

BILL 85 – 2003

**BC HYDRO PUBLIC POWER LEGACY AND
HERITAGE CONTRACT ACT**

Contents

Section

- 1 Definitions
- 2 Sale of protected assets prohibited
- 3 Heritage contract
- 4 Power to make regulations
- 5 Repeal
- 6 Transitional

SCHEDULE

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

Definitions

1 In this Act:

“**authority**” has the same meaning as in the *Hydro and Power Authority Act*;

“**commission**” has the same meaning as in the *Utilities Commission Act*;

“**protected assets**” means any of the following in respect of which, on the date on which this Act receives First Reading in the Legislative Assembly, a certificate of public convenience and necessity has been granted, or has been deemed to have been granted, to the authority under the *Utilities Commission Act*:

- (a) those generation and storage assets identified in the Schedule to this Act;
- (b) equipment or facilities for the transmission or distribution of electricity;

“**reference**” means the request for recommendations made under Order in Council 253/2003;

“**service**” has the same meaning as in the *Utilities Commission Act*.

Sale of protected assets prohibited

- 2** (1) Subject to subsection (2), the authority must not sell or otherwise dispose of the protected assets.
- (2) Nothing in subsection (1) prevents the authority from disposing of protected assets if

- (a) the assets disposed of are no longer fit for their intended purpose,
- (b) the assets disposed of are no longer used or useful,
- (c) the assets disposed of are to be replaced with one or more assets that will perform similar functions, or
- (d) the disposition is in accordance with one or more of the agreements designated by the Lieutenant Governor in Council under section 3 of the *Transmission Corporation Act*.

Heritage contract

- 3 Without limiting any other obligation of the commission or the authority,
- (a) the commission must, when setting rates of the authority, comply with any regulations, including, without limitation, any general or special directions, made by the Lieutenant Governor in Council under this Act, and
 - (b) the authority must provide the service required by the regulations made under this Act, in accordance with
 - (i) the terms and conditions specified in those regulations, and
 - (ii) the rates set by the commission in accordance with the regulations.

Power to make regulations

- 4 (1) The Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*.
- (2) Without limiting subsection (1) of this section, section 3 of the *Utilities Commission Act* or section 35 of the *Hydro and Power Authority Act*, the Lieutenant Governor in Council may make any regulations the Lieutenant Governor in Council considers necessary or advisable to respond to the recommendations made by the commission in response to the reference, including, without limitation, any of the following regulations:
- (a) to amend any regulation made under any of the *Utilities Commission Act*, the *Hydro and Power Authority Act* and the *Transmission Corporation Act*,
 - (b) to issue directions to the commission specifying the factors, criteria and guidelines that the commission must or must not use in regulating and setting rates for the authority that are applicable to the service referred to in section 3 (b) of this Act.

Repeal

- 5 The *Hydro and Power Authority Privatization Act* is repealed.

Transitional

- 6 (1) Despite section 24 (3) of the *Hydro and Power Authority Privatization Act*, as it read before the coming into force of this Act, any designation under which Terasen Inc. or Terasen Gas Inc. or any of their respective predecessors is or

became a special company under Part 2 of the *Hydro and Power Authority Privatization Act* is revoked.

- (2) Without limiting subsection (1), none of the provisions of Part 2 of the *Hydro and Power Authority Privatization Act* as it read before the coming into force of this Act apply to Terasen Inc. or to Terasen Gas Inc.

SCHEDULE

Those generation and storage assets commonly known as the following:

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|--|----------------|
| Aberfeldie | La Joie |
| Alouette | Ladore |
| Ash River | Mica |
| Bridge River | Peace Canyon |
| Buntzen/Coquitlam | Prince Rupert |
| Burrard Thermal | Puntledge |
| Cheakamus | Revelstoke |
| Clowhom | Ruskin |
| Duncan | Seton |
| Elko | Seven Mile |
| Falls River | Shuswap |
| Fort Nelson | Spillimacheen |
| G. M. Shrum | Stave Falls |
| Hugh Keenleyside Dam (Arrow Reservoir) | Strathcona |
| John Hart | Wahleach |
| Jordan | Walter Hardman |
| Kootenay Canal | Whatshan |