



**ORDER NUMBER
G-300-22**

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

FortisBC Energy Inc.
Application for Approval of Rates and Agreement for Constructing and Operating a Compressed Natural Gas
Fueling Station under the Province's Greenhouse Gas Reduction (Clean Energy) Regulation for
McRae's Environmental Services Ltd. in Richmond, BC

BEFORE:

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

on October 25, 2022

ORDER

WHEREAS:

- A. On July 28, 2022, 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 rate design and rates established in the Fueling Equipment License and Use Agreement with McRae's Environmental Ltd. (McRae's) (McRae's Agreement) on an interim refundable/recoverable basis, effective January 1, 2023 (Application). In the Application FEI states that the fuelling station located on McRae's property in Richmond, BC (McRae's Fuelling Station) is undertaken by FEI as a prescribed undertaking under the Greenhouse Gas Reduction (Clean Energy) Regulation (GGRR);
- B. On April 11, 2013, the BCUC issued Order G-56-13 accepting that the GGRR established the need for Compressed Natural Gas (CNG) and Liquefied Natural Gas fuelling stations that are undertaken by FEI as prescribed undertakings as defined by the GGRR, and that these prescribed undertakings are exempt from the Certificate of Public Convenience and Necessity (CPCN) requirements for the term of the GGRR;
- C. On March 31, 2022, FEI entered into the McRae's Agreement which enables FEI to construct and operate the McRae's Fuelling Station and establishes the terms, conditions and rates for McRae's to receive CNG fuelling service from the McRae's Fuelling Station;
- D. On August 30, 2022, BCUC staff issued questions to FEI, and on September 9, 2022, FEI responded, whereby it confirmed that the binding commitment with McRae's was entered on March 31, 2022, and not before March 31, 2022, as required by the GGRR. FEI submitted that if the BCUC is unable to determine that the agreement is a prescribed undertaking under the GGRR, FEI continues to request that the BCUC approve the McRae's Agreement on an interim basis pursuant to section 59 to 61 of the UCA and requests that the BCUC grant a CPCN for the construction of the station pursuant to section 45 and 46 of the UCA;

- E. By Order G-279-22 dated October 7, 2022, the BCUC determined that the McRae's Fuelling Station does not qualify as a prescribed undertaking as defined by the GGRR and established a regulatory timetable to review whether a CPCN should be granted and whether FEI's proposed interim rates should be approved;
- F. By letter dated October 21, 2022, FEI notified the BCUC that it is withdrawing the Application pending further discussions with McRae's, and submitted a request to cancel the regulatory timetable established by Order G-279-22; and
- G. The BCUC has reviewed FEI's submission and determines that dismissal of the Application in accordance with FEI's request is warranted.

NOW THEREFORE pursuant to section 88.1 of the UCA, the BCUC orders that the Application is dismissed and the regulatory timetable established by Order G-279-22 is cancelled.

DATED at the City of Vancouver, in the Province of British Columbia, this 25th day of October 2022.

BY ORDER

Original signed by

W. M. Everett, KC
Commissioner