

**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER C-14-03**

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IN THE MATTER OF
the Utilities Commission Act, R.S.B.C. 1996, Chapter 473

and

An Application by Terasen Gas Inc.
for Approval of an Operating Agreement and Addendum
with the Corporation of the District of Summerland

BEFORE: R.H. Hobbs, Chair)
L.A. Boychuk, Commissioner) November 27, 2003
L.F. Kelsey, Commissioner)

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

WHEREAS:

- A. On November 7, 2003, Terasen Gas Inc. ("Terasen Gas") applied to the British Columbia Utilities Commission ("the Commission") for approval of an Operating Agreement and Addendum with the District of Summerland ("the District"); and
- B. The Operating Agreement with the District has a 21-year term to December 31, 2023 and replaces the franchise agreement dated September 6, 1977. As this Operating Agreement is one of the first of the new form intended to replace all gas franchise agreements, the Addendum contains a favoured municipality provision allowing it to substitute the provisions of any alternative agreement or arrangement that Terasen Gas might negotiate with other municipalities. The Addendum expires December 31, 2007 if this right is not exercised; and
- C. The Operating Agreement with the District is in the same form as the Operating Agreements that the Commission approved for the City of Penticton and the District of Salmon Arm.

NOW THEREFORE the Commission, pursuant to Section 45 of the Utilities Commission Act, grants Terasen Gas a Certificate of Public Convenience and Necessity which shall expire December 31, 2023 based on the January 1, 2003 Operating Agreement and Addendum with the Corporation of the District of Summerland.

DATED at the City of Vancouver, in the Province of British Columbia, this 1st of December 2003.

BY ORDER

Original signed by:

Robert H. Hobbs
Chair