



**ORDER NUMBER  
G-377-22**

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

and

FortisBC Energy Inc.

Application for Approval of Permanent Rates and Amending Agreements for the Expansion of the Compressed Natural Gas Fuelling Station for Waste Connections of Canada Inc. in Coquitlam, BC

**BEFORE:**

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

on December 20, 2022

**ORDER**

**WHEREAS:**

- A. On September 22, 2022, 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 rate design and rates established in an amending agreement dated March 27, 2020 (Amending Agreement No. 4) and an amending agreement dated July 14, 2022 (Amending Agreement No. 5) to the Fueling Station License and Use Agreement between FEI and Waste Connections of Canada Inc. (WC), on a permanent basis, effective April 1, 2020 (Application);
- B. FEI requests that the live financial model filed as Appendix B to the Application be held confidential on the basis that 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. FEI and WC entered into a Fueling Station Licence and Use Agreement dated January 31, 2012, which established the terms, conditions, and rates for FEI to construct and operate a Compressed Natural Gas (CNG) refuelling station located on the premises of WC in Coquitlam, British Columbia (WC Coquitlam Fuelling Station) to provide CNG fuelling service to WC;
- D. By Order G-78-13 dated May 14, 2013, the BCUC approved the rates for WC to receive CNG fuelling service at the WC Coquitlam Fuelling Station. Pursuant to Order G-78-13, FEI and WC entered into an amending agreement dated December 31, 2013, to revise the rates established in the Fueling Station Licence and Use Agreement (Amending Agreement No. 1), which had an expiry date of September 30, 2019 (collectively, FEI-WC Agreement);

- E. By Order G-242-19 dated October 8, 2019 and Order G-6-20 dated January 14, 2020, the BCUC approved further amending agreements to the FEI-WC Agreement, dated September 13, 2019 (Amending Agreement No. 2) and dated December 26, 2019 (Amending Agreement No. 3), respectively, to allow FEI and WC to continue negotiations for a potential renewal of the FEI-WC Agreement. Amending Agreements No. 2 and No. 3 retained all the terms, conditions and rates in the FEI-WC Agreement and extended the expiry date of the FEI-WC Agreement to December 31, 2019 and March 31, 2020, respectively;
- F. By Order G-85-20 dated April 9, 2020, the BCUC approved Amending Agreement No. 4 to accommodate an expansion of the WC Coquitlam Fuelling Station, and among other things; to renew the date of the FEI-WC Agreement to December 31, 2024 in order to revise the rates for the renewal period to take into account the capital expenditures, excess capital collected up to December 31, 2019, and operating costs during the renewal term; and to revise the Rate Change Date from September 30 to January 1 of each year, on an interim and refundable basis, effective April 1, 2020. Order G-85-20 also directed FEI to file an application to seek approval for permanent rates upon the determination of the actual capital expenditures;
- G. By Order G-110-20 dated May 7, 2020, the BCUC accepted the estimated capital expenditures of \$182,549 for the expansion of the WC Coquitlam Fuelling Station pursuant to section 44.2 of the UCA;
- H. Amending Agreement No. 5 revised the Capital Rate for the renewal period to take into account the excess capital collected between January 1, 2020 to March 31, 2020 for the WC Coquitlam Fuelling Station;
- I. On October 18, 2022 and November 15, 2022, BCUC staff issued Staff Questions No. 1 and No. 2, respectively, to FEI, and FEI responded on October 31, 2022 and November 23, 2022, respectively. FEI also requested that the live financial model provided in its responses to BCUC Staff Questions No. 1 as Attachment 1.1 be held confidential on the basis that 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; and
- J. The BCUC has reviewed the Application and the responses to BCUC Staff Questions No. 1 and No. 2 and determines that approval of the proposed rates on a permanent basis is warranted.

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

- 1. The rates established in the FEI-WC Agreement, as amended by Amending Agreement No. 4 and Amending Agreement No. 5, for WC to receive CNG fuelling service at the WC Coquitlam Fuelling Station are approved on a permanent basis, effective April 1, 2020.
- 2. The live financial model filed as Appendix B to the Application, and the live financial model filed in response to BCUC Staff Questions No. 1 as Attachment 1.1, will remain confidential unless the BCUC orders otherwise.
- 3. FEI is directed to refund to WC the variance between the interim rates and permanent rates with interest calculated at the average prime rate of FEI's principal bank for its most recent year.

4. FEI is to file Amending Agreement No. 4 and Amending Agreement No. 5 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 2022.

BY ORDER

*Original signed by:*

W. M. Everett, KC  
Commissioner