



**ORDER NUMBER**  
**G-384-21**

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

and

FortisBC Energy Inc  
Application for Approval of Amending Agreement No. 6 to the Compressed Natural Gas Fueling Station Installation  
and Operating Agreement between FortisBC Energy Inc. and Waste Management of Canada Corporation

**BEFORE:**

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

on December 20, 2021

**ORDER**

**WHEREAS:**

- A. On December 14, 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 approval of the amending agreement effective December 31, 2021, to extend the expiry date of the initial term of the Compressed Natural Gas (CNG) Fueling Station Installation and Operating Agreement between FEI and Waste Management of Canada Corporation (Waste Management) (FEI-Waste Management Agreement) from December 31, 2021 to February 28, 2022 (Amending Agreement No. 6) (Application);
- B. By Order G-128-11 dated July 19, 2011, the BCUC approved, among other things, the FEI-Waste Management Agreement and accepted, pursuant to section 44.2 of the UCA, expenditures for the construction, operation, and maintenance of the CNG fueling station located on Waste Management's premises (Waste Management Fueling Station). The initial term of the FEI-Waste Management Agreement expired on February 17, 2021;
- C. By Order G-299-13 dated December 23, 2013, the BCUC accepted, pursuant to section 44.2 of the UCA, expenditures to upgrade the Waste Management Fueling Station and approved FEI's application that the rates charged to Waste Management remain unchanged;
- D. By Order G-64-16 dated May 11, 2016, the BCUC accepted, pursuant to section 44.2 of the UCA, expenditures to further upgrade the Waste Management Fueling Station and approved the rate design and rates established in the amending agreement dated October 6, 2015 to the FEI-Waste Management Agreement (Amending Agreement No. 1);
- E. On October 11, 2019, FEI entered into a further amending agreement to the FEI-Waste Management Agreement to expand the Waste Management Fueling Station (2020 Expansion) and to, among other things, revise the rates to provide CNG fueling service to Waste Management at the Waste Management Fueling Station (Amending Agreement No. 2);

- F. By Order G-77-20 dated April 6, 2020, the BCUC accepted, pursuant to section 44.2 of the UCA, forecast capital expenditures for the 2020 Expansion;
- G. On February 15, 2021, FEI entered into a further amending agreement to the FEI-Waste Management Agreement to revise the Capital Rate to take into account the final capital expenditures for the 2020 Expansion and to a term extending the expiry date to August 17, 2021 (Amending Agreement No. 3);
- H. On June 11, 2021, FEI filed a further amending agreement to the FEI-Waste Management Agreement to clarify the terms and conditions (Amending Agreement No. 4);
- I. By Order G-218-21 dated July 16, 2021, the BCUC approved the rate design, rates and term extension established in Amending Agreements No. 2, 3 and 4 to the FEI-Waste Management Agreement, effective February 1, 2020;
- J. By Order G-255-21 dated August 31, 2021, the BCUC approved a further amending agreement to the FEI-Waste Management Agreement to extend the expiry date of the term from August 17, 2021 to December 31, 2021 (Amending Agreement No. 5) to accommodate negotiations for a renewal term;
- K. Amending Agreement No. 6 retains all the terms, conditions, and rates and only extends the expiry date of the FEI-Waste Management Agreement from December 31, 2021 to February 28, 2022, for FEI to continue operating the Waste Management Fueling Station and provide Waste Management with fueling service to accommodate negotiations in respect of Waste Management's intent to purchase the Waste Management Fueling Station from FEI; and
- L. The BCUC has completed its review of the Application and finds that approval of Amending Agreement No. 6 is warranted.

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

- 1. The extension of the expiry date of the FEI-Waste Management Agreement from December 31, 2021 to February 28, 2022 as established in Amending Agreement No. 6 is approved on a permanent basis, effective December 31, 2021.
- 2. FEI is to file Amending Agreement No. 6 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        20<sup>th</sup>        day of December, 2021.

BY ORDER

*Original signed by:*

W. M. Everett, QC  
Commissioner