



**ORDER NUMBER
G-361-22**

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

and

FortisBC Energy Inc.

Application for Approval of Permanent Rates and Agreement for Compressed Natural Gas (CNG) Fueling Service
for Waste Management of Canada Corporation from the CNG Fueling Station located at Environmental 360
Solutions Ltd. in Kelowna, BC

BEFORE:

W. M. Everett, KC, Commissioner
B. A. Magnan, Commissioner
R. I. Mason, Commissioner

on December 13, 2022

ORDER

WHEREAS:

- A. On November 23, 2022, FortisBC Energy Inc. (FEI) applied to the British Columbia Utilities Commission (BCUC), pursuant to sections 59 to 61 of the *Utilities Commission Act*, for approval of the rates established in an amended and restated agreement dated September 28, 2022 to the fuelling services agreement between FEI and Waste Management of Canada Corporation (Waste Management) (Waste Management-E360S 2022 Agreement), on a permanent basis, effective March 15, 2021 (Application);
- B. By Order G-237-19 dated September 30, 2019, the BCUC determined that the compressed natural gas (CNG) fuelling station located on Environmental 360 Solutions Ltd.'s (E360S) property in Kelowna, British Columbia (E360S Fuelling Station) met the requirements for a prescribed undertaking as defined by the Greenhouse Gas Reduction (Clean Energy) Regulation and approved the rate design and rates established in the Fuelling Equipment Licence and Use Agreement between FEI and E360S (E360S Agreement) as amended by Amending Agreement No. 1 on an interim and refundable basis, effective October 1, 2019. The order also directed FEI to file an application seeking permanent rates, upon the determination of the actual capital expenditures for the E360S Fuelling Station;
- C. By Order G-199-20 dated July 23, 2020, the BCUC approved, on an interim basis, Amending Agreement No. 2 to the E360S Agreement, effective July 31, 2020, to enable public fuelling service at the E360S Fuelling Station;
- D. On February 25, 2021, FEI and Waste Management entered into a fuelling services agreement, which established the terms, conditions, and rates for Waste Management to receive CNG fuelling service from the E360S Fuelling Station, effective March 15, 2021 (Original Waste Management-E360S Agreement);

- E. By Order G-83-21 dated March 18, 2021, the BCUC approved, on an interim and refundable basis, the rates established in the Original Waste Management-E360S Agreement, effective March 15, 2021, and directed FEI to file an application seeking permanent rates, upon approval of permanent rates between FEI and E360S for CNG fuelling service from the E360S Fuelling Station. The rates and rate design approved by Order G-83-21 were consistent with the rates and rate design approved by Order G-237-19;
- F. On August 18, 2021, FEI and E360S entered into Amending Agreement No. 3 to the E360S Agreement, which amended the capital rate and clarified the minimum monthly quantity and other terms and conditions. By Order G-158-22 dated June 10, 2022, the BCUC approved the rate design and rates established for E360S in the E360S Agreement as amended by Amending Agreements No. 1 and 3 at the E360S Fuelling Station on a permanent basis, effective October 1, 2019, and Amending Agreement No. 2 on a permanent basis, effective July 31, 2020;
- G. On September 28, 2022, FEI and Waste Management entered into the Waste Management-E360S 2022 Agreement, updating the rates to be consistent with the permanent rates approved by Order G-158-22 for fuelling service at the E360S Fuelling Station, and the Original Waste Management-E360S Agreement was terminated; and
- H. The BCUC has reviewed the Application and determines that approval of the rates established in the Waste Management-E360S 2022 Agreement on a permanent basis is warranted.

NOW THEREFORE pursuant to sections 59 to 61 of the *Utilities Commission Act*, the BCUC orders as follows:

1. The rates established in the Waste Management-E360S 2022 Agreement for Waste Management to receive CNG fuelling service at the E360S Fuelling Station are approved on a permanent basis, effective March 15, 2021.
2. FEI is directed to recover from Waste Management the variance between the interim and permanent rates with interest calculated at the average prime rate of FEI's principal bank for its most recent year.
3. FEI is directed to file the Waste Management-E360S 2022 Agreement 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 13th day of December 2022.

BY ORDER

Original signed by:

W. M. Everett, KC
Commissioner