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September 16, 2022

B.C. Sustainable Energy Association  
c/o William J. Andrews, Barrister & Solicitor  
70 Talbot Street  
Guelph, ON N1G 2E9

Attention: Mr. William J. Andrews

Dear Mr. Andrews:

**Re: FortisBC Energy Inc. (FEI)**

**Project No. 1599170**

**Application for a Certificate of Public Convenience and Necessity (CPCN) for the Tilbury Liquefied Natural Gas (LNG) Storage expansion (TLSE) Project (Application)**

**Response to the B.C. Sustainable Energy Association (BCSEA) Information Request (IR) No. 4 Regarding Exhibit A2-1**

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On December 29, 2021, FEI filed the Application referenced above. In accordance with the regulatory timetable established in British Columbia Utilities Commission Order G-223-22 for the review of the Application, FEI respectfully submits the attached response to BCSEA No. 4 regarding Exhibit A2-1.

For convenience and efficiency, FEI has occasionally provided an internet address for referenced reports instead of attaching lengthy documents to its IR responses. FEI intends for the referenced documents to form part of its IR responses and the evidentiary record in this proceeding.

If further information is required, please contact the undersigned.

Sincerely,

**FORTISBC ENERGY INC.**

***Original signed:***

Diane Roy

Attachments

cc (email only): Commission Secretary  
Registered Parties



FortisBC Energy Inc. (FEI or the Company) Application for a Certificate of Public Convenience and Necessity (CPCN) for the Tilbury Liquefied Natural Gas (LNG) Storage Expansion (TLSE) Project (Application)	Submission Date: September 16, 2022
Response to the B.C. Sustainable Energy Association (BCSEA) Information Request (IR) No. 4 Regarding Exhibit A2-1	Page 1

1   **15.0   Topic:            Agreement Between Musqueam and FortisBC Holdings Inc.**  
2           **Reference:   Exhibit C8-1, Musqueam Indian Band Intervention Application;**  
3           **Exhibit A2-1, “Musqueam Indian Band and FortisBC Holdings Inc.**  
4           **sign Tilbury LNG Projects Agreement,” Media Release, August 10,**  
5           **2022; Exhibit A-39, BCUC August 12, 2022 letter to Chief Sparrow,**  
6           **Musqueam Indian Band**

7           Musqueam’s July 29, 2022 intervention application states in part:

8                            “As a result of the existing Tilbury Island facility and proposed projects, including  
9                            the TLSE Project that is the subject of this proceeding, being located centrally in  
10                           core Musqueam territory, and given that Musqueam is most affected and most  
11                           directly interested in the proposed projects, Musqueam and FortisBC have been  
12                           involved in lengthy and detailed discussions regarding FortisBC’s proposed  
13                           developments at Tilbury Island. Through these discussions, Musqueam and  
14                           FortisBC Holdings Inc. have reached an agreement that will allow for further  
15                           collaboration and partnership between the Musqueam and FortisBC related to  
16                           the BCUC-regulated (including the TLSE Project) and the non-BCUC regulated  
17                           projects at Tilbury Island.” [Exhibit C8-1, pdf p.3]

18           The first paragraph of the August 10, 2022 media release states:

19                           “DELTA, B.C.—August 10, 2022—FortisBC Holdings Inc. (“FortisBC”) and  
20                           Musqueam Indian Band (“Musqueam”) are announcing the signing of an  
21                           agreement, which will result in the parties sharing benefits associated with the  
22                           Tilbury LNG Projects (“Projects”). The agreement will see Musqueam and  
23                           FortisBC working in close collaboration as the Projects are developed, including  
24                           the Tilbury Marine Jetty. A shared goal of this agreement is to develop a world-  
25                           leading LNG facility that will result in beneficial outcomes for Musqueam and the  
26                           region, while improving the overall quality of these Projects.” [Exhibit A2-1]

27           The BCUC’s August 12, 2022 letter to Chief Sparrow, Musqueam Indian Band, among  
28           other things, refers to a BCUC “response to Musqueam Indian Band dated August 3,  
29           2022, which denied Musqueam Indian Band’s request.” [Exhibit A-39]

30           15.1   Please file a copy of the agreement between FortisBC Holdings Inc. and  
31                   Musqueam Indian Band. If portions are claimed to be confidential, please provide  
32                   justifications and file a public redacted version.  
33

34    **Response:**

35    Please refer to the response to BCUC IR4 114.1 and BCOAPO IR4 1.1 for an overview of key  
36    terms. The terms of the Agreement, beyond what is outlined in the information request



FortisBC Energy Inc. (FEI or the Company) Application for a Certificate of Public Convenience and Necessity (CPCN) for the Tilbury Liquefied Natural Gas (LNG) Storage Expansion (TLSE) Project (Application)	Submission Date: September 16, 2022
Response to the B.C. Sustainable Energy Association (BCSEA) Information Request (IR) No. 4 Regarding Exhibit A2-1	Page 2

1 responses and the news release, is confidential due to its commercial sensitivity, as described  
2 in the response to BCUC IR4 114.1.

3  
4

5

6 15.2 Please provide a non-confidential summary of the main provisions of the  
7 agreement between Musqueam and FortisBC Holdings Inc.

8

9 **Response:**

10 Please refer to the response to BCSEA IR4 15.1.

11

12

13

14 15.3 Does the agreement between Musqueam and FortisBC Holdings Inc. cover the  
15 existing Tilbury Island facility in addition to the Tilbury Projects?

16

17 **Response:**

18 No, the Agreement does not pertain to the existing facilities at Tilbury Island.

19

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21

22 15.4 Is FEI operating on the understanding that for the TLSE Project to be granted a  
23 CPCN the BCUC would have to approve the portion of the agreement between  
24 Musqueam and FortisBC Holdings Inc. that relates to the TLSE Project?

25

26 **Response:**

27 No. The justification for the TLSE Project, and the financial analysis, are unaffected by the  
28 Agreement. The Agreement is a framework for obtaining Musqueam's support and consent for  
29 the development, construction and operation of certain projects at the Tilbury site.

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33 15.5 What was the date of the signing of the agreement between FortisBC Holdings  
34 Inc. and Musqueam Indian Band?

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FortisBC Energy Inc. (FEI or the Company) Application for a Certificate of Public Convenience and Necessity (CPCN) for the Tilbury Liquefied Natural Gas (LNG) Storage Expansion (TLSE) Project (Application)	Submission Date: September 16, 2022
Response to the B.C. Sustainable Energy Association (BCSEA) Information Request (IR) No. 4 Regarding Exhibit A2-1	Page 3

1 **Response:**

2 The Agreement was signed June 14, 2022.

3 FEI included reference to the Agreement in the redacted portion of the response to CEC IR3  
4 119.1, filed on July 14, 2022, which was made available to the BCUC and interveners who had  
5 signed confidentiality undertakings. As explained in the response to BCUC IR4 115.3, the  
6 information had to be kept confidential until FortisBC Holdings Inc. and Musqueam had  
7 assessed and agreed on an appropriate level of public disclosure and process, including  
8 Musqueam's communication with its community. Following the publication of the news release  
9 on August 10, 2022, there is no longer a need for the redacted response to remain confidential  
10 (refer to the response to BCUC IR4 115.3 for the unredacted portion of that prior July 14, 2022  
11 response).

12 FEI was also aware that Musqueam had included similar discussion of the Agreement in its July  
13 29, 2022 letter to the BCUC, and that the BCUC had initially allowed Musqueam's letter to be  
14 refiled on the public record as a letter of comment.

15 The Agreement itself is an important step to achieving economic reconciliation with Musqueam,  
16 through the sharing of benefits associated with the development, construction and operation of  
17 the Tilbury Projects, and provides additional support for the TLSE Project from an Indigenous  
18 nation that has proven rights in the project area.<sup>1</sup> The Agreement does not alter the fundamental  
19 need for, or financial analysis in respect of, the TLSE Project.

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23 15.6 Did FortisBC Energy Inc. notify the BCUC of the signing of the agreement  
24 between FortisBC Holdings Inc. and Musqueam Indian Band? If so, please  
25 provide the full details, including the timing, and a copy of the notification. If not,  
26 why not?

27

28 **Response:**

29 FEI did notify the BCUC and interveners on July 14, 2022. Please refer to the response to  
30 BCSEA IR4 15.5.

31

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<sup>1</sup> Exhibit C8-1.



FortisBC Energy Inc. (FEI or the Company) Application for a Certificate of Public Convenience and Necessity (CPCN) for the Tilbury Liquefied Natural Gas (LNG) Storage Expansion (TLSE) Project (Application)	Submission Date: September 16, 2022
Response to the B.C. Sustainable Energy Association (BCSEA) Information Request (IR) No. 4 Regarding Exhibit A2-1	Page 4

1           15.7   Did FortisBC Energy Inc. intend to notify the BCUC and the interveners in the  
2                   current proceeding of the signing of the agreement between FBH and  
3                   Musqueam? If so, what happened? If not, why not?  
4

5    **Response:**

6    Please refer to the responses to BCSEA IR4 15.5 and 15.6.  
7  
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9  
10           15.8   When did FortisBC Energy Inc. become aware of Musqueam’s July 29, 2022  
11                   application to intervene?  
12

13   **Response:**

14   Musqueam advised FEI of its decision to apply to intervene the same week their application to  
15   intervene was made.  
16  
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19           15.9   Does FEI have a copy of the BCUC’s August 3, 2022 response denying  
20                   Musqueam’s application to intervene? If so, please file it.  
21

22   **Response:**

23   Yes, Musqueam provided FEI with a copy of the BCUC’s August 3, 2022 response. Although  
24   FEI has no objection to it being put on the public record, FEI respectfully defers to the BCUC on  
25   whether its response should be filed on the public record.  
26  
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29           15.10   Did FEI make submissions to the BCUC in favour of Musqueam’s intervention  
30                   application, whether before or after the BCUC’s August 3, 2022 denial decision?  
31                   If so, please explain the details and provide copies of any written  
32                   communications.  
33

34   **Response:**

35   No, FEI has not made any submissions to the BCUC regarding an intervention by Musqueam.



FortisBC Energy Inc. (FEI or the Company) Application for a Certificate of Public Convenience and Necessity (CPCN) for the Tilbury Liquefied Natural Gas (LNG) Storage Expansion (TLSE) Project (Application)	Submission Date: September 16, 2022
Response to the B.C. Sustainable Energy Association (BCSEA) Information Request (IR) No. 4 Regarding Exhibit A2-1	Page 5

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15.11 What is FortisBC Energy Inc.’s understanding of why the BCUC initially rejected Musqueam’s July 29, 2022 application to intervene?

**Response:**

FEI understands, based on a review of the BCUC’s correspondence (which Musqueam provided to FEI), that the BCUC determined it must deny the request on the basis that the evidentiary record was closed.

15.12 Did FortisBC Energy Inc. bring to the Commission’s attention the August 10, 2022 Media Release issued by FortisBC Holdings Inc. and Musqueam Indian Band?

**Response:**

Yes, FEI provided advanced notice to BCUC staff of the August 10, 2022 Media Release. Please refer to the responses to BCSEA IR4 15.5 and 15.6 which discuss when notification of the Agreement was provided to the BCUC.

15.13 Did the BCUC’s August 3, 2022 denial of Musqueam’s intervention application provide the impetus for FortisBC Holdings Inc. and Musqueam to issue the August 10, 2022 Media Release?

**Response:**

No, the timing of the release was dictated by the process described in the response to BCSEA IR4 15.5.

15.14 Please explain in detail how the agreement between Musqueam and FortisBC Holdings Inc. affects the rights and obligations of FortisBC Energy Inc.



FortisBC Energy Inc. (FEI or the Company) Application for a Certificate of Public Convenience and Necessity (CPCN) for the Tilbury Liquefied Natural Gas (LNG) Storage Expansion (TLSE) Project (Application)	Submission Date: September 16, 2022
Response to the B.C. Sustainable Energy Association (BCSEA) Information Request (IR) No. 4 Regarding Exhibit A2-1	Page 6

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**Response:**

The Agreement is between Musqueam and FortisBC Holdings Inc. as the Agreement involves projects contemplated by FEI and non-regulated affiliates of FEI, all of which are subsidiaries of FortisBC Holdings Inc. In turn, in exchange for receiving the support of Musqueam in the project approval processes, FortisBC Holdings Inc. will cause FEI to undertake obligations specific to the regulated projects – including working closely with Musqueam to ensure efficient review processes and, if exercised by Musqueam, to enter the necessary arrangements to facilitate the regulated projects equity option.

Any future commercial arrangements involving acquisition of an equity interest in the TLSE Project would involve FEI as a direct party, and as described in the responses to BCUC IR4 114.1 and 114.6.1, would require BCUC approval.

15.15 Please confirm, or otherwise explain, that the Tilbury LNG Storage Expansion Project is a FortisBC Energy Inc. project and not a FortisBC Holdings Inc. project.

**Response:**

Confirmed.

15.16 What responsibility or authority, if any, does FortisBC Holdings Inc. have for the TSLE project?

**Response:**

FortisBC Holdings Inc. does not have any responsibility or authority for the TLSE Project. Instead, FEI is a subsidiary of FortisBC Holdings Inc. The Agreement contemplates that obligations will need to be performed by subsidiaries, including FEI, as explained in the response to BCSEA IR4 15.14.



FortisBC Energy Inc. (FEI or the Company) Application for a Certificate of Public Convenience and Necessity (CPCN) for the Tilbury Liquefied Natural Gas (LNG) Storage Expansion (TLSE) Project (Application)	Submission Date: September 16, 2022
Response to the B.C. Sustainable Energy Association (BCSEA) Information Request (IR) No. 4 Regarding Exhibit A2-1	Page 7

1           15.17 Please confirm, or otherwise explain, that FortisBC Energy Inc. is a public utility  
2                   regulated by the BC Utilities Commission and that FortisBC Holdings Inc. is not a  
3                   public utility regulated by the BCUC.

4  
5           **Response:**

6           Confirmed.

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10           15.18 Can FortisBC Energy Inc. confirm the contents of the August 10, 2022 Media  
11                   Release issued by FortisBC Holdings Inc. and Musqueam Indian Band? Please  
12                   specify any caveats or limitations.

13  
14           **Response:**

15           Confirmed.

16  
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19           15.19 Can FortisBC Energy Inc. confirm the contents of Musqueam’s July 29, 2022  
20                   intervention application as it relates to the TLSE Project? Please specify any  
21                   caveats or limitations.

22  
23           **Response:**

24           The contents of Musqueam’s intervention letter are consistent with the information it has also  
25           shared with FEI in relation to the TLSE Project.

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29           15.20 Regarding Musqueam’s discussions with FortisBC Holdings Inc. regarding the  
30                   TLSE Project, please explain fully whether and if so how FortisBC Holdings Inc.  
31                   interacted with FortisBC Energy Inc. Did FBH inform FEI of the ongoing status of  
32                   the discussions? Did FEI provide input to FBH regarding the content of the  
33                   discussions?

34





FortisBC Energy Inc. (FEI or the Company) Application for a Certificate of Public Convenience and Necessity (CPCN) for the Tilbury Liquefied Natural Gas (LNG) Storage Expansion (TLSE) Project (Application)	Submission Date: September 16, 2022
Response to the B.C. Sustainable Energy Association (BCSEA) Information Request (IR) No. 4 Regarding Exhibit A2-1	Page 8

1 **Response:**

2 FEI representatives were fully involved in reviewing the status of discussions and providing  
3 input.

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7 15.21 In addition to its discussions with FortisBC Holdings Inc. regarding the TLSE  
8 Project, did Musqueam have any discussions with FortisBC Energy Inc. about  
9 the TLSE Project? If so, please explain the timing and content of the discussions.

10

11 **Response:**

12 Please refer to the response to BCSEA IR4 15.20.

13  
14

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16 15.22 Did FortisBC Holdings Inc., or FortisBC Energy Inc., consider making the TLSE  
17 Project the subject of an agreement between Musqueam and FortisBC Energy  
18 Inc. rather than between Musqueam and FortisBC Holdings Inc.? If so, please  
19 explain why this approach was rejected. If not, please explain why this approach  
20 was not considered.

21

22 **Response:**

23 No. The involvement of FortisBC Holdings Inc. allowed for the development of a master  
24 agreement to address a number of initiatives underway at the Tilbury site that Musqueam and  
25 FortisBC wished to discuss and, in particular, to agree to an overarching process for obtaining  
26 Musqueam's support and consent with respect to the Tilbury Projects. This was much more  
27 efficient and manageable from a negotiation standpoint, versus piecemealing each potential  
28 Tilbury project into separate agreements.

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32 15.23 Please explain fully FEI's understanding of Musqueam's statement that the  
33 agreement between Musqueam and FortisBC Holdings Inc. "will allow for further  
34 collaboration and partnership between the Musqueam and FortisBC related to  
35 the BCUC-regulated (including the TLSE Project) and the non-BCUC regulated  
36 projects at Tilbury Island."

37



FortisBC Energy Inc. (FEI or the Company) Application for a Certificate of Public Convenience and Necessity (CPCN) for the Tilbury Liquefied Natural Gas (LNG) Storage Expansion (TLSE) Project (Application)	Submission Date: September 16, 2022
Response to the B.C. Sustainable Energy Association (BCSEA) Information Request (IR) No. 4 Regarding Exhibit A2-1	Page 9

1 **Response:**

2 The Agreement provides a framework that may lead to a formal partnership with respect to the  
3 Tilbury Projects, both non-regulated projects and those regulated by the BCUC. In the case of  
4 the BCUC-regulated projects, including the TLSE Project, this would be a partnership with FEI  
5 which would require approval of the BCUC. In all cases, FortisBC Holdings Inc. and/or FEI will  
6 work in close collaboration with Musqueam towards shared goals agreed to between the parties  
7 to the Agreement.

8  
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11 15.24 What does FEI understand to be the nature of the “partnership” related to the  
12 TLSE Project? Are FEI and/or FBH ad idem with Musqueam regarding the nature  
13 of the partnership related to the TLSE Project? Would this be a partnership with  
14 FortisBC Holdings Inc. or with FortisBC Energy Inc.?

15

16 **Response:**

17 Please refer to the response to BCSEA IR4 15.23.

18

19

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21 15.25 Does the agreement between Musqueam and FortisBC Holdings Inc. require  
22 Musqueam to support BCUC approval of the TLSE Project CPCN Application?

23

24 **Response:**

25 Yes, the Agreement requires Musqueam to support BCUC approval of the TLSE Project CPCN  
26 Application.

27

28

29

30 15.26 How does the agreement between Musqueam and FortisBC Holdings Inc.  
31 address the theoretical possibility that not all of the Tilbury Projects will be  
32 approved? Is Musqueam’s support for the TLSE Project under the agreement  
33 contingent on regulatory approval of the other Tilbury Projects?

34



FortisBC Energy Inc. (FEI or the Company) Application for a Certificate of Public Convenience and Necessity (CPCN) for the Tilbury Liquefied Natural Gas (LNG) Storage Expansion (TLSE) Project (Application)	Submission Date: September 16, 2022
Response to the B.C. Sustainable Energy Association (BCSEA) Information Request (IR) No. 4 Regarding Exhibit A2-1	Page 10

1 **Response:**

2 Musqueam support for the TLSE Project is not contingent on regulatory approval of other  
3 Tilbury Projects.

4



FortisBC Energy Inc. (FEI or the Company) Application for a Certificate of Public Convenience and Necessity (CPCN) for the Tilbury Liquefied Natural Gas (LNG) Storage Expansion (TLSE) Project (Application)	Submission Date: September 16, 2022
Response to the B.C. Sustainable Energy Association (BCSEA) Information Request (IR) No. 4 Regarding Exhibit A2-1	Page 11

1   **16.0   Topic:        Equity Options**

2       **Reference:   Exhibit A2-1**

3       The August 10, 2022 Media Release refers to “equity options,” “regulatory approvals,”  
4       and “certain conditions precedent.” The second paragraph of the Media Release states:

5                “In recent years, Musqueam and FortisBC have worked to develop a mutually  
6                beneficial relationship. The Tilbury LNG Projects Agreement is a direct result of  
7                this relationship. It includes options, subject to regulatory approvals and certain  
8                conditions precedent, for Musqueam to acquire equity ownership in the proposed  
9                Projects. This includes the Tilbury LNG Storage Expansion Project and the  
10              Tilbury Marine Jetty Project. The equity options recognize the important  
11              relationship between FortisBC and Musqueam, and our shared desire to be true  
12              partners.” [Exhibit A2-1, underline added]

13       The third paragraph of the August 10, 2022 Media Release states in part:

14              “Musqueam Chief Wayne Sparrow says sharing equity ownership in the Tilbury  
15              LNG Projects is an important step on the path to genuine partnership,  
16              ‘Musqueam is looking forward to being an equity partner with FortisBC at Tilbury,  
17              on the shore of the Fraser River, in the heart of Musqueam territory. ...’” [Exhibit  
18              A2-1, underline added]

19       16.1   Please list and describe in detail the equity options, regulatory approvals, and  
20       conditions precedent related to the TLSE Project in the agreement between  
21       Musqueam and FortisBC Holdings Inc.  
22

23       **Response:**

24       This information is confidential for the reasons described in the response to BCUC IR4 114.1.  
25       Please refer to the responses to BCUC IR4 114.1, 114.2.1.1 and 114.6.1, and BCOAPO IR4 1.1  
26  
27

28  
29       16.2   Please explain how Musqueam holding an equity interest in the TLSE Project  
30       would work in terms of the regulation of FortisBC Energy Inc. by the BCUC under  
31       the Utilities Commission Act.  
32

33       **Response:**

34       The structure would be based on the model that the BCUC approved for the Mt. Hayes LNG  
35       storage facility to facilitate equity ownership by two Indigenous nations. Please refer to the  
36       responses to BCUC IR4 114.2.1.1, 114.5 and 114.6.1.



FortisBC Energy Inc. (FEI or the Company) Application for a Certificate of Public Convenience and Necessity (CPCN) for the Tilbury Liquefied Natural Gas (LNG) Storage Expansion (TLSE) Project (Application)	Submission Date: September 16, 2022
Response to the B.C. Sustainable Energy Association (BCSEA) Information Request (IR) No. 4 Regarding Exhibit A2-1	Page 12

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16.3 How would Musqueam’s ownership of an equity interest in the TLSE Project affect FEI’s rate base?

**Response:**

The model is neutral for ratepayers, as was the case for the Mt. Hayes facility. From a ratepayer perspective, there would effectively be no change to FEI’s rate base. Please refer to the response to BCUC IR4 114.2.1.

16.4 Please confirm, or otherwise explain, that the agreement contemplates the possibility of Musqueam becoming an equity owner in the TLSE assets, as distinct from becoming an equity owner of shares in FEI.

**Response:**

Confirmed.

16.5 Is FEI operating on the understanding that Musqueam taking an equity interest in the TLSE Project would require BCUC approval?

**Response:**

Yes. Please refer to the response to BCUC IR4 114.6.1.

16.6 Please specify all of the “Tilbury Projects” to which the agreement between Musqueam and FortisBC Holdings Inc. relates. Please address Tilbury Phase 1A Expansion, Tilbury Phase 1B Expansion, Tilbury Phase 2 Expansion, Tilbury LNG Storage Expansion Project, and Tilbury Marine Jetty Project.



FortisBC Energy Inc. (FEI or the Company) Application for a Certificate of Public Convenience and Necessity (CPCN) for the Tilbury Liquefied Natural Gas (LNG) Storage Expansion (TLSE) Project (Application)	Submission Date: September 16, 2022
Response to the B.C. Sustainable Energy Association (BCSEA) Information Request (IR) No. 4 Regarding Exhibit A2-1	Page 13

1 **Response:**

2 The Agreement applies to the following Tilbury Projects:

- 3
- 4 • Tilbury Phase 1B Expansion Project;
  - 5 • Tilbury Phase 2 LNG Expansion Project, which encompasses the Tilbury LNG Storage Expansion Project (TLSE Project) and the Tilbury Phase 2 Liquefaction Project; and
  - 6 • Tilbury Marine Jetty Project.

7 The Tilbury Phase 1A Expansion Project is not included in the Agreement.

8



FortisBC Energy Inc. (FEI or the Company) Application for a Certificate of Public Convenience and Necessity (CPCN) for the Tilbury Liquefied Natural Gas (LNG) Storage Expansion (TLSE) Project (Application)	Submission Date: September 16, 2022
Response to the B.C. Sustainable Energy Association (BCSEA) Information Request (IR) No. 4 Regarding Exhibit A2-1	Page 14

1    **17.0    Topic:            Other Mitigations**

2                    **Reference:    Exhibit A2-1**

3                    The August 10, 2022 Media Release states in part:

4                                    “This agreement is in addition to the project mitigations that have been or will be  
5                                    implemented as part of the Tilbury LNG Projects’ regulatory processes.  
6                                    Musqueam will continue to work with FortisBC and regulators to ensure  
7                                    Musqueam’s interests are addressed.”

8                    17.1    Please specify what regulatory processes are referred to in the phrase “the  
9                                    Tilbury LNG Projects’ regulatory processes.”

10

11    **Response:**

12    The Tilbury LNG Projects’ regulatory processes refers to all regulatory processes which are  
13    applicable to the Tilbury Projects including but not limited to BC Environmental Assessment (BC  
14    EA), Impact Assessment Agency of Canada (IAAC), BC Oil and Gas Commission (BC OGC),  
15    and Fisheries and Oceans Canada (DFO) processes. In the case of the TLSE Project, this  
16    would also include BCUC approvals, as explained in the response to BCUC IR4 114.6.

17

18

19

20                    17.2    What project mitigations to address Musqueam’s interests has FEI, or FBH,  
21                                    committed to regarding the TLSE Project? Please identify where such mitigations  
22                                    are referred to in the evidentiary record.

23

24    **Response:**

25    Please refer to response to BCUC IR4 115.1.

26



FortisBC Energy Inc. (FEI or the Company) Application for a Certificate of Public Convenience and Necessity (CPCN) for the Tilbury Liquefied Natural Gas (LNG) Storage Expansion (TLSE) Project (Application)	Submission Date: September 16, 2022
Response to the B.C. Sustainable Energy Association (BCSEA) Information Request (IR) No. 4 Regarding Exhibit A2-1	Page 15

1   **18.0   Topic:            TLSE Project Description**

2           **Reference:   Exhibit A2-1**

3           The August 10, 2022 Media Release states the following under the heading Phase 2  
4           (<https://talkingenergy.ca/project/tilbury-phase-2-Ing-expansion-project>):

5                    “This [Phase 2] expansion has two components and serves two functions. The  
6                    first component is an additional storage tank of up to 142,400 cubic metres to  
7                    provide a backup energy supply to the Lower Mainland, which strengthens the  
8                    resilience of our gas system. The second component is additional liquefaction of  
9                    up to approximately 2.6 MTPA which will produce LNG to help regional or  
10                   international customers switch from higher carbon fuels like diesel or coal.”

11           18.1   For greater certainty, please restate how the two components of Phase 2 relate  
12           to the TLSE Project.

13  
14           **Response:**

15           The TLSE Project tank is the first component listed in the preamble (i.e., an additional storage  
16           tank of up to 142,400 cubic metres to provide a backup energy supply to the Lower Mainland,  
17           which strengthens the resilience of our gas system).

18  
19

20  
21           18.2   Does the agreement between FortisBC Holdings Inc. and Musqueam express the  
22           same understanding of the relationship between the TLSE Project and the other  
23           Tilbury projects that FEI has presented in the current proceeding? Please identify  
24           any differences.

25  
26           **Response:**

27           FEI confirms that the Agreement addresses the TLSE Project as a BCUC-regulated project  
28           proposed by FEI.

29  
30

31  
32           18.3   Does the agreement between FortisBC Holdings Inc. and Musqueam require  
33           Musqueam to support regulatory approval of the other Tilbury projects?  
34





FortisBC Energy Inc. (FEI or the Company) Application for a Certificate of Public Convenience and Necessity (CPCN) for the Tilbury Liquefied Natural Gas (LNG) Storage Expansion (TLSE) Project (Application)	Submission Date: September 16, 2022
Response to the B.C. Sustainable Energy Association (BCSEA) Information Request (IR) No. 4 Regarding Exhibit A2-1	Page 16

1 **Response:**

2 Yes, the Agreement requires Musqueam to support regulatory approval of the other Tilbury  
3 projects.

4



FortisBC Energy Inc. (FEI or the Company) Application for a Certificate of Public Convenience and Necessity (CPCN) for the Tilbury Liquefied Natural Gas (LNG) Storage Expansion (TLSE) Project (Application)	Submission Date: September 16, 2022
Response to the B.C. Sustainable Energy Association (BCSEA) Information Request (IR) No. 4 Regarding Exhibit A2-1	Page 17

1   **19.0   Topic:            TLSE Project and First Nations’ Interests**

2           **Reference:   Exhibit C8-1**

3           Musqueam’s July 29, 2022 intervention application states in part:

4                    “As a result of the existing Tilbury Island facility and proposed projects, including  
5                    the TLSE Project that is the subject of this proceeding, being located centrally in  
6                    core Musqueam territory, and given that Musqueam is most affected and most  
7                    directly interested in the proposed projects, Musqueam and FortisBC have been  
8                    involved in lengthy and detailed discussions regarding FortisBC’s proposed  
9                    developments at Tilbury Island.” [Exhibit C8-1, pdf p.3, underline added]

10           19.1   Does the agreement between Musqueam and FortisBC Holdings Inc. include any  
11                    acknowledgment or recognition by FortisBC that the TLSE Project is located  
12                    centrally in core Musqueam territory, and that Musqueam is the most affected  
13                    and most directly interested First Nation regarding the TLSE Project?  
14

15           **Response:**

16           No, this is not expressly acknowledged or recognized in the Agreement.  
17  
18

19  
20           19.2   Please confirm, or otherwise explain, that no First Nation(s) except Musqueam is  
21                    a party to the agreement between Musqueam and FortisBC Holdings Inc.  
22

23           **Response:**

24           Confirmed.  
25  
26

27  
28           19.3   Is the TLSE Project located within the core territory of any First Nation(s) in  
29                    addition to Musqueam? If so, please specify.  
30

31           **Response:**

32           The TLSE Project is within the asserted territory of numerous Indigenous nations, but  
33                    Musqueam’s proven Aboriginal rights and core territory descriptions are unique.  
34  
35



FortisBC Energy Inc. (FEI or the Company) Application for a Certificate of Public Convenience and Necessity (CPCN) for the Tilbury Liquefied Natural Gas (LNG) Storage Expansion (TLSE) Project (Application)	Submission Date: September 16, 2022
Response to the B.C. Sustainable Energy Association (BCSEA) Information Request (IR) No. 4 Regarding Exhibit A2-1	Page 18

1  
2 19.4 Is there a reasonable possibility of any additional agreements being signed  
3 between a First Nation and FortisBC Holdings Inc. (or FEI) regarding the TLSE  
4 Project?

5 19.4.1 If so, please describe the potential timing in relation to the current  
6 proceeding, and confirm that FEI would notify the BCUC and the  
7 parties.

8 19.4.2 If not, can FEI confirm for greater certainty that the agreement between  
9 FortisBC Holdings Inc. and Musqueam is the only agreement with a  
10 First Nation that FBH or FEI intends to make regarding the TLSE  
11 Project?

12  
13 **Response:**

14 There is a reasonable possibility of additional agreements between FortisBC Holdings Inc. (or  
15 FEI) and other Indigenous nations; however, we do not expect any agreements to be concluded  
16 prior to the completion of this proceeding.

17

FortisBC Energy Inc. (FEI or the Company) Application for a Certificate of Public Convenience and Necessity (CPCN) for the Tilbury Liquefied Natural Gas (LNG) Storage Expansion (TLSE) Project (Application)	Submission Date: September 16, 2022
Response to the B.C. Sustainable Energy Association (BCSEA) Information Request (IR) No. 4 Regarding Exhibit A2-1	Page 19

1    **20.0    Topic:           FEI Rebuttal Evidence to TWN**

2           **Reference:   Exhibit B-44, FEI Evidence in Rebuttal to Tsleil-Waututh Nation**  
3           **Evidence**

4           On pages 17-18 of its Rebuttal Evidence to Tsleil-Waututh Nation, FEI refers to an  
5           Indigenous-led assessment of the TLSE Project under section 19(4) of the BC  
6           Environmental Assessment Act by Musqueam Indian Band, among other First Nations:

7                   “Finally, FEI understands that TWN intends to undertake an Indigenous-led  
8                   assessment under section 19(4) of the BC EAA, in addition to those of the  
9                   Musqueam Indian Band, Quw’utsun Nation, Snuneymuxw First Nation and  
10                  Tsawwassen First Nation. The scope and associated details of TWN’s  
11                  assessment have yet to be finalized. FortisBC has offered to provide capacity  
12                  funding to support TWN’s completion of an Indigenous-led assessment.” [Exhibit  
13                  B-44, pdf pp.21-22, underline added]

14           20.1    What is the current status of an Indigenous-led assessment of the TLSE Project  
15                   under section 19(4) of the BC Environmental Assessment Act by Musqueam  
16                   Indian Band?

17  
18           **Response:**

19           Musqueam has confirmed that it intends to undertake an Indigenous-led assessment under  
20           section 19(4) of the BC *Environmental Assessment Act*, but has not yet commenced. Please  
21           refer to Appendix 2 of Schedule B of the Process Order (Assessment Plan) which FEI provided  
22           as an attachment to the response to CEC IR3 119.1.

23  
24

25  
26           20.2    Does the signing of the agreement between Musqueam and FortisBC Holdings  
27                   Inc. necessitate any revisions to FEI’s Evidence in Rebuttal to Tsleil-Waututh  
28                   Nation? If so, please explain.

29  
30           **Response:**

31           No revisions are necessary as a result of the Agreement.

32