



**ORDER NUMBER
G-40-24**

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:

B. A. Magnan, Commissioner

on February 15, 2024

ORDER

WHEREAS:

- A. On February 12, 2024, FortisBC Energy Inc. (FEI) applied to the British Columbia Utilities Commission (BCUC) pursuant to section 23(1)(g)(ii) of the *Utilities Commission Act* (UCA) for approval of a Modification Agreement dated February 5, 2024 (Modification Agreement No. 5) between the Westbank First Nation (WFN) and FEI, modifying 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;
- C. By Orders G-234-21, G-32-22, and G-289-33, the BCUC approved a sequence of three modification agreements amending the expiry of the WFN Operating Agreement. Most recently, by Order G-141-23 dated June 13, 2023, the BCUC approved a Modification Agreement dated May 29, 2023 (Modification Agreement No. 4) amending the expiry of the WFN Operating Agreement to February 15, 2024;
- D. The Modification Agreement No. 5 amends the expiry of the WFN Operating Agreement to August 15, 2025;
and
- E. The BCUC has reviewed the Application and determines that approval is warranted.

NOW THEREFORE, pursuant to section 23(1)(g)(ii) of the UCA, the BCUC orders that the Modification Agreement No. 5 to the WFN Operating Agreement is approved on a permanent basis, effective February 16, 2024.

DATED at the City of Vancouver, in the Province of British Columbia, this 15th day of February 2024.

BY ORDER

Original signed by:

B. A. Magnan
Commissioner