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**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER** G-108-11

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

and

**FortisBC Inc.
Withdrawal of 2009 Resource Plan Application**

BEFORE: D. Morton, Commissioner
C.A. Brown, Commissioner June 23, 2011
N.E. MacMurchy, Commissioner

ORDER

WHEREAS:

- A. On May 29, 2009, FortisBC Inc. (FortisBC) submitted its long-term Resource Plan for the period 2009-2028 (2009 Resource Plan Application), and sought an order by the British Columbia Utilities Commission (Commission) pursuant to sections 44.1(6)(a) of the *Utilities Commission Act* (Act) that the Commission accepts the 2009 Resource Plan and determines that carrying out the 2009 Resource Plan would be in the public interest;
- B. Upon filing, FortisBC requested that the Commission refrain from setting a regulatory timetable for the disposition of the 2009 Resource Plan Application because FortisBC and British Columbia Hydro and Power Authority (BC Hydro) were negotiating to renew the long-term power purchase agreement (PPA) between them. As the PPA represents an important power supply resource for FortisBC, the disposition of the 2009 Resource Plan Application was, in part, dependent on the prior resolution of the terms upon which the PPA would be renewed;
- C. Given that negotiations to renew the PPA continued between the parties and that FortisBC informed the Commission on a number of occasions between January 2010 and January 2011 of its intention to file an update to its 2009 Resource Plan, the regulatory review of the 2009 Resource Plan Application did not start;
- D. So far, the negotiations have not resulted in a new PPA between FortisBC and BC Hydro;
- E. In a letter dated June 16, 2011, FortisBC advises that, due to the time elapsed since its filing and to changes in circumstances underlying the 2009 Resource Plan it does not intend to proceed with the Action Plan contained therein and withdraws the Application. Accordingly, FortisBC requests, pursuant to section 88.1 of the Act, that the 2009 Resource Plan Application be dismissed;

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- F. FortisBC advises that it intends to file a 2012 Resource Plan by June 30, 2011, which meets the requirements of section 44.1 (2) of the *Act*.
- G. The Commission has considered FortisBC's request and finds the dismissal of the 2009 Resource Plan Application is warranted.

NOW THEREFORE the Commission, pursuant to section 88.1 of the *Utilities Commission Act*, dismisses FortisBC's 2009 Resource Plan Application.

DATED at the City of Vancouver, in the Province of British Columbia, this 23rd day of June 2011.

BY ORDER

Original signed by:

D. Morton
Commissioner