



**ORDER NUMBER**  
**G-23-20**

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

and

FortisBC Energy Inc.

Application for Approval of Rates and Agreement for Liquefied Natural Gas (LNG) Fueling Service  
for Ken Johnson Trucking Ltd. from the LNG Fueling Station Located at Vedder Transport Ltd. in Abbotsford, BC

**BEFORE:**

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

on February 18, 2020

**ORDER**

**WHEREAS:**

- A. On January 30, 2020, FortisBC Energy Inc. (FEI) applied to the British Columbia Utilities Commission (BCUC), pursuant to sections 59 to 61 and 89 of the *Utilities Commission Act* (UCA), for approval of the rates established in the fueling services agreement between FEI and Ken Johnson Trucking Ltd. (Ken Johnson) (FEI-Ken Johnson Agreement), on an interim and permanent basis, effective February 7, 2020 (Application);
- B. The Application also requests approval of a one-time billing adjustment for LNG refueling services provided to Ken Johnson prior to the commencement date of the FEI-Ken Johnson Agreement, for the period from November 12, 2019 to February 6, 2020, based on the rates approved by Order G-22-14 and the applicable annual escalations;
- C. On October 5, 2012, by BCUC Order C-11-12A, the BCUC granted FEI a Certificate of Public Convenience and Necessity for the construction and operation of an LNG refueling station located at Vedder Transport Ltd. (Vedder) in Abbotsford, BC (Vedder Fueling Station) and approved the rate design and rates established in the LNG Fueling Station Installation and Operation Agreement between Vedder and FEI (Permanent Refueling Agreement) on an interim basis;
- D. On November 5, 2013, FEI and Vedder amended the Permanent Refueling Agreement to permit third parties to receive LNG fueling services at the Vedder fueling Station. On January 31, 2014, FEI and Vedder made a subsequent amendment to the Permanent Refueling Agreement. On March 4, 2014, by Order G-22-14, the BCUC approved the rate design and rates in the Permanent Refueling Agreement and the amending agreements dated November 5, 2013 and January 31, 2014 on a permanent basis effective January 1, 2013;
- E. On January 28, 2020, FEI and Ken Johnson entered into the FEI-Ken Johnson Agreement which establishes the terms and conditions for Ken Johnson to receive LNG refueling services from the Vedder Fueling Station.

This agreement also includes a one-time billing adjustment in section 4(e) for LNG refueling services provided to Ken Johnson prior to the commencement date of the FEI-Ken Johnson Agreement; and

- F. The BCUC has reviewed the Application and determines that approval of the rates on a permanent basis, excluding the one-time billing adjustment, is warranted.

**NOW THEREFORE** pursuant to sections 59 to 61 of the UCA, the BCUC orders as follows:

1. The rates established in the FEI-Ken Johnson Agreement, excluding section 4(e), are approved on a permanent basis, effective from the date of the Application, January 30, 2020.
2. The one-time billing adjustment stated in section 4(e) of the FEI-Ken Johnson Agreement is not approved as filed as this would constitute retroactive ratemaking. The proposed billing is not recoverable from Ken Johnson or FEI's non-bypass ratepayers.
3. FEI is to file with the BCUC an amended FEI-Ken Johnson Agreement, that excludes the one-time billing adjustment stated in section 4(e), in tariff supplement form for endorsement within 30 days of the date of this order.

**DATED** at the City of Vancouver, in the Province of British Columbia, this 18<sup>th</sup> day of February 2020.

BY ORDER

*Original signed by:*

W. M. Everett, QC  
Commissioner