



**ORDER NUMBER
G-255-21**

IN THE MATTER OF
the *Utilities Commission Act*, RSBC 1996, Chapter 473

and

FortisBC Energy Inc

Application for Approval of an Amending Agreement to the Compressed Natural Gas Fueling Station Installation and Operating Agreement between FortisBC Energy Inc. and Waste Management of Canada Corporation

BEFORE:

W. M. Everett, QC, Panel Chair
B. A. Magnan, Commissioner
R. I. Mason, Commissioner

on August 31, 2021

ORDER

WHEREAS:

- A. On August 11, 2021, FortisBC Energy Inc. (FEI) applied to the British Columbia Utilities Commission (BCUC), pursuant to sections 59 to 61 and 89 of the *Utilities Commission Act* (UCA), for approval of the amending agreement effective August 16, 2021, to extend the expiry date of the initial term of the Compressed Natural Gas (CNG) Fueling Station Installation and Operating Agreement between FEI and Waste Management of Canada Corporation (Waste Management) from August 17, 2021 to December 31, 2021 (Amending Agreement No. 5) (Application);
- B. By Order G-128-11 dated July 19, 2011, the BCUC approved, among other things, a CNG Fueling Station Installation and Operating Agreement between FEI and Waste Management and accepted, pursuant to section 44.2 of the UCA, expenditures for the construction, operation and maintenance of the CNG fueling station located on Waste Management's premises (Waste Management Fueling Station). The initial term of the CNG Fueling Station Installation and Operating Agreement between FEI and Waste Management expired on February 17, 2021;
- C. By Order G-299-13 dated December 23, 2013, the BCUC accepted, pursuant to section 44.2 of the UCA, expenditures to upgrade the Waste Management Fueling Station and approved FEI's application that the rates charged to Waste Management remain unchanged;
- D. By Order G-64-16 dated May 11, 2016, the BCUC accepted, pursuant to section 44.2 of the UCA, expenditures to upgrade the Waste Management Fueling Station and approved the rate design and rates established in the amending agreement dated October 6, 2015 to the CNG Fueling Station Installation and Operating Agreement between FEI and Waste Management (Amending Agreement No. 1);

- E. On October 11, 2019, FEI entered into an amending agreement to the CNG Fueling Station Installation and Operating Agreement between FEI and Waste Management to expand the Waste Management Fueling Station (2020 Expansion) and to, among other things, revise the rates to provide CNG fueling service to Waste Management at the Waste Management Fueling Station (Amending Agreement No. 2);
- F. By Order G-77-20 dated April 6, 2020, the BCUC accepted, pursuant to section 44.2 of the UCA, forecast capital expenditures for the 2020 Expansion;
- G. On February 15, 2021, FEI entered into a further amending agreement to the CNG Fueling Station Installation and Operating Agreement between FEI and Waste Management to revise the Capital Rate to take into account the final capital expenditures for the 2020 Expansion and a term extension to August 17, 2021 (Amending Agreement No. 3);
- H. On June 11, 2021, FEI filed a further amending agreement to the CNG Fueling Station Installation and Operating Agreement to clarify the terms and conditions (Amending Agreement No. 4);
- I. By Order G-218-21 dated July 16, 2021, the BCUC approved the rate design, rates and term extension established in Amending Agreements No. 2, 3 and 4 to the CNG Fueling Station Installation and Operating Agreement between FEI and Waste Management, effective February 1, 2020;
- J. Amending Agreement No. 5 retains all the terms, conditions and rates and only extends the expiry date of the CNG Fueling Station Installation and Operating Agreement between FEI and Waste Management to December 31, 2021, for FEI to continue operating the Waste Management Fueling Station and provide Waste Management with fueling service while accommodating negotiations for a renewal term; and
- K. The BCUC has completed its review of the Application and finds that approval of Amending Agreement No. 5 is warranted.

NOW THEREFORE pursuant to sections 59 to 61 of the UCA, the BCUC orders as follows:

- 1. The term extension established in Amending Agreement No. 5 to the CNG Fueling Station Installation and Operating Agreement between FEI and Waste Management is approved on a permanent basis, effective August 16, 2021.
- 2. FEI is to file Amending Agreements No. 5 in tariff supplement form for endorsement by the BCUC within 15 days of the date of this order.

DATED at the City of Vancouver, in the Province of British Columbia, this 31st day of August 2021.

BY ORDER

Original signed by:

W. M. Everett, QC
Commissioner