



**ORDER NUMBER**

**G-313-21**

**IN THE MATTER OF**

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

and

FortisBC Energy Inc.

Application for Approval of:

Rates and Agreements for Constructing and Operating a Compressed Natural Gas Fueling Station under the Province's Greenhouse Gas Reduction (Clean Energy) Regulation at Annacis Island, British Columbia; and Amendments to Rate Schedule 6P – Public Service – Natural Gas Refueling Service Tariff and Rates

**BEFORE:**

W. M. Everett, QC, Panel Chair

B. A. Magnan, Commissioner

R. I. Mason, Commissioner

On November 1, 2021

**ORDER**

**WHEREAS:**

- A. On October 15, 2021, 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 following:
1. The rates established in six separate Fueling Services Agreements between the following customers (Anchor Customers) and FEI on an interim and refundable basis, effective November 1, 2021, for compressed natural gas (CNG) fueling services at the refueling station located at Annacis Island, BC (Annacis Island Fueling Station):
    - (i) Ancor Transport Ltd. (Ancor) (Ancor Agreement), dated October 4, 2021;
    - (ii) ColdStar Solutions Inc. (ColdStar) (ColdStar Agreement), dated September 28, 2021;
    - (iii) Encorp Pacific (Canada) (Encorp) (Encorp Agreement), dated September 9, 2021;
    - (iv) Martin-Brower of Canada Co. (Martin-Brower) (Martin-Brower Agreement), dated October 1, 2021;
    - (v) United Parcel Services Canada Ltd. (UPS) (UPS Agreement), dated October 12, 2021; and
    - (vi) Western Pacific Transport Ltd. (Western Pacific) (Western Pacific Agreement), dated August 31, 2021 (collectively Agreements);
  2. Amendments to Rate Schedule 6P – Public Service – Natural Gas Refueling Service (RS 6P) tariff and rates, on an interim non-refundable/non-recoverable basis, to accommodate point-of-sale public fueling at the Annacis Island Fueling Station, effective November 30, 2021. Due to the nature of the service, FEI states that it will not have the ability to refund or recover any differences between interim and permanent rates for public users (Application);

- B. FEI requests that the live financial model filed as Appendix H to the Application be held confidential on the basis it is the result of significant development effort by FEI on behalf of its customers and therefore the formulas and configuration of the model are commercially sensitive;
- C. The Agreements establish the terms, conditions and rates for the Anchor Customers to receive CNG fueling service from the Annacis Island Fueling Station;
- D. FEI states it has secured a capital contribution under the Government of Canada's Natural Resources Canada (NRCan) Electric Vehicle and Alternative Fuel Infrastructure Deployment Program towards the development and construction of the Annacis Island Fueling Station. Under the funding contribution agreement between NRCan and FEI for the Annacis Island Fueling Station, FEI is required to provide public fueling access to the station by November 30, 2021; and
- E. The BCUC has commenced its review of the Application and determines that the interim rates applied for are warranted, and also considers that public notification and a regulatory timetable is warranted to review whether the Annacis Island Fueling Station is a prescribed undertaking as provided in the Greenhouse Gas Reduction (Clean Energy) Regulation.

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

1. FEI is approved to use the rate design and rates established for the Anchor Customers in the Agreements at the Annacis Island Fueling Station on an interim and refundable/recoverable basis, effective November 1, 2021.
2. FEI is directed to file an application with the BCUC seeking permanent rates upon the determination of the actual capital expenditures of the Annacis Island Fueling Station.
3. FEI is directed to refund to/recover from the Anchor Customers 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, with interest calculated at the average prime rate of FEI's principal bank for its most recent year.
4. The BCUC consents to the proposed amendments and rates to RS 6P, for public fueling at the Annacis Island Fueling Station, as set out in the Application on an interim basis, effective November 30, 2021. Any variance between the interim rates and the permanent rates will not be refundable to or recoverable from customers under RS 6P.
5. FEI is to file the Agreements in tariff supplement form for endorsement by the BCUC within 30 days of the date of this order.
6. The live financial model filed as Appendix H to the Application is to be kept confidential due to its commercially sensitive nature.
7. A regulatory timetable as set out in Appendix A to this order is established for the review of the Application.
8. FEI must provide a copy, electronically where possible, of the Application and this order on or before Tuesday, November 9, 2021, to the Anchor Customers and to all registered interveners in the FEI Application for Approval of Revised/Renewal Rates for the Langford CNG Fueling Station in Langford, BC proceeding and the FEI Annual Review for 2022 Rates Application proceeding.

9. FEI must post this order on its website, and publish it on its Twitter, LinkedIn and Facebook social media platforms, on or before Tuesday, November 9, 2021. FEI must also publish weekly reminder notices on each of these platforms until the conclusion of the intervener registration period on Wednesday, November 24, 2021.
10. In accordance with the BCUC's [Rules of Practice and Procedure](#), parties who wish to actively participate in this proceeding must complete the Request to Intervene Form, available on the BCUC's website at <https://www.bcuc.com/Forms/RequestToIntervene>, by the date established in the regulatory timetable.
11. Any party wishing to provide comments on the Application is invited to submit a letter of comment in accordance with the BCUC's [Rules of Practice and Procedure](#). Letters of comment must be submitted on the BCUC's website at <https://www.bcuc.com/Forms/LetterOfComment>.

**DATED** at the City of Vancouver, in the Province of British Columbia, this           1<sup>st</sup>           day of November 2021.

BY ORDER

*Original signed by:*

W. M. Everett, QC  
Commissioner

Attachment

FortisBC Energy Inc.  
Application for Approval of:  
Rates and Agreements for Constructing and Operating a Compressed Natural Gas Fueling Station under  
the Province's Greenhouse Gas Reduction (Clean Energy) Regulation at Annacis Island, British  
Columbia; and  
Amendments to Rate Schedule 6P – Public Service – Natural Gas Refueling Service Tariff and Rates

**REGULATORY TIMETABLE**

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Action	Date (2021)
FEI to provide Notice of Application	Tuesday, November 9
Intervener Registration	Wednesday, November 24
BCUC Information Request (IR) No. 1 to FEI	Wednesday, December 8
Intervener IR No. 1 to FEI	Wednesday, December 15

Action	Date (2022)
FEI responses to BCUC and Intervener IR No. 1	Wednesday, January 12
Further process	To be determined