



**ORDER NUMBER
G-211-23**

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

and

FortisBC Energy Inc.
Expand and Extend the Term Credit Agreement

BEFORE:

B. A. Magnan, Commissioner

on August 4, 2023

ORDER

WHEREAS:

- A. On July 14, 2023, FortisBC Energy Inc. (FEI) applied to the British Columbia Utilities Commission (BCUC) pursuant to sections 50(2) and 50(3) of the *Utilities Commission Act* for approval to increase the principal amount of FEI's Existing Term Credit Agreement from \$700 million to \$[REDACTED]. FEI also applied for approval of a 365-day extension to the current maturity date of FEI's Existing Term Credit Agreement to July 14, 2028 (Application). FEI submits that the Sustainability Linked Loan (SLL) component of the Existing Term Credit Agreement will remain unaffected by the new maturity date in the Application;
- B. On August 2, 2023, FEI filed additional information in response to BCUC staff questions;
- C. FEI requests the Application be held confidential on the basis that it contains commercially sensitive information. FEI also requests that the BCUC either omit or redact the specific amounts related to the principal amount before making the order public;
- D. By Orders G-96-07, G-90-08, G-78-12, G-92-13, G-77-14, G-109-15, G-105-16, G-112-17, G-120-18, G-178-19, and G-210-21, the BCUC approved FEI's applications for various amendments of certain amounts and maturity dates on FEI's Existing Term Credit Agreement;
- E. By Order G-178-19 dated August 1, 2019, among other matters, the BCUC approved FEI's request to extend the maturity date of the Existing Term Credit Agreement for periods not greater than 365 days without further BCUC approval, where there are no other material changes to the Existing Term Credit Agreement or FEI's capital structure;
- F. By Order G-270-22, the BCUC approved an amendment to FEI's Existing Term Credit Agreement to incorporate an SLL component for an initial term not to exceed the July 14, 2026 expiry date. The SLL shall include one or more Key Performance Indicators, and the SLL pricing adjustment not to exceed five basis points to the Applicable Margin and a corresponding adjustment to the Standby Fee equivalent to a

percentage of the operative Standby Fee to the Applicable Margin. As part of this amendment, FEI also executed a 365-day extension of the Existing Term Credit Agreement to the current maturity date of July 14, 2027; and

G. The BCUC has reviewed the Application and finds that approvals are warranted.

NOW THEREFORE pursuant to sections 50(2) and 50(3) of the *Utilities Commission Act*, the BCUC orders as follows:

1. FEI's application to increase the principal amount of the Existing Term Credit Agreement by \$ [REDACTED], from \$700 million to \$ [REDACTED], is approved.
2. FEI's application to extend the maturity date of the Existing Term Credit Agreement by a further 365 days is approved.
3. FEI is directed to file the executed amendment of the Existing Term Credit Agreement with the BCUC no later than 10 days from the date of the execution.
4. The BCUC will keep confidential the approved principal amount and associated increase, pending further direction from the BCUC. FEI is directed to include in its filing pursuant to Directive 3, an explanation on why the approved principal amount and the associated increase as referenced in this order should be kept confidential, in accordance with the BCUC's Rules of Practice and Procedure.
5. The BCUC will keep confidential the Application and related filings, as they contain commercially sensitive information.

DATED at the City of Vancouver, in the Province of British Columbia, this 8th day of August 2023.

BY ORDER

Original signed by:

B. A. Magnan
Commissioner