



**ORDER NUMBER  
G-222-20**

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

and

FortisBC Energy Inc.

Application for Approval of Rates and Agreement for Compressed Natural Gas (CNG) Fueling Service for Clark Reefer Lines Ltd. from the CNG Fueling Station Located at Environmental 360 Solutions Ltd. in Kelowna, BC

**BEFORE:**

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

August 25, 2020

**ORDER**

**WHEREAS:**

- A. On August 13, 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 Clark Reefer Lines Ltd. (Clark) (Clark-E360S Agreement), on an interim and refundable basis, effective August 21, 2020 (Application);
- B. On March 1, 2019, FEI and Environmental 360 Solutions Ltd. (E360S) entered into a Fueling Equipment Licence and Use Agreement (E360S Agreement) which established the terms, conditions and rates for E360S to receive Compressed Natural Gas (CNG) fueling service from the CNG station located on E360S's property in Kelowna, BC (E360S Fueling Station). On May 21, 2019, FEI and E360S entered into an amending agreement to the E360S Agreement that revised the rates based on the addition of a capital contribution from E360S and a third-party capital contribution from Natural Resources Canada (Amending Agreement No. 1);
- C. By Order G-237-19 dated September 30, 2019, the BCUC determined that the E360S Fueling Station met the requirements for a prescribed undertaking as defined by the Greenhouse Gas Reduction (Clean Energy) Regulation (GGRR), and approved on an interim and refundable basis the rate design and rates established in the E360S Agreement and as amended by Amending Agreement No. 1, effective October 1, 2019. The Order also directed FEI to file an application seeking permanent rates, upon the determination of the actual capital expenditures for the E360S Fueling Station;
- D. On June 12, 2020, FEI and E360S entered into a second amending agreement to the E360S Agreement (Amending Agreement No. 2) to enable public fueling service at the E360S Fueling Station. By Order G-199-20 dated July 23, 2020, the BCUC approved Amending Agreement No. 2 on an interim basis, effective July 31, 2020;

- E. On July 28, 2020, FEI and Clark entered into the Clark-E360S Agreement which establishes the terms, conditions and rates for Clark to receive CNG fueling service from the E360S Fueling Station, effective August 21, 2020; and
- F. The BCUC has reviewed the Application and finds that approval of the proposed rates 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 established in the Clark-E360S Agreement are approved, on an interim basis subject to refund or recovery, effective August 21, 2020, pending the finalization of actual capital expenditures and permanent rates for the E360S Fueling Station.
2. FEI is directed to file an application seeking permanent rates between FEI and Clark for CNG fueling service from the E360S Fueling Station upon the BCUC approval of permanent rates between FEI and E360S for CNG fueling service from the E360S Fueling Station.
3. FEI is directed to refund to/recover from Clark the 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 Clark to receive CNG fueling service from the E360S Fueling Station, with interest calculated at the average prime rate of FEI's principal bank for its most recent year.
4. FEI is to file the Clark-E360S Agreement 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 25<sup>th</sup> day of August 2020.

BY ORDER

*Original signed by:*

W. M. Everett, QC  
Commissioner