

B.C. Reg. 254/2010
M 230/2010

Deposited August 20, 2010

Utilities Commission Act**CPC/CBT PROJECTS****EXEMPTION CONTINUATION REGULATION**

Note: Check the Cumulative Regulation Bulletin 2014
for any non-consolidated amendments to this regulation that may be in effect.

[includes amendments up to B.C. Reg. 255/2010, August 24, 2010]

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Definitions

1 (1) In this regulation:

"Act" means the *Utilities Commission Act*;

"affiliate" has the same meaning as in the *Business Corporations Act*;

"Arrow Lakes Generating Station" means the electricity generation, transmission, transformation and interconnection facilities near the authority's Hugh Keenleyside Dam, including related works and property, but excludes the authority's storage dam and related works and property;

"Brilliant Project" means the electricity generation, transmission, transformation and interconnection facilities at the Brilliant Dam, including related works and property;

"Brilliant Expansion Project" means the electricity generation, transmission, transformation and interconnection facilities near the Brilliant Project, including related works and property;

"CBT" means Columbia Basin Trust or its successors or assigns;

"Cominco" means Cominco Ltd. or its successors or assigns;

"CPC" means Columbia Power Corporation or its successors or assigns;

"CPC/CBT" means a joint venture, corporation, partnership or other business entity in which CPC, a CPC subsidiary, CBT, or a CBT subsidiary, owns an equity interest;

"CPC/CBT power service" means power service from a CPC/CBT Project or a CPC/CBT contractual entitlement to power service, whether related to a CPC/CBT

Project or other CPC/CBT purchases for resale, including the Waneta Upgrade power service;

"CPC/CBT Projects" means the Arrow Lakes Generating Station, the Brilliant Project, the Brilliant Expansion Project and the Waneta Expansion Project, including any upgrades, extensions or modifications that may be made from time to time;

"energy supply contract" means energy supply contract within the meaning of section 68 of the Act;

"power service" means electrical energy or capacity;

"Waneta Expansion Project" means the electricity generation, transmission, transformation and interconnection facilities to be constructed near the Waneta Dam, including related works and property;

"Waneta Upgrade power service" means the additional energy and capacity from the upgrades to 4 turbines at Cominco's Waneta Dam, for which Cominco has received approval under the *Environmental Assessment Act*.

[am. B.C. Reg. 255/2010, s. (a).]

Exemptions

2 The following exemptions are made:

- (a) CPC/CBT is exempt from Part 3 and section 71 of the Act in respect of the sale, purchase or production of CPC/CBT power service;
- (b) CPC/CBT is exempt from Part 3 and section 71 of the Act in respect of the CPC/CBT Projects;
- (c) persons, other than CPC/CBT and any other person, or an affiliate of any other person, having a financial interest in the Waneta Expansion Project, are exempt from section 71 of the Act in respect of energy supply contracts for the purchase of CPC/CBT power service;
- (d) Cominco is exempt from section 71 of the Act in respect of energy supply contracts with CPC/CBT for the production and sale of Waneta Upgrade power service.

[am. B.C. Reg. 255/2010, s. (b).]

[Provisions relevant to the enactment of this regulation: *Utilities Commission Act*, R.S.B.C. 1996, c. 473, sections 22 and 125.1 (4) (b)]