



ORDER NUMBER

G-141-23

IN THE MATTER OF

the *Utilities Commission Act*, RSBC 1996, Chapter 473

and

FortisBC Energy Inc.

Application for Approval of a Modification Agreement to the Operating Agreement between
the Westbank First Nation and FortisBC Energy Inc.

BEFORE:

R. I. Mason, Commissioner

on June 13, 2023

ORDER

WHEREAS:

- A. On June 9, 2023, FortisBC Energy Inc. (FEI) applied to the British Columbia Utilities Commission (BCUC) pursuant to section 23(1)(g) of the *Utilities Commission Act* for approval of a Modification Agreement dated May 29, 2023 (Modification Agreement No. 4) entered into between the Westbank First Nation (WFN) and FEI, modifying the expiry of the Operating Agreement between WFN and FEI dated August 8, 2006 (WFN Operating Agreement) (Application);
- B. By Order C-3-07 dated February 15, 2007, the BCUC, among other things, approved the WFN Operating Agreement for a period of 15 years with an expiration date of October 16, 2022. By Order G-234-21 dated August 5, 2021, the BCUC approved a Modification Agreement dated July 26, 2021 (Modification Agreement No. 1) amending the expiry of the WFN Operating Agreement to February 15, 2022. By Order G-32-22, dated February 15, 2022, the BCUC approved a Modification Agreement dated February 7, 2022 (Modification Agreement No. 2) amending the expiry of the WFN Operating Agreement to October 15, 2022. By Order G-289-22, dated October 18, 2022, the BCUC approved a Modification Agreement, dated October 3, 2022 (Modification Agreement No. 3) amending the expiry of the WFN Operating Agreement to June 15, 2023;
- C. The Modification Agreement No. 4 amends the expiry of the WFN Operating Agreement to February 15, 2024; and
- D. The BCUC has reviewed the Application and determines that approval is warranted.

NOW THEREFORE pursuant to section 23(1)(g)(ii) of the *Utilities Commission Act*, the BCUC orders that the Modification Agreement No. 4 to the WFN Operating Agreement is approved on a permanent basis, effective June 16, 2023.

DATED at the City of Vancouver, in the Province of British Columbia, this 13th day of June 2023.

BY ORDER

Original signed by:

R. I. Mason
Commissioner