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**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER E-7-12**

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

and

**A Filing by FortisBC Energy Inc.
For Approval of the Biomethane Purchase Agreement
Between FortisBC Energy Inc. and Fraser Valley Biogas Ltd.**

BEFORE: L.F. Kelsey, Commissioner
C.A. Brown, Commissioner
N.E. MacMurchy, Commissioner March 22, 2012
D.M. Morton, Commissioner
R.D. Revel, Commissioner

O R D E R

WHEREAS:

- A. By Order G-194-10, the British Columbia Utilities Commission (Commission) accepted the original Purchase of Biogas Agreement between FortisBC Energy Inc. (FEI) and Catalyst Power Inc. (CPI) for a biogas facility in the vicinity of Abbotsford, BC;
- B. Fraser Valley Biogas Ltd. (FVB) has since acquired the CPI biogas facility;
- C. On February 27, 2012, FEI filed with the Commission an application (the Application) for acceptance of an executed Biomethane Purchase Agreement between FEI and FVB dated January 18, 2012 (the Agreement);
- D. The Application included an Early Termination Agreement between FEI and CPI dated January 17, 2012, that terminated the Purchase of Biogas Agreement and a Consent and Acknowledgement Agreement among FEI, FVB and Heppell's Potato Corporation dated February 27, 2012;
- E. In the Application FEI requested that the three agreements appended to the Application be held confidential due to their commercially sensitive nature;
- F. In the Application FEI represented that the Agreement complies with the criteria for new biomethane purchase agreements set out in Commission Order G-194-10 and related Decision;
- G. The Commission has reviewed the FEI filing and is satisfied that the Agreement and the Early Termination Agreement should be accepted.

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NOW THEREFORE pursuant to section 71 of the of the *Utilities Commission Act* and the Commission's Rules for Natural Gas Energy Supply Contracts, the Commission accepts for filing the Biomethane Purchase Agreement between FEI and FVB and the Early Termination Agreement between FEI and CPI . The Commission will keep confidential the three agreements that were appended to the Application and related documentation.

DATED at the City of Vancouver, In the Province of British Columbia, this 23rd day of March 2012.

BY ORDER

Original signed by:

D. Morton
Commissioner