



ORDER NUMBER
G-56-24

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

and

FortisBC Energy Inc.
Permanent Renewal Rates and Agreement under the GGRR for
GFL Environmental Inc. for Fuelling Service from the GFL Coquitlam CNG Station

BEFORE:

B. A. Magnan, Panel Chair
W. E. Royle, Commissioner

On March 4, 2024

ORDER

WHEREAS:

- A. On January 29, 2024, FortisBC Energy Inc. (FEI) applied to the British Columbia Utilities Commission (BCUC), pursuant to sections 59 to 61 and 89 of the *Utilities Commission Act*, for approval of the following:
- (a) The existing rates established in the amending agreement dated February 14, 2019 (Amending Agreement No. 6) to the Fuelling Station Licence and Use Agreement between FEI and GFL Environmental Inc. (GFL) (formerly Smithrite Disposal Ltd.) (FEI-GFL Agreement), on an interim refundable basis, effective February 1, 2024, pending the BCUC's final determination of the rate design and amended rates on a permanent basis; and
 - (b) The rate design and amended rates established in the amending agreement dated January 26, 2024 (Amending Agreement No. 7) to the FEI-GFL Agreement, on a permanent basis, effective February 1, 2024 (Application);
- B. By Order G-113-13, the BCUC determined that the compressed natural gas (CNG) fuelling station located on GFL's property in Coquitlam, British Columbia (GFL Coquitlam Fuelling Station) met the requirements for a prescribed undertaking as defined by the Greenhouse Gas Reduction (Clean Energy) Regulation and approved, on a permanent basis, the rate design and rates established in the FEI-GFL Agreement as amended by Directives 1 and 2 and the amending agreement dated September 30, 2013 (Amending Agreement No. 1) to the FEI-GFL Agreement. The initial term of the FEI-GFL Agreement ended on January 31, 2024;
- C. By Order G-72-14, the BCUC approved the amended rates established in the amending agreement dated May 12, 2014 (Amending Agreement No. 2) to the FEI-GFL Agreement;
- D. In 2016, FEI and GFL entered into three amending agreements (Amending Agreements No. 3, No. 4 and No. 5) to the FEI-GFL Agreement to amend the rates and annual take-or-pay volume commitments in the FEI-GFL

Agreement resulting from an expansion of the GFL Coquitlam Fuelling Station. By Order G-58-17, the BCUC approved the amended rates established in Amending Agreement No. 5 to the FEI-GFL Agreement, effective January 1, 2017;

- E. By Order G-125-19, the BCUC approved the amended rates in Amending Agreement No. 6 to the FEI-GFL Agreement;
- F. On January 26, 2024, FEI and GFL entered into Amending Agreement No. 7 to the FEI-GFL Agreement, which establishes an amended rate design and rates over a five-year renewal term, commencing February 1, 2024, and upon expiration, may be renewed on the same terms and conditions for a five-year period, exercisable by GFL notifying FEI at least 60 days prior to the end of the renewal term;
- G. By Order G-34-24, the BCUC approved the rates established in the FEI-GFL Agreement as amended by Amending Agreements No. 1 through 6 on an interim basis, effective February 1, 2024. The order also granted the live financial model filed as Appendix C to the Application be kept confidential until further order of the BCUC due to its commercially sensitive nature;
- H. On February 21, 2024, BCUC staff issued questions to FEI (Staff Questions) and on February 28, 2024, FEI responded; and
- I. The BCUC has reviewed the Application and the response to Staff Questions and determines that approval of the proposed rate design and rates on a permanent basis is warranted.

NOW THEREFORE pursuant to sections 59 to 61 of the *Utilities Commission Act*, the BCUC orders as follows:

- 1. The rate design and rates established for GFL in the FEI-GFL Agreement as amended by Amending Agreements No. 1 through 7 are approved on a permanent basis, effective February 1, 2024.
- 2. FEI is directed to refund to GFL the variance between the interim and permanent rates with interest calculated at the average prime rate of FEI's principal bank for its most recent year.
- 3. FEI is to file the FEI-GFL Agreement and Amending Agreements No. 1 through 7 in tariff supplement form for endorsement by the BCUC within 15 days from the date of this order.

DATED at the City of Vancouver, in the Province of British Columbia, this 4th day of March 2024.

BY ORDER

Original signed by:

B. A. Magnan
Commissioner