

PROVINCE OF BRITISH COLUMBIA
ORDER OF THE MINISTER OF ENERGY, MINES
AND PETROLEUM RESOURCES

Utilities Commission Act

Ministerial Order No. M104

I, Michelle Mungall, Minister of Energy, Mines and Petroleum Resources, order that pursuant to section 88(3) of the *Utilities Commission Act*, approval is given to the British Columbia Utilities Commission to make the exemptions from the indicated provisions of the *Utilities Commission Act* (related to electric vehicle charging services) as set out in the attached draft order of the British Columbia Utilities Commission.

March 18, 2019

Date



Minister of Energy, Mines and Petroleum Resources

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: Utilities Commission Act, R.S.B.C. 1996, s. 88(3)

Other: _____



ORDER NUMBER

G-xx-xx

IN THE MATTER OF

the *Utilities Commission Act*, RSBC 1996, Chapter 473

and

British Columbia Utilities Commission

An Inquiry into the Regulation of Electric Vehicle Charging Service

BEFORE:

[], Commissioner

on [], 20XX

DRAFT ORDER

WHEREAS:

- A. By Order G-10-18 dated January 12, 2018, the British Columbia Utilities Commission (BCUC) established an inquiry (Inquiry) into the regulation of electric vehicle (EV) charging service pursuant to section 82 of the *Utilities Commission Act* (UCA);
- B. By Orders G-19-18, G-67-18 and G-96-18, the BCUC established the Regulatory Timetable for the Inquiry. Appendix B to Order G-19-18 provides the preliminary scope of the Inquiry;
- C. By Order G-119-18 dated July 4, 2018, the BCUC determined that a phased approach is appropriate for the Inquiry;
- D. On November 26, 2018, the BCUC issued the Phase 1 Report for the Inquiry. In the Phase 1 Report, among other matters, the Panel finds that the public EV charging market, including landlords and strata corporations, does not exhibit monopoly characteristics. The Panel finds that regulation is not required of persons who are not otherwise public utilities, as well as landlords and strata corporations, who provide EV charging services for compensation;
- E. In the Phase 1 Report, among other matters, the Panel recommends that the Minister of Energy, Mines and Petroleum Resources issue an exemption, with respect to EV charging services, from Part 3 of the UCA with the exception of sections 25 and 38, with respect to safety only, for the EV charging service providers that are not otherwise a public utility under the UCA. The Panel also recommends that a landlord or strata corporation that is otherwise a public utility, be granted an exemption, on the same terms and conditions, pertaining to owning and/or operating an EV charging service;
- F. Section 88(1) of the UCA provides that in making an order, rule or regulation, the BCUC may make it apply to all cases, or to a particular case or class of cases, or to a particular person. Section 88(3) of the UCA provides that the BCUC may, on conditions it considers advisable, with the advance approval of the minister responsible for the administration of the *Hydro and Power Authority Act*, exempt a person, equipment or

facilities from the application of all or any of the provisions of the UCA or may limit or vary the application of the UCA;

- G. By Ministerial Order number [XXX], dated [XXX] and attached as Appendix [XX] to this order, the minister responsible for the administration of the *Hydro and Power Authority Act* granted advance approval to the BCUC to exempt a person from Part 3 of the UCA with respect to the sale, delivery or provision of electricity for EV charging services to or for the public or a corporation for compensation, except for the provisions of sections 25 and 38 relating to safety only, for certain classes of cases.

NOW THEREFORE pursuant to sections 88(1) and 88(3) of the UCA, the BCUC orders as follows:

1. A person is exempt from Part 3 of the UCA with respect to the sale, delivery or provision of electricity for EV charging services to or for the public or a corporation for compensation, except for the provisions of sections 25 and 38 relating to safety only, in the class of cases where the person is not otherwise a public utility under the UCA.
2. A person is exempt from Part 3 of the UCA with respect to the sale, delivery or provision of electricity for EV charging services to or for the public or a corporation for compensation, except for the provisions of sections 25 and 38 relating to safety only, in the class of cases where the person is a landlord or a strata corporation that is a public utility under the UCA solely because of the services offered in its capacity as a landlord or a strata corporation.
3. The exemption granted pursuant to this order shall remain in effect until the BCUC, on its own motion, or upon receiving a complaint from a person whose interests are affected, and after a hearing, determines the exemption shall no longer apply in whole or in part.

DATED at the City of Vancouver, in the Province of British Columbia, this [xx] day of [Month] 20XX.

BY ORDER

[]
Commissioner
Attachment