



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

and

An Application by Terasen Multi-Utility Services Inc.
for a Certificate of Public Convenience and Necessity
and an Application for Permanent Rates

BEFORE: P. Ostergaard, Chair)
R. H. Hobbs, Commissioner) July 9, 2003
K.L. Hall, Commissioner)

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

WHEREAS:

- A. On June 20, 2003 Terasen Multi-Utility Services Inc. ("TMUS") applied to the Commission for approval to acquire the propane gas distribution assets owned by Toby Creek Utilities Co. Ltd. ("Toby Creek") and to be granted a Certificate of Public Convenience and Necessity to own and operate the propane gas distribution system at Panorama Mountain Village, British Columbia ("Panorama"); and
- B. On June 20, 2003 Toby Creek applied to dispose of its propane gas distribution assets at Panorama, and requested to be relieved of its responsibilities under its Certificate of Public Convenience and Necessity. The Commission approved the Toby Creek application by Order No. G-47-03; and
- C. Toby Creek and its shareholder, Intrawest Corporation, have signed an Asset Purchase and Infrastructure Agreement dated June 6, 2003 with TMUS that transfers the propane assets at net book value; and
- D. Notice of the proposed transfer was published in the local newspaper and sent directly to customers; and
- E. The TMUS submission also applied to have the Commission approve rates, pursuant to Sections 58, 60 and 61 of the Utilities Commission Act, for the TMUS Panorama Division that are identical to those existing for Toby Creek approved by Order No. G-39-02; and

- F. TMUS is a public utility, owned by Terasen Inc., operating a multi-utility service at Sun Rivers Community near Kamloops, British Columbia. TMUS has confirmed that it will keep separate the operations and records of its two divisions, Sun Rivers and Panorama; and
- G. The Commission has reviewed the applications and finds that approval is appropriate and in the public interest.

NOW THEREFORE the Commission orders as follows:

1. Pursuant to Section 45 of the Utilities Commission Act, a Certificate of Public Convenience and Necessity is granted to TMUS to acquire and operate the propane gas distribution system at Panorama from Toby Creek at the net book value of the assets, effective July 1, 2003.
2. Pursuant to Sections 58, 60 and 61 of the Utilities Commission Act, the Commission approves rates and Tariff Terms and Conditions for the TMUS Panorama Division that are identical to those existing for Toby Creek under Order No. G-39-02, effective July 1, 2003.
3. TMUS is to advise its customers at Panorama of the approvals given by this Order.

DATED at the City of Vancouver, in the Province of British Columbia, this 11th day of July 2003.

BY ORDER

Original signed by:

R.H. Hobbs
Commissioner