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**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER C-3-12**

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

**An Application by FortisBC Energy Inc.
for a Certificate of Public Convenience and Necessity for
Approval of Contracts and Rate for Public Utility Service to Provide Thermal Energy Service
to Delta School District Number 37**

BEFORE: L.A. O'Hara, Panel Chair/Commissioner
D.M. Morton, Commissioner March 16, 2012
R.D. Revel, Commissioner

O R D E R

WHEREAS:

- A. On November 28, 2011, FortisBC Energy Inc. (FEI) filed an application (the Application) for a Certificate of Public Convenience and Necessity (CPCN) for the construction and operation of thermal energy projects at 19 individual sites for the Delta School District Number 37 (Delta SD), under sections 45 and 46 of the *Utilities Commission Act* (Act), and for the approval of rates and rate design established by an Energy System Rate Development Agreement (RDA) and individual Energy System Service Agreements (Service Agreements) entered into between FEI and Delta SD, as just and reasonable rates under sections 59 through 61 of the Act;
- B. On March 9, 2012, the British Columbia Utilities Commission (Commission) issued Order G-31-12 granting approval of the CPCN on the condition that the RDA and the Service Agreements are assigned to an affiliate of FEI with proof of the assignments being submitted to the Commission by no later than 30 days from the date of the Order;
- C. On March 16, 2012, FEI provided an executed copy of the assignment agreement between FEI and its affiliate FortisBC Alternative Energy Services Inc. for the Service Agreements and the RDA along with the related notices (the Assignment);

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- D. The Commission accepts the Assignment as the necessary proof to satisfy the condition on the CPCN within the time frame required.

NOW THEREFORE the Commission orders as follows:

1. A Certificate of Public Convenience and Necessity is granted to FortisBC Alternative Energy Services Inc. for the construction and operation of the Delta SD thermal energy projects as described in the Application.
2. This Order does not address the request for approval of rates and rate design established by the RDA and the individual Service Agreements.

DATED at the City of Vancouver, In the Province of British Columbia, this 16th day of March 2012.

BY ORDER

Original signed by:

D. Morton
Commissioner