



**ORDER NUMBER
G-368-22**

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 Constructing and Operating a Compressed Natural Gas Fueling Station under the Greenhouse Gas Reduction (Clean Energy) Regulation for Waste Connections Canada Inc. in Abbotsford, BC

BEFORE:

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

on December 15, 2022

ORDER

WHEREAS:

- A. On December 2, 2022, FortisBC Energy Inc. (FEI) applied to the British Columbia Utilities Commission (BCUC), pursuant to sections 59 to 61 of the *Utilities Commission Act* (UCA), for approval of rates established in the Fueling Equipment Licence and Use Agreement between FEI and Waste Connections of Canada Inc. (WC) (WC Agreement) on a permanent basis, effective February 1, 2021 (Application).
- B. On April 11, 2013, by Order G-56-13, the BCUC accepted the Greenhouse Gas Reduction (Clean Energy) Regulation (GGRR) which established the need for Compressed Natural Gas (CNG) and Liquefied Natural Gas (LNG) fuelling stations that are undertaken by FEI, as prescribed undertakings as defined by the GGRR, and that these prescribed undertaking projects are exempt from the Certificate of Public Convenience and Necessity requirements for the term of the GGRR;
- C. Order G-56-13 also provides that the BCUC will set rates considering FEI's total expenditures on the prescribed undertakings, but confirms that the BCUC's role does not include reviewing whether FEI ought to have negotiated different terms and conditions for those agreements with CNG or LNG fuelling station customers;
- D. FEI and WC entered into the WC Agreement dated June 29, 2020, which established the terms, conditions and rates for FEI to construct and operate a CNG fuelling station located on WC's property in Abbotsford, British Columbia (WC Abbotsford Fuelling Station) to provide CNG fuelling service to WC. The WC Abbotsford Fuelling Station was completed and in service in May of 2021;

- E. By Order G-25-21 dated January 25, 2021, the BCUC determined that the WC Abbotsford Fuelling Station met the requirements for a prescribed undertaking as defined by the GGRR and approved the rate design and rates established in the WC Agreement on an interim and refundable/recoverable basis, effective February 1, 2021. Order G-25-21 also directed FEI to file an application seeking permanent rates upon determination of the actual capital expenditures for the WC Abbotsford Fuelling Station; and
- F. The BCUC has reviewed the Application and determines that approval of the proposed rates on a permanent basis is warranted.

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

1. The rate design and rates established in the WC Agreement for WC to receive CNG fuelling service at the WC Abbotsford Fuelling Station are approved on a permanent basis, effective February 1, 2021.
2. FEI is to file the WC 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 15th day of December 2022.

BY ORDER

Original signed by:

W. M. Everett, KC
Commissioner