



ORDER NUMBER
G-247-24

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

and

Plateau Pipe Line Ltd. and Pembina Pipeline Corporation
Complaint filed by Tidewater Midstream and Infrastructure Ltd.
Regarding the Western Pipeline System (Northern Segment)

BEFORE:

B. A. Magnan, Panel Chair
E. A. Brown, Commissioner
T. A. Loski, Commissioner

on September 19, 2024

ORDER

WHEREAS:

- A. On May 21, 2024, Tidewater Midstream and Infrastructure Ltd. (Tidewater) filed a complaint (Complaint) regarding Plateau Pipe Line Ltd., a wholly-owned subsidiary of Pembina Pipeline Corporation (Plateau) and common carrier service on the northern segment of the western pipeline system (Western System);
- B. By Orders G-146-24, G-153-24, G-168-24, dated May 22, 2024, May 31, 2024, and June 20, 2024, respectively, the BCUC established and furthered a regulatory timetable for review of the Complaint. The regulatory timetable included, amongst other things, public notice, BCUC information requests, and further process to be determined;
- C. By Order G-239-24, dated September 5, 2024, the BCUC further amended the regulatory timetable to include final and reply arguments from both parties, to be filed by September 20, 2024 and September 27, 2024, respectively;
- D. By letter dated September 12, 2024, Plateau requested dismissal of the Complaint and an abeyance of all further process related to the Complaint to allow for discussions between Plateau and Tidewater (Request);
- E. By letter dated September 17, 2024, Tidewater filed its response objecting to the Request; and
- F. The BCUC determines that establishment of an amended regulatory timetable is warranted.

NOW THEREFORE for the reasons outlined in the decision accompanying this order, the BCUC orders as follows:

1. The Request is denied and the regulatory timetable established by Order G-239-24 is amended as set out in Appendix A to this order.
2. Plateau and Tidewater are directed to file an update on discussions regarding the resolution of the Complaint by October 2, 2024.

DATED at the City of Vancouver, in the Province of British Columbia, this 19th day of September 2024.

BY ORDER

Original signed by:

B. A. Magnan
Commissioner

Plateau Pipe Line Ltd. and Pembina Pipeline Corporation
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REGULATORY TIMETABLE

Action	Date (2024)
Tidewater and Plateau to file an update on discussions regarding the resolution of the Complaint	Wednesday, October 2
Tidewater and Plateau final argument*	Friday, October 11
Tidewater and Plateau reply argument	Friday, October 18

* The Panel requests that parties address the following matters in their final argument:

1. The BCUC's authority to exercise its jurisdiction under sections 65(6) or 99 of the *Utilities Commission Act* to vary Order G-89-22.
 - a. If the BCUC were to vary Order G-89-22, the variances that are warranted.

Plateau Pipe Line Ltd. and Pembina Pipeline Corporation
Complaint filed by Tidewater Midstream and Infrastructure Ltd.
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DECISION

1.0 Abeyance Request

On May 22, 2024, the British Columbia Utilities Commission (BCUC) established a proceeding to review a complaint (Complaint) filed by Tidewater Midstream and Infrastructure Ltd. (Tidewater) regarding Plateau Pipe Line Ltd., a wholly-owned subsidiary of Pembina Pipeline Corporation (Plateau), and common carrier service on the northern segment of the western pipeline system (Western System).¹

On September 12, 2024, Plateau filed a letter with the BCUC requesting both a dismissal of the Complaint and an abeyance of all further process related to the Complaint to allow for discussions between Plateau and Tidewater (Request). Tidewater filed a response to the Request on September 17, 2024.²

Position of Parties

In the Request, Plateau states that following a reassessment of the South Taylor Hill upgrade project, Plateau has concluded that “the South Taylor Hill HDD Mitigation Work can be safely deferred to 2025”.³ According to Plateau, the “deferral of the South Taylor Hill HDD Mitigation Work will result in a corresponding reduction of the tolls to be charged to Tidewater for service in 2024 on the Western System,” and “[t]his reduction in tolls corresponds directly with the relief which Tidewater sought in the Complaint.”⁴

Plateau submits that the Complaint should be dismissed without further process and that, additionally, there should be an abeyance of further process to allow the parties to engage in discussions. Plateau is of the view that such an abeyance is in the interest of regulatory efficiency as it would allow parties and the BCUC to avoid expending resources associated with argument and reply argument, as well as adjudication of Plateau’s request for dismissal.⁵

Tidewater objects to dismissal of the Complaint. While Tidewater agrees that the issue of the BCUC’s authority to adjudicate whether the costs of the South Taylor Hill upgrade project are in accordance with the Letter Agreement is moot, it submits that a number of other issues from the Complaint remain outstanding. In particular, Tidewater submits that issues relating to the BCUC’s jurisdiction to vary Order G-89-22, and what variances are warranted, as well as the prudence of the costs related to the South Taylor Hill upgrade, remain live issues.⁶

Tidewater states that because it requires commercial certainty regarding the applicable tolls for the balance of 2024 and 2025, it does not support an indefinite abeyance of all further process steps in the Complaint as proposed by Plateau. Tidewater submits it is “amenable to a limited extension to the deadlines” in this proceeding, and proposes that the parties file final argument by October 11, 2024, and reply argument by October 18, 2024, with an update on negotiations by October 2, 2024.⁷

¹ Order G-146-24, dated May 22, 2024.

² Exhibit C1-10; Exhibit B-8.

³ Exhibit C1-10, p. 3.

⁴ Ibid.

⁵ Ibid.

⁶ Exhibit B-8, pp. 2–3.

⁷ Exhibit B-8, pp. 2–3.

Panel Determination

The Panel is supportive of the parties' efforts to continue discussions and resolve their outstanding issues and directs each of Tidewater and Plateau to file **an update on the parties' discussions regarding the resolution of the Complaint by October 2, 2024.**

With regards to dismissal of the Complaint, the Panel is not persuaded that the deferral of the South Taylor Hill upgrade project renders the entirety of the Complaint moot. In particular, Tidewater and Plateau do not appear to have resolved their dispute over the proper interpretation of the toll approved by Order G-89-22, which is a key question at issue.

As such, the **Panel determines that dismissal of the Complaint and abeyance of all further process is not warranted at this time. However, the Panel grants an extension to the deadlines for final and reply argument to October 11, 2024 and October 18, 2024 respectively, to provide the parties time to negotiate.**

Finally, the Panel expects that Plateau will file an application for tolls for the period following expiry of the Letter Agreement for review and approval by the BCUC separate from this Complaint proceeding, as appropriate.

DATED at the City of Vancouver, in the Province of British Columbia, this 19th day of September 2024.

Original signed by:

B. A. Magnan
Panel Chair/Commissioner

Original signed by:

E. A. Brown
Commissioner

Original signed by:

T. A. Loski
Commissioner