

SIXTH FLOOR, 900 HOWE STREET, BOX 250
VANCOUVER, BC V6Z 2N3 CANADA
web site: <http://www.bcuc.com>



**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER** G-126-12

TELEPHONE: (604) 660-4700
BC TOLL FREE: 1-800-663-1385
FACSIMILE: (604) 660-1102

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

and

**Application by FortisBC Energy Inc. for a Certificate of Public Convenience and Necessity
For Constructing and Operating a Compressed Natural Gas Refuelling Station at BFI Canada Inc.; and
Application for Variance and Reconsideration and
Revised Application for Rates for Fuelling Service for BFI Canada Inc.**

BEFORE: A.A. Rhodes, Panel Chair/Commissioner September 14, 2012
D.M. Morton, Commissioner

O R D E R

WHEREAS:

- A. On February 29, 2012, FortisBC Energy Inc.(FEI) applied to the British Columbia Utilities Commission (Commission) for approval for a Certificate of Public Convenience and Necessity (CPCN) to construct and operate a Compressed Natural Gas (CNG) refuelling station at the premises of BFI Canada Inc. (BFI) (CPCN Application);
- B. In the CPCN Application, FEI also sought approval pursuant to sections 59-60 of the Act, of the rate design and rates established in the Fuelling Station License and Use Agreement with BFI for CNG Service (BFI Agreement) as just and reasonable;
- C. The BFI Fuelling Station is required to be operational by October 1, 2012, the date on which BFI commences provision of waste collection services for the City of Surrey;
- D. On April 30, 2012, the Commission issued Order C-6-12, which granted FEI a CPCN for the BFI project but denied the rate and rate design as applied for in the CPCN Application and directed FEI to file an updated rate and rate design within 30 days of the date of Order C-6-12;
- E. On May 17, 2012, FEI filed a request to extend the deadline for filing an updated rate and rate design to June 13, 2012 to allow time to consider the implications of the Greenhouse Gas Reduction (Clean Energy) Regulation that was passed by the Province of British Columbia on May 15, 2012, and to provide additional time to complete discussions with BFI;
- F. On June 13, 2012, FEI filed a further request to extend the deadline for filing the updated rate and rate design for the BFI refuelling station to June 15, 2012;
- G. By Order G-82-12 dated June 14, 2012, the Commission granted an extension to the filing deadline for the updated rate and rate design to June 15, 2012;

**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER** G-126-12

2

- H. On June 16, 2012, FEI submitted an application for Variance and Reconsideration of Order C-6-12 (Reconsideration Application) and a revised application for rates and rate design for CNG Service for BFI (Revised Rates Application);
- I. In the Revised Rates Application FEI requests interim rate approval pending determination of the Reconsideration Application;
- J. On July 17, 2012, the Commission issued Letter L-42-12 finding that FEI had established a *prima facie* case to warrant proceeding to Phase 2 of the Reconsideration;
- K. By Order G-112-12 dated August 21, 2012, the Commission determined that Phase 2 of the Reconsideration shall proceed as a written regulatory process with written submissions from the Interveners, if any, to be filed by August 31, 2012 and a written reply submission from FEI to be filed by September 12, 2012;
- L. The Commission has determined that the updated rates filed by FEI in the Revised Rates Application should be approved on an interim basis pending review of the Revised Rates Application by the Commission and pending the outcome of Phase 2 of the Reconsideration.

NOW THEREFORE pursuant to sections 59-61 and 89 of the *Utilities Commission Act* the Commission orders as follows:

- 1. The Commission approves, on an interim basis, the BFI Agreement as amended to incorporate the updated rates filed by FEI in the Revised Rates Application.
- 2. FEI will file an executed copy of the amended BFI Agreement in standard Tariff Supplement format in a timely fashion.
- 3. Within 30 days of the Commission Order that determines the outcome of Phase 2 of the Reconsideration Application, FEI is to submit either a confirmation that the rates as applied for Revised Rates Application remain applicable or an application for revised rates, as appropriate.
- 4. Any differences between the interim rate and the permanent rate will be recovered from or repaid to BFI with interest calculated at the average prime rate of FEI's principal bank.

DATED at the City of Vancouver, in the Province of British Columbia, this 14th day of September 2012.

BY ORDER

Original signed by:

A.A. Rhodes
Commissioner