



**ORDER NUMBER**  
**G-221-19**

IN THE MATTER OF  
the *Utilities Commission Act*, RSBC 1996, Chapter 473

and

City of Coquitlam

Application for Reconsideration and Variance of Order G-80-19 in the matter of the  
FortisBC Energy Inc. Application for Use of Lands under Sections 32 and 33 of the *Utilities Commission Act*  
in the City of Coquitlam for the Lower Mainland Intermediate Pressure System Upgrade Projects

**BEFORE:**

R. I. Mason, Panel Chair  
W. M. Everett, QC, Commissioner

on September 11, 2019

**ORDER**

**WHEREAS:**

- A. On May 16, 2019, pursuant to section 99 of the *Utilities Commission Act* (UCA), the City of Coquitlam (City) filed with the British Columbia Utilities Commission (BCUC) an application for Reconsideration and Variance of Order G-80-19 (Application);
- B. On October 16, 2015, the BCUC issued a Certificate of Public Convenience and Necessity by Order C-11-15, which granted FortisBC Energy Inc. (FEI) approval for the Lower Mainland Intermediate Pressure System Upgrade (LMIPSU) Projects;
- C. By Order G-80-19 and accompanying reasons for decision dated April 15, 2019, the BCUC issued its decision regarding FEI's application for use of the City's lands for the construction and operation of the LMIPSU Projects, including the disposition of the Nominal Pipe Size (NPS) 20 Pipeline, which FEI proposed to decommission. The BCUC ordered, among other things, the following:
  - 1. Pursuant to section 121 of the UCA, it is affirmed that FEI is authorized to abandon the decommissioned NPS 20 Pipeline in place; and
  - 2. Pursuant to section 32 of the UCA, upon request by the City in circumstances where it interferes with municipal infrastructure, the costs of removal of any portion of the decommissioned NPS 20 Pipeline shall be shared equally between FEI and the City;
- D. In its Application, the City requests the BCUC to reconsider and vary Order G-80-19 on the grounds that the BCUC erred in law by:

1. Finding that the BCUC had jurisdiction to authorize FEI, within the meaning of the term “authorization” as used in section 121 of the UCA, to abandon in place FEI’s decommissioned NPS 20 pipes located in Como Lake Avenue; and
  2. Finding that section 32 of the UCA provides the BCUC with jurisdiction to specify the manner and terms under which the City may request FEI to remove any portion of the NPS 20 Pipeline abandoned in place;
- E. Part V of the BCUC’s Rules of Practice and Procedure, which are attached to Order G-15-19, provide the Rules for the reconsideration process (Reconsideration Rules);
- F. By Order G-114-19 dated May 29, 2019, the BCUC established a public hearing with a regulatory timetable as set out in Appendix A of the order.
- G. By June 27, 2019, FEI, British Columbia Hydro and Power Authority (BC Hydro), Pacific Northern Gas Ltd. (PNG) and Commercial Energy Consumers Association of British Columbia (CEC) registered as interveners;
- H. By Order G-150-19 dated July 8, 2019, the BCUC ordered as follows:
1. An updated regulatory timetable as set out in Appendix A of that order, which included BCUC Information Requests (IR) to the City by September 12, 2019, and intervener IRs to the City by September 19, 2019; and
  2. The potential need for new evidence regarding the cost allocation methodology for the removal of the decommissioned NPS 20 Pipeline is adjourned, pending a determination on the BCUC’s jurisdiction under section 32 of the UCA, as outlined in the Application;
- I. On September 5, 2019, the BCUC wrote to inform the City and registered interveners that it will not submit any IRs to the City. Further, the BCUC requested registered interveners to notify the BCUC if they intended to submit IRs to the City;
- J. By September 10, FEI, BC Hydro, PNG and CEC notified the BCUC that they did not intend to submit IRs to the City; and
- K. The BCUC considers that establishing an updated timetable is warranted.

**NOW THEREFORE** the BCUC orders as follows:

1. An updated regulatory timetable is established, in accordance with the regulatory timetable as set out in Appendix A to this order.
2. The City and interveners are requested to provide submissions on the proposed process in accordance with the regulatory timetable attached as Appendix A to this order. The submissions should address the following:
  - Whether the proceeding should advance to written Final Arguments, or if some other process is warranted; and
  - The proposed timetable for the remaining regulatory process.
3. For clarity, the BCUC reaffirms that the potential need for new evidence regarding the cost allocation methodology for the removal of the decommissioned NPS 20 Pipeline is adjourned, pending a determination on the BCUC's jurisdiction under section 32 of the UCA, as outlined in the Application.

**DATED** at the City of Vancouver, in the Province of British Columbia, this 11<sup>th</sup> day of September 2019.

BY ORDER

*Original signed by:*

R. I. Mason  
Commissioner

Attachment

City of Coquitlam  
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**REGULATORY TIMETABLE**

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Action	Date (2019)
City submission on further process	Monday, September 16
Intervener submissions on further process	Friday, September 20
City reply submission on process	Wednesday, September 25
Further process	To be determined