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BRITISH COLUMBIA
UTILITIES COMMISSION

ORDER
NUMBER P-2-94

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AN ORDER IN THE MATTER OF the Pipeline Act
R.S.B.C. 1979, c. 328, as amended

and

An Application by

Trans Mountain Enterprises of British Columbia Limited

BEFORE: M.K. Jaccard, Chairperson; and)
L.R. Barr Deputy Chairperson) March 23, 1994

ORDER

WHEREAS:

- A. On December 29, 1992 Trans Mountain Enterprises of British Columbia Limited ("TME") applied under Section 44 of the Pipeline Act, R.S.B.C., c. 328 ("the Act") to the British Columbia Utilities Commission ("the Commission") for approval of a toll increase for the gathering of jet fuel and its delivery to the Vancouver International Airport using its Jet Fuel Pipeline, effective January 1, 1993; and
- B. On October 27, 1993 Canadian Airlines International Ltd. and the Vancouver Airport Fuel Facilities Corporation (collectively referred to as "the Airlines") filed a complaint with the Commission outlining several areas of concern involving the 1993 tolls applied for by TME; and
- C. On October 29, 1993 the Commission requested the Airlines and other users of the system, herein referred to as ("Shippers"), and TME to address the method of resolving the complaint and the proposal by the Airlines to have the Commission become more active in the regulation of TME, to which TME and the Shippers responded that the Commission should continue to regulate TME on a reporting basis; and
- D. On December 8, 1993 the Commission advised the Airlines and the Shippers that additional comments on the TME 1993 Toll Application should be filed with the Commission and scheduled a meeting among TME, the Shippers and Commission staff for January 11, 1994; and
- E. On January 10, 1994 TME advised the Commission that its actual 1993 throughput was approximately 6.5 percent lower than forecast and that an adjustment to 1993 tolls would be required; and
- F. Following the January 11, 1994 meeting, the Commission has considered TME's Application, information filed regarding the Complaint and other supporting information, and finds that a decision on the Toll Application is in accordance with the requirements of the Act.

NOW THEREFORE the Commission orders as follows:

1. TME's Application dated December 29, 1992 to increase the 1993 tolls on its Jet Fuel Pipeline is approved, subject to the adjustments set out in the Decision issued concurrently with this Order.

2. TME will file with the Commission by April 29, 1994 its rates and tolls effective January 1, 1993 and will refund overpayment amounts to Shippers as set out in the Decision issued concurrently with this Order.
3. The Commission will bill TME \$17,760 as its cost of dealing with the Complaint and TME will include 80 percent of this amount or \$14,208 in its calculation of 1993 tolls and the remaining \$3,552 will be absorbed by TME's shareholders.
4. TME will file an application for Commission approval of the 1994 tolls as set out in the Decision issued concurrently with this Order.
5. TME and the Shippers will implement the several directives to revitalize the Shippers' Committee and improve communications that are contained in the Decision issued concurrently with this Order.
6. The Commission will continue to regulate TME on a reporting basis and will only take additional regulatory action in the event of a complaint.

DATED at the City of Vancouver, in the Province of British Columbia, this 25th day of March, 1994.

BY ORDER



Dr. Mark K. Jaccard
Chairperson