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**BRITISH COLUMBIA  
UTILITIES COMMISSION**

**ORDER  
NUMBER G-198-13**

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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 (Whistler) Inc.  
For Approval to Refund Customers the Difference Between  
Interim and Permanent Delivery Rates for the ten month  
period from January 1, 2010 to October 31, 2010

**BEFORE:** C.A. Brown, Commissioner  
N.E. MacMurchy, Commissioner  
B.A. Magnan, Commissioner November 28, 2013  
D.M. Morton, Commissioner  
R.D. Revel, Commissioner  
C. van Wermeskerken, Commissioner

## **O R D E R**

### **WHEREAS:**

- A. On November 9, 2009, FortisBC Energy (Whistler) Inc. (FEW) submitted its 2010-2011 Revenue Requirements and Rates Application (2010-2011 RRA) to the British Columbia Utilities Commission (Commission). By Order G-136-09A the Commission set the 2010 interim delivery rate for FEW at \$11.981/GJ, effective January 1, 2010, based on the rates as originally applied for in the 2010-2011 RRA, and subject to changes flowing from a Commission decision on the FortisBC Energy Utilities (FEU) 2009 Return on Equity (ROE) and Capital Structure Application (2009 ROE Application);
- B. Directive No. 3 of Order G-136-09A stated that any differences between 2010 interim and permanent delivery rates would be subject to refund or recovery with interest at the prime rate in a manner to be set out by further Commission order;
- C. On December 16, 2009, the Commission issued its Decision and Order G-158-09 in the 2009 ROE Application, and on December 21, 2009, FEW submitted a filing in compliance with Order G-158-09, which was subsequently endorsed by the Commission, resulting in the revised interim delivery rate being set at \$12.276/GJ effective January 1, 2010;

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- D. On September 1, 2010, the Commission issued Order G-138-10 in FEW's 2010-2011 RRA, establishing revised interim delivery rates at \$11.314/GJ effective November 1, 2010, and interim delivery rates were to remain in effect until all Pipeline component costs were finalized or until addressed by a further order of the Commission, with the differences between 2010 interim and permanent delivery rates being subject to refund/recovery, with interest at the average prime rate of FEW's principal bank, in a manner set out by a Commission Order that establishes permanent rates;
- E. On April 14, 2011, FEW submitted an Application for Approval of Interim Rates on a Permanent Basis (Permanent Rates Application);
- F. On April 21, 2011, the Commission issued Order G-71-11 approving the Permanent Rates Application and making the interim delivery rate of \$11.314/GJ (which was in effect since November 1, 2010) the permanent delivery rate effective January 1, 2010;
- G. On October 22, 2013, FEW applied for a Commission order, pursuant to sections 59 to 61 of *Utilities Commission Act* for approval of the manner in which to refund customers the difference between interim and permanent delivery rates for the ten month period from January 1, 2010, to October 31, 2010 (Application);
- H. The Commission has reviewed the Application and finds that a refund as contemplated in directive 3 of Order G-136-09A is required.

**NOW THEREFORE** pursuant to sections 59 to 61 of the *Utilities Commission Act*:

- 1. The Commission approves a refund in the amount of \$567,625.43, representing the difference between interim and permanent delivery rates for the ten month period from January 1, 2010 and October 31, 2010 (Refund Period) with compound interest, proportionate to the individual customers as existed during the 2010 Refund Period.
- 2. The Commission directs FortisBC Energy (Whistler) Inc. to effect the refund by making reasonable efforts to contact inactive customers, and to then hold any unreturned funds in an interest bearing account for two years. Any remaining uncollected refunds must be addressed within the next revenue requirement application.

**DATED** at the City of Vancouver, in the Province of British Columbia, this            29<sup>th</sup>            day of November 2013.

BY ORDER

*Original signed by:*

D.M. Morton  
Commissioner