



**ORDER NUMBER
G-85-20**

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

FortisBC Energy Inc.
Application for Approval of Rates and Amending Agreement for the Expansion of the Compressed Natural Gas
Fueling Station for Waste Connections of Canada Inc.

BEFORE:

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

on April 9, 2020

ORDER

WHEREAS:

- A. On March 30, 2020, FortisBC Energy Inc. (FEI) applied to the British Columbia Utilities Commission (BCUC), pursuant to sections 44.2, 59 to 61 and 89 of the *Utilities Commission Act* (UCA), for approval of expenditures estimated at \$182,549 for the expansion of the Compressed Natural Gas (CNG) fueling station located on Waste Connections of Canada Inc.'s (formerly BFI Canada Inc.) (WC) premises (2020 Expansion) and for the approval of the rates established in the amending agreement, dated March 27, 2020, to the Fueling Station Licence and Use Agreement between FEI and WC (Amending Agreement No. 4), effective April 1, 2020 (Application). FEI also requests the BCUC keep confidential the live financial model provided in Appendix B of the Application due to its commercially sensitive nature;
- B. FEI and WC entered into a Fueling Station Licence and Use Agreement, dated January 31, 2012, which established the terms, conditions and rates for FEI to construct and operate a CNG refueling station located on the premises of WC in Coquitlam, British Columbia (WC Station) to provide CNG fueling service to WC;
- C. By Order G-78-13, dated May 14, 2013, the BCUC approved the rates for WC to receive CNG fueling service at the WC Station. Pursuant to Order G-78-13, FEI and WC entered into an amending agreement, dated December 31, 2013, to revise the rates established in the Fueling Station Licence and Use Agreement (Amending Agreement No. 1), which had an expiry date of September 30, 2019 (collectively, FEI-WC Agreement);
- D. By Orders G-242-19 and G-6-20, the BCUC approved further amending agreements to the FEI-WC Agreement, dated September 13, 2019 (Amending Agreement No. 2) and dated December 26, 2019 (Amending Agreement No. 3), respectively, to allow FEI and WC to continue negotiations for a potential renewal of the FEI-WC Agreement. Amending Agreements No. 2 and No. 3 retained all the terms, conditions

and rates in the FEI-WC Agreement and extended the expiry date of the FEI-WC Agreement to December 31, 2019 and March 31, 2020, respectively;

- E. Amending Agreement No. 4 accommodates an expansion of the WC Station, and among other things, renews the FEI-WC Agreement to December 31, 2024, revises the rates for the renewal period that takes into account the capital expenditures, excess capital collected and operating costs during the renewal term, and revises the Rate Change Date from September 30 to January 1 of each year; and
- F. The BCUC has commenced review of the Application and considers that approval of the rates established in the FEI-WC Agreement as amended by Amending Agreement No. 4 on an interim basis is warranted.

NOW THEREFORE pursuant to sections 59 to 61 and 89 of the UCA, the BCUC orders as follows:

1. The rates design and rates established in the FEI-WC Agreement as amended by Amending Agreement No. 4 are approved on an interim and refundable basis, effective April 1, 2020.
2. The live financial model provided in Appendix B of the Application will be kept confidential due to its commercially sensitive nature.
3. FEI is directed to refund to/recover from WC any variance between the interim rates and the permanent rates, as determined by the BCUC following the final determination of the application to be filed by FEI seeking permanent rates for WC to receive CNG fueling service from the WC Station, with interest calculated at the average prime rate of FEI's principal bank for its most recent year.
4. FEI is to file Amending Agreement No. 4 in tariff supplement form for endorsement by the BCUC within 15 days of the date of this order.

DATED at the City of Vancouver, in the Province of British Columbia, this 9th day of April 2020.

BY ORDER

Original Signed By:

B. A. Magnan
Commissioner