIP) partial exemption from Part 3 of the UCA (Application).

The BCUC determined that further amendments to the draft order were necessary and by letter dated January 15, 2020, the BCUC invited RLIP and participating interveners Commercial Energy Consumers Association of British Columbia and Eppic Waterjet Inc. to provide comments, if any, to the revised blacklined draft order by Wednesday, January 22, 2020.

As no further comments have been received from RLIP or the registered interveners with respect to these revisions, the BCUC therefore seeks the advance approval of the Minister of Energy, Mines and Petroleum Resources to issue an order under section 88(3) based on the appended revised draft order in support of the exemptions sought in RLIP's Application. Appendices A and B enclose two versions of the draft order, a clean copy and a blacklined copy, respectively.

Sincerely,

Original signed by:

Patrick Wruck
Commission Secretary

/dc
Enclosure

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ORDER NUMBER
G-xx-xx

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

and

Ravens Landing Industrial Park Ltd.
Application for Exemption pursuant to section 88(3) of the *Utilities Commission Act*

BEFORE:
R. I. Mason, Panel Chair
W. M. Everett, QC, Commissioner

on [Date]

ORDER

WHEREAS:

B. On April 15, 2019, Ravens Landing Industrial Park Ltd. (RLIP) filed an application (Application) with the British Columbia Utilities Commission (BCUC) for a partial exemption from Part 3 of the *Utilities Commission Act* (UCA);

C. RLIP owns part of a commercial strata park located at 1763 Sean Heights, Saanichton BC, comprised of three buildings with 27 separate strata units (Strata Park). Nine strata units are owned directly by their occupant; the remaining 18 strata units are owned by RLIP and rented by tenants, some with lease terms greater than five years;

D. RLIP purchases the energy used by the Strata Park directly from BC Hydro and re-sells it to all occupants of the Strata Park at rates not exceeding the price that BC Hydro would have charged the occupants had such tenants been customers of BC Hydro;

E. By letter to the BCUC dated September 11, 2018, RLIP acknowledged that it meets the definition of a public utility as defined in the UCA due to the existence of owner-occupied units within the Strata Park;

F. By Order G-177-18 dated September 24, 2018, the BCUC, having been granted advance approval by the Minister responsible for the administration of the *Hydro and Power Authority Act*, ordered a class exemption for all BC Hydro customers with lease arrangements where the lessor, not otherwise a public utility provides electricity only to the lessee, where the lease period is greater than five years, provided the service or commodity is not resold to or used by others and meets the criteria of BC Hydro Electric Tariff Terms and Conditions for the Resale of Electricity and provided all other requirements of the UCA are met;

G. On June 6, 2019, by Order G-124-19 the BCUC established a regulatory timetable in respect of the Application which included intervener registration;

DRAFT

H. On June 19, 2019, by Order G-133-19 the regulatory timetable was amended to allow further time for intervener registration;

I. The Commercial Energy Consumers Association of British Columbia (CEC) and Eppic Waterjet Inc. (Eppic Waterjet) registered as Interveners.

J. On July 4, 2019, the BCUC issued BCUC Information Request No. 1 (IR) to RLIP. The CEC and Eppic Waterjet issued IRs on July 17 and 18, 2019, respectively, to RLIP;

K. On July 30, 2019, RLIP submitted its responses to BCUC, CEC and Eppic Waterjet IRs;

L. Neither RLIP nor any registered intervener made submissions on further process by the deadline of August 22, 2019;

M. On October 15, 2019, the CEC filed its final argument supporting RLIP's application for partial exemption from Part 3 of the UCA. RLIP did not file a final argument and submitted its reply argument on October 30, 2019. Eppic Waterjet did not file any final submissions;

N. By Ministerial Order [xx] dated [Month, Day, Year] 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 partially exempt RLIP from the requirements of Part 3 to the UCA; and

O. The BCUC has reviewed the Application and considers RLIP's Application for exemption is in the public interest.

NOW THEREFORE the BCUC orders as follows:

1. 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*, effective as of the date of this order, exempts in respect of RLIP's provision of electricity within the Strata Park to occupants who are not its lessees:

    a. RLIP from section 71 and Part 3 of the UCA except for sections 25, 38, 41, 42 and 44; and

    b. Any occupant at the Strata Park from section 71 of the UCA.

2. The exemption referred to in Directive 1 of this order remains in effect until the BCUC, after conducting a hearing, orders that the exemption no longer applies.

DRAFT

Order G-xx-xx

DATED at the City of Vancouver, in the Province of British Columbia, this [date] day of [Month, Year].

BY ORDER

R. I. Mason
Commissioner

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WHEREAS:

B. On April 15, 2019, Ravens Landing Industrial Park Ltd. (RLIP) filed an application (Application) with the British Columbia Utilities Commission (BCUC) for a partial exemption from Part 3 of the *Utilities Commission Act* (UCA);

C. RLIP~~, is~~ **owns part of** a commercial strata park located at 1763 Sean Heights, Saanichton BC, comprised of three buildings with 27 separate strata units (Strata Park). Nine strata units are owned directly by their occupant; the remaining 18 strata units are owned by RLIP and rented by tenants, some with lease terms greater than five years;

D. RLIP purchases the energy used by the Strata Park directly from BC Hydro and re-sells it to all occupants of the Strata Park at rates not exceeding the price that BC Hydro would have charged the occupants had such tenants been customers of BC Hydro;

E. By letter to the BCUC dated September 11, 2018, RLIP acknowledged that it meets the definition of a public utility as defined in the UCA due to the existence of owner-occupied units within the Strata Park;

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H. On June 19, 2019, **by** Order G-133-19 ~~was issued which amended~~ the regulatory timetable **was amended** to allow further time for intervener registration;

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J. On July 4, 2019, the BCUC issued BCUC Information Request No. 1 (IR) to RLIP. The ~~Commercial Energy Consumers Association of British Columbia (~~CEC~~)~~ and ~~Eppic Waterjet Inc. (~~Eppic Waterjet~~)~~ issued IRs on July 17 and 18, 2019, respectively, to RLIP;

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N. By Ministerial Order [xx] dated [Month, Day, Year] 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 partially exempt RLIP from the requirements of Part 3 to the UCA; and

O. The BCUC has reviewed the Application and considers RLIP's Application for exemption is in the public interest.

NOW THEREFORE the BCUC orders as follows:

1. 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*, effective as of the date of this order, exempts **in respect of RLIP's provision of electricity within the Strata Park to occupants who are not its lessees**:

    a. RLIP~~, as lessor of the Strata Park,~~ from section 71 and Part 3 of the UCA except for sections 25, 38, 41, 42 and 44; and

    b. Any ~~lessee~~ **occupant** ~~of RLIP~~ at the Strata Park from section 71 of the UCA.

2. The exemption referred to in Directive 1 of this order remains in effect until the BCUC, after conducting a hearing, orders that the exemption no longer applies.

DRAFT

Order G-xx-xx

DATED at the City of Vancouver, in the Province of British Columbia, this [date] day of [Month, Year].

BY ORDER

R. I. Mason
Commissioner

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