



ORDER NUMBER
G-139-23

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

and

Enbridge ACGS Acquisition Inc.
Application to Acquire Control of the Shares of Aitken Creek Gas Storage ULC

BEFORE:
R. I. Mason, Panel Chair

on June 13, 2023

ORDER

WHEREAS:

- A. On April 28, 2023, Enbridge GTM Canada Inc. (Enbridge GTM) and FortisBC Holdings Inc. (FHI) entered into a purchase agreement (Purchase Agreement) regarding the sale and purchase of the shares of FortisBC Midstream Inc. (FMI), which holds all issued and outstanding shares of Aitken Creek Gas Storage ULC (ACGS), a public utility. To give effect to the Purchase Agreement, FHI will cause FMI to change its name to 784267 B.C. Ltd., and Enbridge ACGS Acquisition Inc. (Enbridge ACGS) will then acquire all issued and outstanding shares of 784267 B.C. Ltd. On closing of the transaction, Enbridge ACGS will acquire control of all issued and outstanding shares of ACGS;
- B. ACGS owns an interest in the underground reservoir and contained natural gas, wells, on-site equipment and other components of the natural gas storage facility at Aitken Creek, as they may be modified or expanded from time to time (Storage Facility);
- C. On May 12, 2023, Enbridge ACGS applied to the British Columbia Utilities Commission (BCUC) pursuant to section 54 of the *Utilities Commission Act* for approval to acquire control of a reviewable interest in ACGS (Application);
- D. Enbridge ACGS requests that Appendix A of the Application, the Purchase Agreement, be held confidential due to the commercially sensitive nature of the information, and that the confidentiality direction not be time limited;
- E. Enbridge ACGS proposes in the Application to file a separate summary of the comments received from those listed in Appendix B of the Application; and
- F. The BCUC has commenced review of the Application and considers that a public hearing process is warranted.

NOW THEREFORE the BCUC orders as follows:

1. A regulatory timetable for the review of the Application is established as set out in Appendix A to this order.
2. Enbridge ACGS must provide a copy, electronically where possible, of the Application and this order to the following on or before June 19, 2023:
 - a. All registered interveners in the following BCUC proceedings:
 - i. Unocal Canada Limited Disposition of Interest in the Aitken Creek Storage Facility to Aitken Creek Gas Storage ULC – Aitken Creek Gas Storage ULC CPCN and Application for an Exemption Order in respect of its Ownership and Operation of the Aitken Creek Storage Facility;
 - ii. FortisBC Midstream Inc. Application for Approval of the Acquisition of the Shares of Aitken Creek Gas Storage ULC;
 - iii. Pacific Northern Gas Ltd. West Division 2023–2024 Revenue Requirements; and
 - iv. FortisBC Energy Inc. 2023 Annual Review of Delivery Rates.
 - b. All former and current Storage Facility customers of ACGS between 2018 to present;
 - c. Where not otherwise listed in Appendix B to the Application, all potentially impacted: gas marketers and producers; pipeline counterparties; brokers; municipalities, regional districts, or other applicable government bodies; financial institutions; and indigenous groups; and
 - d. All parties listed in Appendix B of the Application, not otherwise captured in the list above.
3. Enbridge ACGS is directed to provide notice of the Application and this order on its website and social media platforms (including Facebook and Twitter), if applicable, or the website and social media platforms of the appropriate parent or affiliate company by June 19, 2023, and to publish weekly reminders until the intervener registration deadline.
4. Enbridge ACGS is directed to provide confirmation of compliance with Directives 2 and 3, by June 29, 2023, including a list of all parties notified.
5. Appendix A of the Application, the Purchase Agreement, will be held confidential due to the commercially sensitive nature of the information, subject to any future BCUC direction regarding the confidentiality of this document.
6. Pursuant to section 18 of the BCUC *Rules of Practice and Procedure*, Enbridge ACGS is directed to file a public, redacted version of Appendix A of the Application, the Purchase Agreement, by June 19, 2023, or alternatively to provide an explanation as to why this is not possible.
7. Enbridge ACGS is directed to file a summary of the comments received from those listed in Appendix B of the Application, with the BCUC by June 19, 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

Attachment

Enbridge ACGS Acquisition Inc.
Application to Acquire Control of the Shares of Aitken Creek Gas Storage ULC

REGULATORY TIMETABLE

Action	Date (2023)
Enbridge ACGS publishes notice of Application	Monday, June 19
Enbridge ACGS files Summary of Stakeholder Consultation	Monday, June 19
Enbridge files a public, redacted version of the Purchase Agreement, or alternatively provides an explanation of why this is not possible	Monday, June 19
Deadline to request intervener status	Wednesday, June 28
Enbridge ACGS to provide confirmation of compliance with Directives 2 and 3	Thursday, June 29
BCUC information requests to Enbridge ACGS	Monday, July 10
Intervener information requests to Enbridge ACGS	Monday, July 17
Enbridge ACGS responses to information requests	Wednesday, August 9
Further process	To be determined