



**ORDER NUMBER
G-326-21**

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

and

FortisBC Energy Inc.

Application for Approval of Permanent Rates and Agreement for Compressed Natural Gas (CNG) Fueling Service for Clark Reefer Lines Ltd. from the CNG Fueling Station located at Waste Management of Canada Corporation in Coquitlam, BC

BEFORE:

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

on November 9, 2021

ORDER

WHEREAS:

- A. On September 17, 2021, FortisBC Energy Inc. (FEI) applied to the British Columbia Utilities Commission (BCUC) pursuant to sections 59 to 61 of the *Utilities Commission Act* (UCA), for the rates established in the fueling services agreement between FEI and Clark Reefer Lines Ltd. (Clark) (Clark-Waste Management Agreement), on a permanent basis, effective June 7, 2020 (Application);
- B. By Order G-128-11 dated July 19, 2011, the BCUC approved, among other things, a Compressed Natural Gas (CNG) Fueling Station Installation and Operating Agreement between FEI and Waste Management of Canada Corporation (Waste Management) and accepted, pursuant to section 44.2 of the UCA, expenditures for the construction, operation and maintenance of the fueling station located on Waste Management's premises in Coquitlam, BC (Waste Management Fueling Station);
- C. On January 28, 2020, FEI applied to the BCUC for approval of expenditures for the expansion of the Waste Management Fueling Station (2020 Expansion) and for approval of the rates established in an amending agreement dated October 11, 2019, to the CNG Fueling Station Installation and Operating Agreement between FEI and Waste Management, on an interim basis effective February 1, 2020;
- D. By Order G-18-20 dated February 6, 2020, the BCUC approved the rate design and rates established in an amending agreement dated October 11, 2019, to the CNG Fueling Station Installation and Operating Agreement between FEI and Waste Management on an interim and refundable/recoverable basis, effective February 1, 2020. By Order G-77-20 dated April 6, 2020, the BCUC accepted the capital expenditures required for FEI to complete the 2020 Expansion;

- E. On May 20, 2020, FEI and Clark entered into a fueling services agreement (Original Clark-Waste Management Agreement) which established the terms and conditions for Clark to receive CNG fueling services from the Waste Management Fueling Station, effective June 7, 2020, under the rates consistent with BCUC Order G-18-20;
- F. By Order G-153-20 dated June 15, 2020, the BCUC approved the Original Clarke-Waste Management Agreement on an interim and refundable/recoverable basis effective June 7, 2020, and directed FEI to file an application seeking permanent rates upon the BCUC approval of permanent rates between FEI and Waste Management for CNG fueling services from the Waste Management Fueling Station;
- G. On February 15, 2021, FEI entered into a further amending agreement to the CNG Fueling Station Installation and Operating Agreement with Waste Management to revise the Capital Rate to take into account the final capital expenditures for the 2020 Expansion;
- H. By Order G-218-21 dated July 16, 2021, the BCUC approved, among other things, the rate design and rates established in the amending agreements to the CNG Fueling Station Installation and Operating Agreement between FEI and Waste Management on a permanent basis, effective February 1, 2020;
- I. On August 13, 2021, FEI and Clark entered into the Clark-Waste Management Agreement which established the terms and conditions for fueling service, and reflects the permanent rates approved by Order G-218-21 for the Waste Management Fueling Station, effective June 7, 2020; and
- J. The BCUC has reviewed the Application and determines that approval of the proposed permanent rates as established in the Clark-Waste Management Agreement is warranted.

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

- 1. The rates established in the Clark-Waste Management Agreement, are approved on a permanent basis, effective June 7, 2020.
- 2. FEI is directed to refund to/recover from Clark any variance between the interim and permanent rates with interest calculated at the average prime rate of FEI's principal bank for its most recent year.
- 3. FEI is to file the Clark-Waste Management 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 9th day of November 2021.

BY ORDER

Original signed by:

W. M. Everett, QC
Commissioner