



SIXTH FLOOR, 900 HOWE STREET, BOX 250
VANCOUVER, BC V6Z 2N3 CANADA
web site: <http://www.bcuc.com>

**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER G-176-15**

TELEPHONE: (604) 660-4700
BC TOLL FREE: 1-800-663-1385
FACSIMILE: (604) 660-1102

IN THE MATTER OF
the Utilities Commission Act, R.S.B.C. 1996, Chapter 473

and

FortisBC Alternative Energy Services Inc.
Stream A TES Registration for the Empire at Queen Elizabeth Park

BEFORE: L. F. Kelsey, Commissioner
C. A. Brown, Commissioner
H. G. Harowitz, Commissioner
D. M. Morton, Commissioner

November 5, 2015

O R D E R

WHEREAS:

- A. On March 2, 2015, the British Columbia Utilities Commission (Commission) issued Order G-27-15 approving the Thermal Energy Systems (TES) Regulatory Framework Guidelines (TES Guidelines);
- B. On October 16, 2015, FortisBC Alternative Energy Services Inc. (FAES) filed a Stream A TES registration form for the Empire at Queen Elizabeth (QE) Park TES, in accordance with TES Guidelines; and
- C. The Commission has reviewed the application and is satisfied that Empire at QE Park TES meets the criteria for on-Site TES, site and capital costs, and is suitable for exemption from sections 44.1, 45-46, and 59-61 of the *Utilities Commission Act*.

NOW THEREFORE for the reasons attached as Appendix A to this order and pursuant to section 88(3) of the *Utilities Commission Act* and by the advance approval of the Lieutenant Governor in Council (OIC 400), the British Columbia Utilities Commission orders as follows:

1. In accordance with the Thermal Energy Systems (TES) Regulatory Framework Guidelines the Empire at Queen Elizabeth Park Thermal Energy System is exempt from sections 44.1, 45-46, and 59-61 of the *Utilities Commission Act*.

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2. FortisBC Alternative Energy Services Inc. must file with the Commission, an annual report for the Empire at Queen Elizabeth Park TES project in accordance with Stream A annual reporting guidelines as provided in Appendix B of the TES Guidelines, with the first report to be filed on or before February 15, 2016.

DATED at the City of Vancouver, In the Province of British Columbia, this 10th day of November 2015.

BY ORDER

Original signed by:

D. M. Morton
Commissioner

Attachment

FortisBC Alternative Energy Services Inc.
Stream A TES Registration for the Empire at Queen Elizabeth Park

REASONS FOR DECISION

On October 16, 2015, FortisBC Alternative Energy Services Inc. (FAES) submitted a Stream A application form for a Thermal Energy System (TES) at Empire at Queen Elizabeth (QE) Park (Application). The Application was submitted in accordance with the TES Regulatory Framework Guidelines (TES Guidelines) established by the British Columbia Utilities Commission (Commission) by Order G-27-15 on March 2, 2015. In its Application, FAES indicates that Empire at QE Park TES has five building permits which are all included under a single legal municipal property (PID 029-144-850).

To consider the propriety of this project per the TES Guidelines, the Commission considered the project descriptions within the context of the Stream A definitions within the TES Guidelines.

As per the TES Guidelines, a Stream A TES is defined as: “an On-Site TES with an initial Capital Cost above \$500,000 but less than \$15,000,000.” A Stream A TES is exempt from sections 44.1, 45-46 and 59-61 of the *Utilities Commission Act*. The TES Guidelines further define an On-Site TES as:

“a TES that consists of thermal energy generation and distribution equipment and fixtures that are physically located on the same site as the thermal load, is designed to meet the energy demands of one or more customers on that site and doesn’t share any generation or distribution facilities beyond the bounds of the site.”

Finally, the TES Guidelines define a *site* as:

“a legal property or parcel with defined boundaries for which a municipal building permit is issued or pending approval. A site is usually contained within the boundaries of a city block and is not a large multi-phase master development parcel which may be part of municipal re-zoning applications or multiple building permit processes into the future.”

As described in FAES’s application, all five buildings at Empire at QE Park have separate building permits but are contained within a single legal parcel (PID 029-144-850) and are all being constructed at the same time, thereby distinguishing this project from an otherwise multi-phase development with building permit processes into the future. For this reason, the Commission finds that the collection of buildings under legal parcel PID 029-144-850 comply with the definitions within the TES Guidelines and can be deemed as a single site, irrespective of the number of building permits. The Commission further finds that FAES’s Empire at QE Park meets the characteristics of an On-Site TES and has a construction cost for the TES of between \$500,000 and \$15 million, therefore fully qualifying it as a Stream A TES.