



**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER C-7-12**

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

and

An Application by FortisBC Energy Inc.
for Approval of an Operating Agreement
with the Village of Clinton

BEFORE: L.F. Kelsey, Commissioner
D.M. Morton, Commissioner May 3, 2012
C.A. Brown, Commissioner
R.D. Revel, Commissioner

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

WHEREAS:

- A. On March 13, 1990, FortisBC Energy Inc. (FEI) (formerly BC Gas Inc. and Terasen Gas Inc.) entered into a Franchise Agreement with the Village of Clinton (the Municipality) that expired on March 31, 2012;
- B. Effective March 5, 2012, FEI and the Municipality entered into an Operating Agreement (the Agreement) with a term of 20 years;
- C. The Agreement sets out the terms and conditions under which FEI shall exercise its rights to use the public places of the Municipality in conducting its business of distributing gas within the Municipality, including a three percent operating fee to be paid by FEI to the Municipality. The terms and conditions of the Agreement are largely consistent with the Union of British Columbia Municipalities Agreement previously approved by the British Columbia Utilities Commission (Commission);
- D. On April 3, 2012, FEI applied to the Commission for approval of the Agreement (the Application);
- E. The Commission has reviewed the Application and considers that approval is warranted.

NOW THEREFORE pursuant to section 45 of the *Utilities Commission Act*, the Commission approves the Agreement as filed.

DATED at the City of Vancouver, in the Province of British Columbia, this 17th day of May 2012.

BY ORDER

Original signed by

D.M. Morton
Commissioner