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**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER P-1-09**

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**IN THE MATTER OF
the Pipeline Act, R.S.B.C. 1996, Chapter 364**

and

**An Application by Trans Mountain (Jet Fuel) Inc.
For Approval of 2009 Final Tolls**

BEFORE: L.F. Kelsey, Commissioner
P.E. Vivian, Commissioner January 15, 2009
D.A. Cote, Commissioner
R.K. Ravelli, Commissioner

O R D E R

WHEREAS:

- A. On December 17, 2008, Trans Mountain (Jet Fuel) Inc. ("TMJ", the "Company") applied to the British Columbia Utilities Commission ("Commission") pursuant to Section 44 of the Pipeline Act (the "Act") for an Order approving the adjustment of the Company's interim tolls for the transportation of turbine (jet) fuel to the Vancouver International Airport ("YVR") and to the Burnaby Terminal of the Trans Mountain Pipeline L.P. ("TMPLP"). TMJ requested the Commission to approve, in particular Interim Tariff No. 37, to be effective January 1, 2009; and
- B. In the December 17, 2008 letter TMJ indicated that the application for 2009 final tariff filing and supporting documentation (the "Supporting Materials") would be filed before December 31, 2008; and
- C. The jet fuel transported to YVR by TMJ is purchased by Vancouver Airport Fuel Facilities Corporation ("VAFFC"), which is owned by a consortium of airlines flying out of YVR; and
- D. The Company provided a copy of the TMJ letter and the proposed Interim Tariff No. 37 simultaneously to all Shippers; and
- E. On December 16, 2008, Chevron Canada Limited filed a letter to the Commission supporting TMJ's proposed 2009 tolls. On December 17, 2008, VAFFC and Air Canada collectively filed a letter to the Commission that also expressed their support of TMJ's request for interim tolls; and
- F. By Order P-9-08 dated December 18, 2008, the Commission approved TMJ's application for a toll increase on an interim basis effective January 1, 2009.

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- G. On December 30, 2008 TMJ pursuant to section 44 of the Pipeline Act, RSBC c. 364 (the "Act") applied for approval of final tolls, in particular Tariff No. 37F which replaced Tariff No. 37 to be effective January 1, 2009 and Tariff No. 38 to be effective March 1, 2009. (the "Application") Supporting Materials included documentation for the derivation of the final 2009 tolls. TMJ, in an email dated January 13, 2009 to the Commission, requested that Interim Tariff No. 37 be cancelled and replaced by final Tariff No. 37F. Similar documentation was provided to the Shippers on the TMJ system; and
- H. The proposed Interim Tariff No. 37F effective January 1, 2009 consists of the following final tolls:
- \$1.0289/m³ toll for deliveries from Connected Refineries, Storage Facilities or Marketing Terminals in the Greater Vancouver Refinery Area to the Carrier's Burnaby Terminal.
 - \$2.9419/m³ toll for deliveries from the Carrier's Burnaby Terminal to the Vancouver International Airport; and
- I. The proposed Interim Tariff No. 38 effective March 1, 2009 consists of the following final tolls:
- \$1.0294/m³ toll for deliveries from Connected Refineries, Storage Facilities or Marketing Terminals in the Greater Vancouver Refinery Area to the Carrier's Burnaby Terminal.
 - \$2.9398/m³ toll for deliveries from the Carrier's Burnaby Terminal to the Vancouver International Airport; and
- J. The Commission has reviewed the Application for the final tolls and considers that approval is warranted.

NOW THEREFORE pursuant to section 44 of the Act, the Commission orders as follows:

1. The Commission approves TMJ's Application for a toll increase on a final basis as contained in Tariff No. 37F effective January 1, 2009 and Tariff No. 38 effective March 1, 2009, subject to review in the event of a Complaint being received within 60 days of the date of this Order.
2. TMJ is to provide a copy of this Order to all Shippers on the TMJ system.

DATED at the City of Vancouver, in the Province of British Columbia, this 15th day of January 2009.

BY ORDER

Original signed by:

Dennis A. Cote
Commissioner