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**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER** G-143-07

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

and

**An Application by Unocal Canada Limited for
Approval of the Disposition of its Interest in the Aitken Creek Storage Facility
to its Wholly-Owned Subsidiary**

and

**An Application by Aitken Creek Gas Storage ULC for
a Certificate of Public Convenience and Necessity and
Exemption Order in respect of its Ownership and Operation of
the Aitken Creek Storage Facility**

BEFORE: L.F. Kelsey, Commissioner November 28, 2007

O R D E R

WHEREAS:

- A. The Commission, by Letter No. L-47-06 dated August 25, 2006, advised Unocal Canada Limited ("Unocal Canada") that it had concluded that Unocal Canada, as owner and/or operator of the Aitken Creek Storage Facility, fell within the definition of a public utility under the Utilities Commission Act (the "Act"); and
- B. The Commission, by Order No. C-6-07 dated July 6, 2007, pursuant to Sections 45 and 46 of the Act issued to Unocal Canada a Certificate of Public Convenience and Necessity ("CPCN") for the operation of the Aitken Creek Storage Facility; and
- C. By Order No. G-135-07 dated November 7, 2007, pursuant to Section 88(3) of the Act and with the advance approval of the Lieutenant Governor in Council ("LGIC") by Order in Council No. 688 dated October 25, 2007, the Commission approved an exemption for Unocal Canada from certain provisions of the Act in relation to the Aitken Creek Storage Facility; and
- D. Previously, by letter to the Ministry of the Attorney General dated October 11, 2007, the Commission requested that the LGIC amend its Order in Council ("OIC") to allow the Commission to apply the Exemption Order to the new subsidiary without having to repeat the LGIC approval process. The amendment to OIC 688 is pending at this time; and

- E. In Order No. G-135-07 and in this Order the term ‘Storage Facility’ refers to the underground reservoir and contained natural gas, wells, on-site equipment and other components of the natural gas storage facility at Aitken Creek that Unocal Canada owns or operates, as they may be modified or expanded from time to time; and
- F. Aitken Creek Gas Storage ULC is an unlimited liability corporation (“ULC”) incorporated on November 1, 2007 under the Alberta Corporations Act (“Aitken Creek ULC”) (Unocal Canada and Aitken Creek ULC are the “Applicants”). Aitken Creek ULC has been registered in British Columbia as an extraprovincial company; and
- G. On November 16, 2007, Unocal Canada applied pursuant to Section 52 of the Act for an Order approving the disposition of its interest in the Storage Facility to its wholly-owned direct subsidiary Aitken Creek ULC (the “Unocal Canada Disposition Application”); and
- H. On November 16, 2007, Aitken Creek ULC applied pursuant to Sections 45 and 46 of the Act for a CPCN for the operation of the Storage Facility (the “Aitken Creek ULC CPCN Application”); and
- I. On November 16, 2007, Aitken Creek ULC applied pursuant to Section 88(3) of the Act for an Order exempting it from certain provisions of the Act for the same purposes and subject to the applicable terms and conditions set out in Order No. G-135-07 (“Aitken Creek ULC Exemption Application”); and
- J. The Unocal Canada Disposition Application, Aitken Creek ULC CPCN Application, and Aitken Creek ULC Exemption Application (collectively as “the Applications”) includes Schedule A (audited financial statements of Aitken Creek natural gas storage business and related operations, assets and liabilities) filed on a confidential basis to the Commission; and
- K. The Applications without Schedule A have been provided to Registered Intervenor and Interested Parties of Project No. 368445, the previous proceeding regarding Unocal Canada’s Application for an exemption pursuant to Section 88(3) of the Act for the Aitken Creek Storage Facility, and
- L. The Commission has reviewed the Applications and considers that establishment of a written process is warranted.

NOW THEREFORE the Commission orders as follows:

- 1. A written process is established for the examination of the Applications, according to the Regulatory Timetable that is Appendix A to this Order.
- 2. Intervenor and Interested Parties should register with the Commission, via the Commission website or in writing, by Monday, December 3, 2007, of their intention to intervene.

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3. Intervenor are to provide their written Submissions of Comments to the Commission with a copy to the Applicants by Wednesday, December 5, 2007.
4. The Applicants are to provide their Reply Comments by Monday, December 10, 2007.
5. The Applicants are to provide a copy of this Order, by e-mail if possible, to all Intervenor and Interested Parties that were registered in Unocal Canada's Application for an exemption for the Aitken Creek Storage Facility proceeding, no later than Friday, November 30, 2007.

DATED at the City of Vancouver, in the Province of British Columbia, this 28th day of November 2007.

BY ORDER

Original signed by:

L.F. Kelsey
Commissioner

Attachment

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REGULATORY TIMETABLE

ACTION

DATE 2007

Registration of Intervenors and Interested Parties

Monday, December 3

Intervenors provide written Submissions of Comments to the
Commission with a copy to the Applicants

Wednesday, December 5

Applicants submit written Reply Comments to the Commission

Monday, December 10