



**ORDER NUMBER**  
**E-25-24**

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

and

FortisBC Energy Inc.  
Section 71 Amending Agreement No. 1 to the Biomethane Purchase Agreement  
Between FEI and Assai Energy LLP

**BEFORE:**

E. A. Brown, Commissioner  
E. B. Lockhart, Commissioner  
B. A. Magnan, Commissioner  
W. E. Royle, Commissioner

on December 5, 2024

**ORDER**

**WHEREAS:**

- A. On August 29, 2024, FortisBC Energy Inc. (FEI) filed with the British Columbia Utilities Commission (BCUC) an application seeking acceptance of an amending agreement dated June 28, 2024 (Amending Agreement No. 1) to the original Biomethane Purchase Agreement (Original BPA) between FEI and Assai Energy LLP (Assai) pursuant to section 71 of the *Utilities Commission Act* (UCA) and the BCUC Rules for Natural Gas Energy Supply Contracts (Application);
- B. By Order E-20-21 dated July 23, 2021, the BCUC accepted the Original BPA between FEI and Assai dated December 18, 2020;
- C. Section 18(1) of the *Clean Energy Act* (CEA) defines a prescribed undertaking as "...a project, program, contract or expenditure that is in a class of projects, programs, contracts or expenditures prescribed for the purpose of reducing greenhouse gas emissions in British Columbia";
- D. Section 18(3) of the CEA states that "the commission must not exercise a power under the UCA in a way that would directly or indirectly prevent a public utility...from carrying out a prescribed undertaking";
- E. Pursuant to section 2.2 the Greenhouse Gas Reduction (Clean Energy) Regulation (GGRR), the acquisition of renewable natural gas (RNG) by a public utility is a prescribed undertaking, subject to certain criteria set out in the GGRR;
- F. On October 16, 2024, the BCUC issued BCUC Confidential Staff Questions No. 1 to FEI regarding the Application, and on October 29, 2024, FEI filed responses to BCUC Confidential Staff Questions No. 1;

- G. In its responses to BCUC Confidential Staff Questions No. 1, FEI states that certain aspects of Amending Agreement No. 1 are a prescribed undertaking, while other aspects of Amending Agreement No. 1 are not a prescribed undertaking;
- H. FEI requests that the redacted portions of the Application, including appendices, be kept confidential in perpetuity due to their commercially sensitive nature; and
- I. The BCUC has reviewed the Application and considers the following determinations are warranted.

**NOW THEREFORE** pursuant to section 71 of the UCA, section 18 of the CEA and the GGRR, the BCUC orders as follows:

- 1. Amending Agreement No. 1 between FEI and Assai is accepted for filing.
- 2. The redacted portions of the Application, including appendices, will be held confidential unless otherwise determined by the BCUC.

**DATED** at the City of Vancouver, in the Province of British Columbia, this 5<sup>th</sup> day of December 2024.

BY ORDER

*Electronically signed by Bernard Magnan*

B. A. Magnan  
Commissioner