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**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER P-5-09**

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**IN THE MATTER OF
the Pipeline Act, R.S.B.C. 1996, Chapter 364**

and

**An Application by Trans Mountain (Jet Fuel) Inc.
for Approval of 2010 Tariff Filing and
Toll Setting Agreement for the term 2010 - 2018**

BEFORE: L.F. Kelsey, Commissioner
D.A. Cote, Commissioner
P.E. Vivian, Commissioner
December 16, 2009

O R D E R

WHEREAS:

- A. On December 7, 2009, Trans Mountain (Jet Fuel) Inc. ("TMJ") filed with the British Columbia Utilities Commission (the "Commission"), an application for the approval of the adjustment of toll charges for the transport of turbine fuel to Vancouver International Airport and to the Burnaby Terminal of Trans Mountain Pipeline L.P., effective January 1, 2010 (the "Application"); and
- B. The Application is filed pursuant to section 44 of the *Pipeline Act*, RSBC c. 364 (the "Act"), which requires tariff tolls charges for pipeline companies to be filed with the Commission; and
- C. The Application also includes updated depreciation and amortization rates effective January 1, 2010; and
- D. TMJ requests Commission approval of Tariff No. 39 (the "Tariff"), which fixes the Annual TMJ Revenues and Gathering Line Fee for the period of January 1, 2010 to December 31, 2018 for service provided between the connected refinery and the Burnaby Terminal; and
- E. The proposed Tariff No. 39 also includes the following changes:
 - a) Introduction of defined terms for "connected locations" and "connected refinery" (Rule 1 Definition 1.4);
 - b) Introduction of defined term "formula," to permit sharing of the annual TMJ revenues among the shippers (Rule 1 Definition 1.5);

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- c) Revised terms for the application of rates and charges (Rule 15);
 - d) Other wording changes to the Tariff; and
- F. TMJ states that the Company has provided the proposed Tariff to current shippers for review and comment prior to the filing of this Application. No complaints were received on the Application by the Commission to date; and
- G. The Commission has reviewed the Application and finds that approval is warranted.

NOW THEREFORE pursuant to section 44 of the *Pipeline Act*, the Commission orders as follows:

1. The Commission approves the Application, effective January 1, 2010 as filed.
2. The approved tolls are permanent and subject to review by the Commission in the event of a complaint by one or more Shippers on the pipeline within 60 days of this Order. If a complaint is received by the Commission after 60 days of this Order, any adjustments in tolls will be on a prospective basis.
3. TMJ is to provide all Shippers on the pipeline with a copy of this Order along with confirmation to the Commission.

DATED at the City of Vancouver, in the Province of British Columbia, this 16th day of December 2009.

BY ORDER

Original signed by:

D.A. Cote
Commissioner