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**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER C-5-05**

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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 Extension to the Franchise Agreement
with the City of Fernie**

BEFORE: L.F. Kelsey, Commissioner May 6, 2005

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

WHEREAS:

- A. On April 14, 2005, Terasen Gas Inc. ("Terasen Gas") applied to the British Columbia Utilities Commission ("the Commission") for approval of an extension to the Franchise Agreement ("the Application") with the City of Fernie ("the City"); and
- B. The Franchise Agreement expired July 25, 2004; and
- C. The Commission approved an extension to the Franchise Agreement by Order No. C-9-04 to December 31, 2004; and
- D. Terasen Gas and the City have entered into Amending Agreement which modifies Section 15 of the Franchise Agreement and extends the term to December 31, 2005; and
- E. The Application requests an extension with modifications as agreed of the Franchise Agreement to December 31, 2005; and
- F. The Commission has reviewed the Application and considers that approval is warranted.

NOW THEREFORE the Commission, pursuant to Section 45 of the Utilities Commission Act, approves for Terasen Gas, the extension of the Franchise Agreement with the City of Fernie, from December 31, 2004 to December 31, 2005.

DATED at the City of Vancouver, in the Province of British Columbia, this 10th of May 2005.

BY ORDER

Original signed by:

L.F. Kelsey
Commissioner