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**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER** G-155-06

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**IN THE MATTER OF
the Utilities Commission Act, R.S.B.C. 1996, Chapter 473**

and

**An Application by Unocal Canada Limited ("Unocal")
for an Exemption from all Provisions of the Utilities Commission Act
for the Aitken Creek Storage Facility**

BEFORE: R.H. Hobbs, Chair December 6, 2006

O R D E R

WHEREAS:

- A. The Commission, by Letter No. L-47-06 dated August 25, 2006, advised Unocal Canada Limited ("Unocal") that it had concluded that Unocal, as owner and/or operator of the Aitken Creek Storage Facility, falls within the definition of a public utility under the Utilities Commission Act (the "Act"); and
- B. By Order No. G-107-06 dated September 8, 2006, pursuant to Sections 45, 46, 90 and 91 of the Act, the Commission granted Unocal a Certificate of Public Convenience and Necessity on an interim basis for the operation of the Aitken Creek Storage Facility as it currently exists, and accepted for filing pursuant to Sections 59, 61, 90 and 91 of the Act, five Gas Storage Agreements and the General Terms and Conditions for Firm Natural Gas Storage; and
- C. On September 22, 2006, Unocal applied to the British Columbia Court of Appeal for leave to appeal Letter No. L-47-06 with respect to its conclusion that Unocal falls within the definition of public utility; and
- D. By Order No. G-128-06 dated October 27, 2006, the Commission accepted for filing on an interim basis, effective November 1, 2006, a Firm Natural Gas Storage Agreement between Unocal and Westcoast Energy Inc.; and
- E. By a submission dated October 24, 2006, Unocal applied to the Commission, pursuant to Section 88(3) of the Act, for an order exempting it from all provisions of the Act (the "Application"); and

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- F. Section 88(3) of the Act provides that the Commission may, on conditions it considers advisable, with the advance approval of the Lieutenant Governor in Council, exempt a person, equipment or facilities from the application of all or any of the provisions of the Act; and
- G. By Order No. G-134-06, the Commission established a written submission process regarding the regulatory process and Regulatory Timetable for review of the Application; and
- H. Six parties registered as Intervenors and two parties registered as Interested Parties in the proceeding; and
- I. Terasen Gas Inc., by letter dated November 17, 2006, stated that a written hearing process would be preferable to an oral hearing; and
- J. The British Columbia Old Age Pensioners' Organization et al. ("BCOAPO") by letter dated November 21, 2006, requested a process that includes a Workshop followed by written submissions; and
- K. Pacific Northern Gas Ltd., by letter dated November 20, 2006, proposed a process that includes information requests and responses, to be followed by written submissions; and
- L. Unocal replied on November 29, 2006, and proposed that the Commission establish a written submission process, and suggested a timetable that could apply if the Commission determines information requests are needed. Unocal opposes a Workshop on the basis that the Aitken Creek Storage Facility is a commercial operation and disclosure of commercial information could significantly harm its competitive position; and

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M. The Commission concludes that it should establish a written hearing process to examine the Application, and that the process should include information requests, but not a Workshop due to the difficulties associated with dealing in a Workshop with questions of confidentiality that may arise in that forum.

NOW THEREFORE the Commission orders as follows:

1. A written public hearing is established for the examination of the Application, according to the Regulatory Timetable that is Appendix A to this Order.
2. The letter from Unocal dated June 28, 2006 that responded to a May 18, 2006 letter from the Commission and the Disposition Order with amendments and other documents that counsel for Unocal filed on June 27, 2006 will be Exhibits in this proceeding.
3. If Unocal or another party is concerned that a response to an information request would disclose confidential commercial information that could harm its competitive position, then the party should, as early as possible, file a written request to not respond to the information request. Such request should explain and justify why the information should not be publicly disclosed, and should also comment on approaches that could be used to disclose the information on a confidential basis to the Commission, and other parties in the proceeding or their representatives.

DATED at the City of Vancouver, in the Province of British Columbia, this 7th day of December 2006.

BY ORDER

Original signed by:

Robert H. Hobbs
Chair

Attachment

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REGULATORY TIMETABLE

ACTION	DATE (2007)
BCUC and Participant Information Requests to Unocal and Intervenors	Tuesday, January 9
Unocal and Intervenor Responses to Information Requests	Friday, January 26
Unocal Final Submission	Monday, February 5
Intervenor Final Submissions	Monday, February 19
Unocal Reply Submission	Tuesday, February 27