



ORDER NUMBER
G-135-23

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

and

FortisBC Inc.
Complaint regarding Substation Proposed for Fruitvale, BC

BEFORE:

D. M. Morton, Commissioner

on June 9, 2023

ORDER

WHEREAS:

- A. On May 22, 2023, a complaint was filed with the British Columbia Utilities Commission (BCUC) concerning, amongst other things, the location of a substation that FortisBC Inc. (FortisBC) is proposing to build (Proposed Substation) at 2064 Grieve Road, in Fruitvale, British Columbia (Complaint);
- B. On May 29, 2023, BCUC Staff commenced a review of the Complaint and requested FortisBC to respond to the Complaint and confirm if it intended to seek BCUC approval or submit filings related to the Proposed Substation;
- C. On June 1, 2023, FortisBC provided its response and stated it does not intend to file an application with the BCUC as the Proposed Substation project costs will not meet the threshold required for a Certificate of Public Convenience and Necessity (CPCN). FortisBC also stated that the Proposed Substation had been reviewed by the BCUC in FortisBC 2019 Multi Year Rate Plan and the Annual Review for 2023 Rates application;
- D. By Order G-120-15, dated July 22, 2015, the BCUC determined that the CPCN dollar threshold for FortisBC would be maintained at \$20 million dollars and that a CPCN review for projects below this threshold may be required if it is in the public interest to do so;
- E. Despite the CPCN dollar threshold approved by Order G-120-15, the BCUC retains the jurisdiction in section 45(5) of the UCA to order a CPCN if it appears to the BCUC that the public utility should apply for a separate CPCN;
- F. Currently, there are seven additional complaints filed with the BCUC regarding the Proposed Substation; and
- G. The BCUC has reviewed the complaints and FortisBC's responses and given the public interest in this matter and that the Proposed Substation is not subject to section 45(2) of the *Utilities Commission Act* (UCA), determines that FEI must apply for a CPCN for the Proposed Substation.

NOW THEREFORE pursuant to sections 45, 46 and 83 of the UCA and the CPCN threshold conditions established in Order G-120-15, the BCUC orders as follows:

1. Section 45(2) of the UCA does not apply to the Proposed Substation.
2. FortisBC is directed to file an application for a CPCN related to the Proposed Substation prior the start of construction of the project.

DATED at the City of Vancouver, in the Province of British Columbia, this 9th day of June 2023.

BY ORDER

Original signed by:

D. M. Morton
Commissioner