

FortisBC Inc. (FBC) Electricity Resource Planning Advisory Group (RPAG)

Terms of Reference (ToR) – Appendix A: Utilities Commission Act Excerpts

In this document, FBC has reproduced sections of the Utilities Commission Act that we believe are most relevant to the RPAG workshops. These sections are included only to provide additional context and should not be considered an exhaustive list of relevant sections as it may be found at a later date that other sections not named here also have some relevance for the LTERP.

The complete Act can be viewed on the BC Government web site here: [Utilities Commission Act](#)¹. The complete act should be referred to prior to citing the act for any purpose other than general context for the RPAG.

¹ http://www.bclaws.ca/Recon/document/ID/freeside/00_96473_01

Definitions

1 In this Act:

"appraisal" means appraisal by the commission;

"authority" means the British Columbia Hydro and Power Authority;

"British Columbia's energy objectives" has the same meaning as in section 1 (1) of the *Clean Energy Act*;

"commission" means the British Columbia Utilities Commission continued under this Act;

"compensation" means a rate, remuneration, gain or reward of any kind paid, payable, promised, demanded, received or expected, directly or indirectly, and includes a promise or undertaking by a public utility to provide service as consideration for, or as part of, a proposal or contract to dispose of land or any interest in it;

"costs" includes fees, counsel fees and expenses;

"demand-side measure" has the same meaning as in section 1 (1) of the *Clean Energy Act*;

"distribution equipment" means posts, pipes, wires, transmission mains, distribution mains and other apparatus of a public utility used to supply service to the utility customers;

"expenses" includes expenses of the commission;

(a) to encourage public utilities to reduce greenhouse gas emissions;

(b) to encourage public utilities to take demand-side measures;

(c) to encourage public utilities to produce, generate and acquire electricity from clean or renewable sources;

(d) to encourage public utilities to develop adequate energy transmission infrastructure and capacity in the time required to serve persons who receive or may receive service from the public utility;

(e) to encourage public utilities to use innovative energy technologies

(i) that facilitate electricity self-sufficiency or the fulfillment of their long-term transmission requirements, or

(ii) that support energy conservation or efficiency or the use of clean or renewable sources of energy;

(f) to encourage public utilities to take prescribed actions in support of any other goals prescribed by regulation;

"petroleum industry" includes the carrying on within British Columbia of any of the following industries or businesses:

(a) the distillation, refining or blending of petroleum;

(b) the manufacture, refining, preparation or blending of products obtained from petroleum;

(c) the storage of petroleum or petroleum products;

(d) the wholesale or retail distribution or sale of petroleum products;

(e) the retail distribution of liquefied or compressed natural gas;

"petroleum products" includes gasoline, naphtha, benzene, kerosene, lubricating oils, stove oil, fuel oil, furnace oil, paraffin, aviation fuels, liquid butane, liquid propane and other liquefied petroleum gas and all derivatives of petroleum and all products obtained from petroleum, whether or not blended with or added to other things;

"public hearing" means a hearing of which public notice is given, which is open to the public, and at which any person whom the commission determines to have an interest in the matter may be heard;

"public utility" means a person, or the person's lessee, trustee, receiver or liquidator, who owns or operates in British Columbia, equipment or facilities for

(a) the production, generation, storage, transmission, sale, delivery or provision of electricity, natural gas, steam or any other agent for the production of light, heat, cold or power to or for the public or a corporation for compensation, or

(b) the conveyance or transmission of information, messages or communications by guided or unguided electromagnetic waves, including

systems of cable, microwave, optical fibre or radiocommunications if that service is offered to the public for compensation,

but does not include

(c) a municipality or regional district in respect of services provided by the municipality or regional district within its own boundaries,

(d) a person not otherwise a public utility who provides the service or commodity only to the person or the person's employees or tenants, if the service or commodity is not resold to or used by others,

(e) a person not otherwise a public utility who is engaged in the petroleum industry or in the wellhead production of oil, natural gas or other natural petroleum substances,

(f) a person not otherwise a public utility who is engaged in the production of a geothermal resource, as defined in the [Geothermal Resources Act](#), or

(g) a person, other than the authority, who enters into or is created by, under or in furtherance of an agreement designated under section 12 (9) of the [Hydro and Power Authority Act](#), in respect of anything done, owned or operated under or in relation to that agreement;

"rate" includes

(a) a general, individual or joint rate, fare, toll, charge, rental or other compensation of a public utility,

(b) a rule, practice, measurement, classification or contract of a public utility or corporation relating to a rate, and

(c) a schedule or tariff respecting a rate;

"service" includes

(a) the use and accommodation provided by a public utility,

(b) a product or commodity provided by a public utility, and

(c) the plant, equipment, apparatus, appliances, property and facilities employed by or in connection with a public utility in providing service or a product or commodity for the purposes in which the public utility is engaged and for the use and accommodation of the public;

"tenant" does not include a lessee for a term of more than 5 years;

"value" or **"appraised value"** means the value determined by the commission.

44 . 1 Long-term resource and conservation planning

(2) Subject to subsection (4), a public utility must file with the commission, in the form and at the times the commission requires, a long-term resource plan including all of the following:

- (a) an estimate of the demand for energy the public utility would expect to serve if the public utility does not take new demand-side measures during the period addressed by the plan;
- (b) a plan of how the public utility intends to reduce the demand referred to in paragraph (a) by taking cost-effective demand-side measures;
- (c) an estimate of the demand for energy that the public utility expects to serve after it has taken cost-effective demand-side measures;
- (d) a description of the facilities that the public utility intends to construct or extend in order to serve the estimated demand referred to in paragraph (c);
- (e) information regarding the energy purchases from other persons that the public utility intends to make in order to serve the estimated demand referred to in paragraph (c);
- (f) an explanation of why the demand for energy to be served by the facilities referred to in paragraph (d) and the purchases referred to in paragraph (e) are not planned to be replaced by demand-side measures;
- (g) any other information required by the commission.

(8) In determining under subsection (6) whether to accept a long-term resource plan, the commission must consider

- (a) the applicable of British Columbia's energy objectives,
- (b) the extent to which the plan is consistent with the applicable requirements under sections 6 and 19 of the *Clean Energy Act*,

(c) whether the plan shows that the public utility intends to pursue adequate, cost-effective demand-side measures, and

(d) the interests of persons in British Columbia who receive or may receive service from the public utility.