

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



**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER C-9-13**

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

**An Application by FortisBC Energy Inc.
for Approval of an Operating Agreement
with the Village of Cache Creek**

BEFORE: C.A. Brown, Commissioner
N.E. MacMurchy, Commissioner November 7, 2013
D.M. Morton, Commissioner
R.D. Revel, Commissioner
C. van Wermeskerken, Commissioner

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

WHEREAS:

- A. FortisBC Energy Inc. (FEI), formerly known as BC Gas Utility Ltd. and Terasen Gas Inc., and the Village of Cache Creek (Municipality) entered into an Operating Agreement dated September 4, 1992 (Franchise Agreement);
- B. The Franchise Agreement expired on September 6, 2013;
- C. In Order and Decision G-113-12, the British Columbia Utilities Commission (Commission) ordered that amendments in the Operating Agreement between FEI and the District of Coldstream be incorporated into future operating agreements between FEI and municipalities;
- D. On July 26, 2013, FEI applied to the Commission for approval of an Operating Agreement (Operating Agreement) between FEI and the Municipality, effective September 5, 2013 (Application);
- E. On October 10, 2013, FEI applied to the Commission for approval of an Operating Agreement Template for use in negotiating future operating agreements with municipalities;
- F. The Commission reviews and evaluates the appropriateness of operating agreements between FEI and municipalities on a case-by-case basis;
- G. The Commission reviewed the Application and considers that approval of the Operating Agreement between FEI and the Municipality is warranted.

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NOW THEREFORE pursuant to section 45 of the *Utilities Commission Act*, the Commission orders as follows:

1. The Operating Agreement between FortisBC Energy Inc. and the Village of Cache Creek, as filed, is approved.
2. For future Operating Agreements between FortisBC Energy Inc. and municipalities, FEI must provide to the Commission an analysis and rationale for any wording that differs from the amendments directed in Order and Decision G-113-12.

DATED at the City of Vancouver, in the Province of British Columbia, this 7th of November, 2013.

BY ORDER

Original Signed By:

D.M. Morton
Commissioner