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British Columbia
Utilities Commission

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April 7, 2021

Sent via email/eFile

BC HYDRO 2020 TRANSFER PRICING AGREEMENT APPLICATION EXHIBIT A-8

Mr. Fred James
Chief Regulatory Officer
British Columbia Hydro and Power Authority
16th Floor – 333 Dunsmuir Street
Vancouver, BC V6B 5R3
bhydroregulatorygroup@bhydro.com

**Re: British Columbia Hydro and Power Authority (BC Hydro) – 2020 Transfer Pricing Agreement
Application – Further Regulatory Timetable**

Dear Mr. James:

Further to your May 29, 2020 filing of the above-noted application, please find enclosed British Columbia Utilities Commission Order G-107-21 establishing a further regulatory timetable.

Sincerely,

Original signed by:

Patrick Wruck
Commission Secretary

/cmv



ORDER NUMBER
G-107-21

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

and

British Columbia Hydro and Power Authority
2020 Transfer Pricing Agreement Application

BEFORE:

R. I. Mason, Panel Chair
E. B. Lockhart, Commissioner
T. A. Loski, Commissioner

on April 7, 2021

ORDER

WHEREAS:

- A. On May 29, 2020, British Columbia Hydro and Power Authority (BC Hydro) filed the 2020 Transfer Pricing Agreement (TPA) Application seeking an order from the British Columbia Utilities Commission (BCUC) accepting the 2020 TPA as filed under section 71 of the *Utilities Commission Act* (UCA) (Application);
- B. BC Hydro states the 2020 TPA came into effect on April 1, 2020, replacing the TPA for Electricity and Natural Gas dated April 1, 2003;
- C. By Order G-61-12 dated May 17, 2012, the BCUC established the Rules for Energy Supply Contracts (ESC) for Electricity (Rules). The Rules are intended to facilitate the BCUC's review of ESCs and proposed ESCs for electricity;
- D. By Order G-156-20 dated June 17, 2020, the BCUC established a regulatory timetable. The regulatory timetable was subsequently amended by Orders G-204-20 and G-285-20;
- E. On December 1, 2020, BC Hydro filed an application requesting that the BCUC reconsider and vary two directives from its Fiscal 2020 to Fiscal 2021 Revenue Requirements Application (F2020-F2021 RRA) Decision which relate to the inclusion of Powerex net income in the Trade Income Deferral Account (Reconsideration Application);
- F. By letter dated December 11, 2020, BC Hydro requested a suspension of this proceeding, pursuant to sections 2.1 and 4(1) of the UCA, section 11(1) of the *Administrative Tribunals Act* and section 4.01 of the BCUC's Rules of Practice and Procedure (Suspension Request);
- G. BC Hydro explains in the Suspension Request that as a result of the directives and associated statements in the BCUC's Decision on the F2020-F2021 RRA as well as BC Hydro's Reconsideration Application dated

December 1, 2020 regarding certain directives from the F2020-F2021 RRA Decision, the regulatory framework upon which the 2020 TPA is based, is uncertain;

- H. By Order G-333-20 dated December 16, 2020, the BCUC adjourned the proceeding and suspended the regulatory timetable as set out in Order G-285-20 until further notice, pending the outcome of the Reconsideration Application;
- I. On March 22, 2021, the Government of British Columbia deposited Order in Council (OIC) No. 172, which amends Direction No. 8 to the BCUC and states, in part, that “[t]he commission may not exercise its powers under section 71 (1) (b) and (3) of the Act in respect of the transfer pricing agreement”;
- J. By letter dated April 1, 2021, in light of OIC No. 172, BC Hydro requests an order from the BCUC to conclude this proceeding and to accept the 2020 TPA as filed; and
- K. The BCUC has reviewed BC Hydro’s requested dated April 1, 2021 and considers a regulatory timetable to establish further process is warranted.

NOW THEREFORE the BCUC orders the proceeding is resumed and a further regulatory timetable is established, as set out in Appendix A to this order.

DATED at the City of Vancouver, in the Province of British Columbia, this 7th day of April 2021.

BY ORDER

Original signed by:

R. I. Mason
Commissioner

Attachment

British Columbia Hydro and Power Authority
2020 Transfer Pricing Agreement Application

REGULATORY TIMETABLE

Action	Date (2021)
Registered Interveners' Written Submission on BC Hydro's Letter dated April 1, 2021	Tuesday, April 20
BC Hydro Reply Submission	Tuesday, April 27
Further Process	TBD