



ORDER NUMBER
G-89-24

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

and

FortisBC Energy Inc.
Permanent Rates and Agreements for Third Party Customers
for Fuelling Service from the GFL Abbotsford CNG Station

BEFORE:

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

On March 26, 2024

ORDER

WHEREAS:

- A. On March 6, 2024, FortisBC Energy Inc. (FEI) applied to the British Columbia Utilities Commission (BCUC), pursuant to sections 59 to 61 of the *Utilities Commission Act*, for approval of the rates established in the following amending agreements (Third Party Amending Agreements) between FEI and four third party customers (Third Party Customers) at a compressed natural gas (CNG) station constructed for GFL Environmental Inc. (GFL) in Abbotsford, BC (GFL Abbotsford Fuelling Station), on a permanent basis (Application):
- (i) Amending agreement dated February 15, 2024 (Waste Connections Amending Agreement No. 1) to the fuelling services agreement between FEI and Waste Connections Canada Inc. (Waste Connections) (Waste Connections Agreement), effective April 5, 2022;
 - (ii) Amending agreement dated February 15, 2024 (Waste Management Amending Agreement No. 1) to the fuelling services agreement between FEI and Waste Management of Canada Corporation (Waste Management) (Waste Management Agreement), effective June 8, 2022;
 - (iii) Amending agreement dated February 15, 2024 (Encorp Pacific Amending Agreement No. 1) to the fuelling services agreement between FEI and Encorp Pacific (Canada) (Encorp Pacific) (Encorp Pacific Agreement), effective September 30, 2022; and
 - (iv) Amending agreement dated February 15, 2024 (A&A Amending Agreement No. 1) to the fuelling services agreement between FEI and A&A Testing Ltd. (A&A) (A&A Agreement), effective October 17, 2022;
- B. Appendix C of the Application includes the Third Party Amending Agreements along with the corresponding original fuelling services agreements, all filed in tariff supplement form;

- C. By Order G-116-22, the BCUC determined that the GFL Abbotsford Fuelling Station met the requirements for a prescribed undertaking as defined by the Greenhouse Gas Reduction (Clean Energy) Regulation and approved the rate design and rates established in the fuelling services agreement between FEI and GFL (GFL Abbotsford Agreement), as amended, on an interim and refundable basis, effective November 15, 2021;
- D. By Orders G-98-22, G-155-22, G-274-22 and G-285-22, the BCUC approved rates established in the Waste Connections Agreement, Waste Management Agreement, Encorp Pacific Agreement and A&A Agreement, respectively, on an interim and refundable/recoverable basis pending finalization of the actual capital expenditures and permanent rates for the GFL Abbotsford Fuelling Station;
- E. By Order G-37-24, the BCUC approved the rate design and rates established for GFL in the GFL Abbotsford Agreement, as further amended, for fuelling services at the GFL Abbotsford Fuelling Station, on a permanent basis effective November 15, 2021;
- F. On February 15, 2024, FEI entered into Waste Connections Amending Agreement No. 1, Waste Management Amending Agreement No. 1, Encorp Pacific Amending Agreement No. 1 and A&A Amending Agreement No. 1 with rates consistent with the rates as approved by Order G-37-24;
- G. By Order G-264-23, the BCUC approved the rate design and rates sought in a fuelling services agreement, as amended, for Canadian Linen & Uniform Service to continue to receive CNG fuelling services from a fuelling station located in Burnaby, on a permanent basis, effective July 1, 2023 (Canadian Linen-Burnaby Operations Agreement). The order also directed FEI to apply to the BCUC for approval of any adjustments to the rates made pursuant to clause 4(c)(iv) of Part II of the Canadian Linen-Burnaby Operations Agreement. Clause 4(c)(iv) allows FEI, at its discretion, to temporarily reduce the dispensing rate from time to time under certain conditions;
- H. The Waste Connections Agreement, Waste Management Agreement, Encorp Pacific Agreement and A&A Agreement include the same clause 4(c)(iv) of Part II in the Canadian Linen-Burnaby Operations Agreement; and
- I. The BCUC has reviewed the Application and determines that approval of the proposed rates established for Third Party Customers at the GFL Abbotsford Fuelling Station is warranted.

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

1. The rates established for Third Party Customers at the GFL Abbotsford Fuelling Station in the following agreements are approved on a permanent basis:
 - (i) The Waste Connections Agreement as amended by Waste Connections Amending Agreement No. 1, effective April 5, 2022;
 - (ii) The Waste Management Agreement as amended by Waste Management Amending Agreement No. 1, effective June 8, 2022;
 - (iii) The Encorp Pacific Agreement as amended by Encorp Pacific Amending Agreement No. 1, effective September 30, 2022; and
 - (iv) The A&A Agreement as amended by A&A Amending Agreement No. 1, effective October 17, 2022.

2. FEI is directed to refund to Third Party Customers 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 must apply to the BCUC for approval of any adjustments to the rates made pursuant to clause 4(c)(iv) of Part II of the Waste Connections Agreement, Waste Management Agreement, Encorp Pacific Agreement or A&A Agreement.
4. The tariff pages as filed in Appendix C to the Application are accepted for filing.

DATED at the City of Vancouver, in the Province of British Columbia, this 26th day of March 2024.

BY ORDER

Original signed by:

B. A. Magnan
Commissioner