



ORDER NUMBER
E-21-23

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

and

British Columbia Hydro and Power Authority
Biomass Energy Program Energy Supply Contract for
Canfor PGP Bio Energy Facility

BEFORE:

B. A. Magnan, Panel Chair
E. B. Lockhart, Commissioner
E. A. Brown, Commissioner
W. E. Royle, Commissioner

November 16, 2023

ORDER

WHEREAS:

- A. On October 30, 2023, the British Columbia Hydro and Power Authority (BC Hydro, or Authority) filed with the British Columbia Utilities Commission (BCUC), pursuant to section 71 of the *Utilities Commission Act* (UCA) and Order in Council No. 158, BC Reg. 71/2019 (OIC No. 158), an energy purchase amending agreement by letter dated September 29, 2023 (Canfor EPA Amendment), between BC Hydro and Canfor Pulp Ltd. (Canfor) for its PGP Bio Energy facility (Altogether, the Filing);
- B. On April 1, 2019, the Lieutenant Governor in Council issued OIC No. 158, which contains a direction to the BCUC respecting the Biomass Energy Program (Direction). The Direction is applicable to biomass contracts in respect of a biomass facility that the Authority enters into between April 1, 2019 and December 31, 2021, and that “biomass facility” includes, among others, the PGP Bio Energy;
- C. Section 3 of the Direction states that the BCUC may not exercise its powers under section 71(1)(b) or (3) of the UCA respecting applicable biomass contracts, and may not disallow for any reason the recovery in rates of the Authority’s costs with respect to a biomass contract;
- D. Pursuant to section 42 of the *Administrative Tribunals Act* and Part IV of the BCUC’s Rules of Practice and Procedure (Rules), BC Hydro requests that the redacted portions of the Filing and its appendices be kept confidential due to their commercially sensitive nature to BC Hydro and the counterparties to the EPA;
- E. The BCUC has reviewed the Filing and determines that the Canfor EPA Amendment is a “biomass contract” within the meaning of the Direction and that acceptance of the Canfor EPA Amendment is warranted; and
- F. The BCUC has not reviewed the Filing from a public interest perspective as the Canfor EPA Amendment is a “biomass contract” within the meaning of the Direction.

NOW THEREFORE pursuant to the Direction, section 71 of the UCA, and the Rules, the BCUC orders as follows:

1. The BCUC accepts for filing the Canfor EPA Amendment.
2. The BCUC will keep the unredacted version of the Filing confidential, including the Canfor EPA Amendment in its entirety and certain portions of the cover letter, until otherwise determined by the BCUC.

DATED at the City of Vancouver, in the Province of British Columbia, this 16th day of November 2023.

BY ORDER

Original signed by:

B. A. Magnan
Commissioner