



ORDER NUMBER

F-30-19

IN THE MATTER OF

the *Utilities Commission Act*, RSBC 1996, Chapter 473

and

FortisBC Energy Inc.

Application for Acceptance of the Biogas Purchase Agreement
Between FortisBC Energy Inc. and the City of Vancouver

BEFORE:

D. M. Morton, Panel Chair
A. K. Fung, QC, Commissioner
R. I. Mason, Commissioner

on December 13, 2019

ORDER

WHEREAS:

- A. On September 21, 2018, FortisBC Energy Inc. (FEI) filed with the British Columbia Utilities Commission (BCUC) an application for acceptance of a Biogas Purchase Agreement (BPA) between FEI and the City of Vancouver (COV) pursuant to section 71 of the *Utilities Commission Act* (UCA) (Application);
- B. Under the BPA, FEI intends to: purchase landfill gas from the COV; construct and operate facilities on COV land to upgrade landfill gas to renewable natural gas (RNG); and construct interconnection facilities including a 500-metre pipeline to connect to FEI's existing natural gas distribution system (together, the Project);
- C. By Order G-219-18, the BCUC established a regulatory timetable for review of the Application, which was subsequently amended pursuant to Orders G-234-18 and G-14-19. The timetable included intervenor registration, intervenor and FEI written submissions, FEI reply to intervenor submissions, BCUC and intervenor information requests, a procedural conference and final and reply arguments;
- D. By December 4, 2018, the British Columbia Ministry of Energy, Mines & Petroleum Resources, the COV and the Commercial Energy Consumers Association of British Columbia (CEC) registered as intervenors;
- E. On June 6, 2019, the BCUC issued Order G-122-19 with Reasons for Decision, which adjourned the proceeding for 60 days to allow FEI to restructure and resubmit to the Panel the Project and/or its BPA with the COV in a way that provides the required certainty to FEI's RNG acquisition cost so as to qualify as a prescribed undertaking within the specified cost threshold under the provisions of the Greenhouse Gas Reductions Regulation;
- F. On July 16, 2019, FEI filed a response to Order G-122-19 (Response);

- G. On August 1, 2019, by Order G-182-19, the BCUC established a regulatory timetable for review of the Response, which included BCUC and intervener information requests (IR), FEI's response to IRs and further process to be determined;
- H. By Order G-223-19, the BCUC amended the regulatory timetable to include a Streamlined Review Process, which was held on September 25, 2019;
- I. On September 27, 2019, by Order G-235-19 with Reasons for Decision, the BCUC made its final determinations on the Application;
- J. CEC filed a Participant Assistance/Cost Award (PACA) application with the BCUC with respect to its legal and consulting costs related to its participation in the proceeding:

Date	Participant	Legal	Consulting	Total PACA
October 25, 2019	CEC	\$13,620.32	\$8,974.35	\$22,594.67

- K. By letter dated November 14, 2019, FEI provided its comments on the PACA application;
- L. On November 27, 2019, the BCUC issued Order F-28-19 with Reasons for Decision, which awarded funding related to consulting costs and denied funding related to legal costs, and allowed CEC the opportunity to refile a PACA application for its legal costs within 30 days of the order;
- M. Pursuant to Order F-28-19, CEC filed a revised PACA application and invoice information with respect to its legal costs in the following amount:

Date	Participant	Legal	Consulting	Other	Total PACA
December 5, 2019	CEC	\$13,303.81	N/A	\$36.75 ¹	\$13,340.56

- N. The BCUC has reviewed the PACA application in accordance with the criteria and rates set out in the PACA Guidelines, attached to BCUC Order G-97-17, and concludes that an award for legal costs is warranted.

NOW THEREFORE pursuant to section 118(1) of the *Utilities Commission Act*, the BCUC orders as follows:

1. Funding for legal costs is awarded to the CEC in the following listed amount for its participation in FEI's Application for Acceptance of the Biogas Purchase Agreement between FEI and the COV proceeding:

Participant	Award
CEC	\$13,340.56

2. FEI is directed to reimburse CEC for the awarded amount in a timely manner.

¹ File opening fee of \$35.00 + GST

DATED at the City of Vancouver, in the Province of British Columbia, this 13th day of December 2019.

BY ORDER

Original signed by:

D. M. Morton
Commissioner