

PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 25

, Approved and Ordered January 30, 2026

Wendy Cocchia

Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that the attached Data Centre Facility and Hydrogen Production Facility Power Supply Regulation is made.



Minister of Energy and Climate Solutions



Presiding Member of the Executive Council

(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, c. 473, s. 21.1 (2) to (4)*

Other: _____

R10948611

DATA CENTRE FACILITY AND HYDROGEN PRODUCTION FACILITY POWER SUPPLY REGULATION

Definitions

1 In this regulation:

“**Act**” means the *Utilities Commission Act*;

“**A.I. data centre**” means a data centre, other than a cryptocurrency mining project, in which 10 percent or more of the electricity supplied to it is or will be used for

- (a) computational tasks related to artificial intelligence,
- (b) processing and storing data related to the computational tasks referred to in paragraph (a), or
- (c) powering equipment and other infrastructure used for the purposes referred to in paragraphs (a) and (b);

“**A.I. data centre purposes**” means the use of electricity in or for an A.I. data centre;

“**applicable facility**” means

- (a) an A.I. data centre,
- (b) a conventional data centre, or
- (c) a hydrogen-for-export facility;

“**competitive process**” means a process established by the authority under section 4 (1) (a) or (b);

“**conventional data centre**” means a data centre, other than an A.I. data centre, the primary purpose of which is storage or processing of electronic data;

“**conventional data centre purposes**” means the use of electricity in or for a conventional data centre;

“**cryptocurrency mining project**” means a project to mine cryptocurrency;

“**design deposit**” means a payment made to the authority to cover all or a portion of the estimated costs of designing the upgrades to the authority’s electric distribution system that would be necessary to connect an applicable facility to the authority’s electricity distribution system;

“**distribution non-queue customer**” means an existing customer of the authority

- (a) whose existing facility is connected to the authority’s electricity distribution system at a voltage of 25 kV or less, and
- (b) who
 - (i) requests or has requested incremental capacity for the facility, and
 - (ii) did not pay a design deposit to the authority before the reference date;

“**existing facility**” means any facility to which electricity service is supplied by the authority;

“**facilities study agreement**” means an agreement

- (a) between the authority and a person who operates or proposes to operate a facility,

- (b) that is in the form of agreement commonly referred to by the authority as a “facilities study agreement”, and
- (c) that provides for an evaluation by the authority of the work that would be necessary to connect the applicable facility to the authority’s transmission system;

“hydrogen-for-export facility” means a hydrogen production facility that produces hydrogen any of which is to be exported for use outside Canada;

“hydrogen-for-export facility purposes” means the use of electricity in or for a hydrogen-for-export facility;

“incremental capacity” means additional electricity capacity a person requests for a listed purpose;

“listed purpose” has the meaning given to it in section 21.1 (1) of the Act;

“minimum requirements” means the requirements described in section 4 (3) (b);

“new high-voltage (non-queue) project” means a project respecting an applicable facility that satisfies the following criteria:

- (a) the project proponent requests at least 10 MW of capacity;
- (b) the project would be connected to the authority’s electricity transmission system at a voltage of 60 kV or higher;
- (c) a system impact study agreement was not entered into in respect of the project prior to the reference date;

“new low-voltage (no deposit) project” means a project respecting an applicable facility that satisfies the following criteria:

- (a) the project proponent requests at least 10 MW of capacity;
- (b) the project would be connected to the authority’s electricity distribution system at a voltage of 25 kV or less;
- (c) a design deposit in respect of the project was not paid to the authority prior to the reference date;

“proposed high-voltage (SISA) project” means a project respecting an applicable facility that satisfies the following criteria:

- (a) the project proponent has requested at least 10 MW of capacity;
- (b) the project would be connected to the authority’s electricity transmission system at a voltage of 60 kV or higher;
- (c) a system impact study agreement respecting the project was entered into before the reference date;
- (d) a facilities study agreement respecting the project was not entered into before the reference date;

“reference date” means February 1, 2026;

“system impact study agreement” means an agreement

- (a) between the authority and a person who operates or proposes to operate a facility,
- (b) that is in the form of agreement commonly referred to by the authority as a “system impact study agreement”, and

- (c) that provides for an evaluation by the authority of
 - (i) the effects on the authority's transmission system of interconnecting the applicable facility to the authority's transmission system, and
 - (ii) the modifications to the authority's transmission system that would be necessary to connect the applicable facility to the authority's transmission system, including modifications to maintain the reliability of the authority's transmission system;

“transmission in-queue customer” means an existing customer of the authority

- (a) whose existing facility is connected to the authority's electricity transmission system at a voltage of 60 kV or higher, and
- (b) who
 - (i) requested incremental capacity for the facility before the reference date,
 - (ii) entered into a system impact study agreement before the reference date, and
 - (iii) did not enter into a facilities study agreement before the reference date;

“transmission non-queue customer” means an existing customer of the authority

- (a) whose existing facility is connected to the authority's electricity transmission system at a voltage of 60 kV or higher, and
- (b) who
 - (i) requests or has requested incremental capacity for the facility, and
 - (ii) did not enter into a system impact study agreement before the reference date;

“wholesale electric utility” means a customer of the authority that purchases electricity from the authority for the primary purpose of reselling the electricity to its own customers.

Prohibitions respecting supply of service and incremental capacity

- 2** (1) Subject to subsection (2), the authority must not do any of the following:
- (a) supply service to a person for the purpose of operating a new high-voltage (non-queue) project, including by entering into a system impact study agreement with the person;
 - (b) supply service to a person for the purpose of operating a new low-voltage (no deposit) project, including by accepting a design deposit from the person;
 - (c) supply service to a person for the purpose of operating a proposed high-voltage (SISA) project, including by entering into a facilities study agreement with the person;
 - (d) supply 10 MW or more of incremental capacity to a transmission non-queue customer, including by entering into system impact study agreement with the person, if the incremental capacity is to be used at an existing facility;

- (e) supply 10 MW or more of incremental capacity to a distribution non-queue customer, including by accepting a design deposit from the person, if the incremental capacity is to be used at an existing facility;
 - (f) supply 10 MW or more of incremental capacity to a transmission in-queue customer, including by entering into facilities study agreement with the person, if the incremental capacity is to be used at an existing facility.
- (2) The authority may supply service or incremental capacity, as applicable, to a person described in subsection (1) if the person
 - (a) meets the minimum requirements, and
 - (b) is, in respect of the supply of service or incremental capacity, successful in the competitive process.
- (3) The authority must not supply incremental capacity to a wholesale electric utility if the incremental capacity is to be supplied to a customer of the wholesale electric utility or a customer of a customer of the wholesale electric utility for the purpose of operating an applicable facility or a cryptocurrency mining project.
- (4) For certainty, subsection (1) (c) and (f) does not prohibit the authority and the applicable person from performing their obligations arising under or in connection with a system impact study agreement entered into before the reference date.

Limits respecting electricity capacity that may be made available

- 3**
 - (1) The authority must not, during the two-year period commencing on the reference date, make available for conventional data centre purposes more than a total of 100 MW of new electricity capacity.
 - (2) The authority must not, during the two-year period commencing on the reference date, make available for A.I. data centre purposes more than the aggregated total of
 - (a) 300 MW of new electricity capacity, and
 - (b) any electricity capacity referred to in subsection (1) that has not been made available for conventional data centre purposes.
 - (3) The authority must not, during the two-year period commencing on the reference date, make available for hydrogen-for-export facility purposes more than a total of 200 MW of new electricity capacity.
 - (4) The authority must not, during the one-year period commencing on the second anniversary of the reference date, make available for conventional data centre purposes more than a total of 50 MW of new electricity capacity.
 - (5) The authority must not, during the one-year period commencing on the second anniversary of the reference date, make available for A.I. data centre purposes more than the aggregated total of
 - (a) 150 MW of new electricity capacity, and
 - (b) any new electricity capacity referred to in subsection (4) that has not been made available for conventional data centre purposes.

- (6) The authority must not, during the one-year period commencing on the second anniversary of the reference date, make available for hydrogen-for-export facility purposes more than a total of 100 MW of new electricity capacity.

Authority's competitive processes

- 4 (1) The authority must establish and conduct the following 2 competitive processes:
 - (a) a process to select which persons are eligible to receive new electricity capacity for A.I. data centre purposes and conventional data centre purposes;
 - (b) a process to select which persons are eligible to receive new electricity capacity for hydrogen-for-export facility purposes.
- (2) Despite subsection (1), the authority's obligation to establish and conduct a competitive process described in paragraph (a) or (b) of that subsection does not apply if the authority determines that there is
 - (a) insufficient demand for new electricity capacity to justify the competitive process, or
 - (b) insufficient electricity capacity in the authority's electricity system to meet the demand for new capacity.
- (3) A competitive process may be established and conducted in the manner the authority considers appropriate, provided that the process incorporates the following components:
 - (a) a request for service must not be for more than 145 MW of capacity;
 - (b) minimum requirements respecting a person's eligibility to participate in the competitive process, including but not limited to the following:
 - (i) the person must be willing to pay at least the minimum price specified by the authority in respect of electricity service;
 - (ii) the person must meet criteria specified by the authority respecting the person's financial capacity and readiness, including criteria respecting the person's capacity to provide security to the authority as part of the competitive process;
 - (iii) the person must demonstrate the willingness and ability to curtail at least the amount of capacity that the authority asks the person to curtail from time to time;
 - (c) the authority's assessment of a project must include consideration of only the following, using assessment methods and weightings developed by the authority:
 - (i) the authority's costs in respect of the project, including the cost of providing electricity service;
 - (ii) the benefits from the project for the authority, including revenue and the availability of load curtailment;
 - (iii) community and provincial economic benefits from the project;
 - (iv) environmental impacts of and benefits from the project;
 - (v) in the case of an A.I. data centre or conventional data centre,

- (A) the jurisdiction in which the person who proposes to operate the A.I. data centre or conventional data centre was incorporated, and
 - (B) the manner in which data is to be safeguarded against disclosure outside of Canada;
- (vi) impacts of and benefits from the project for first nations.