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July 9, 2025

British Columbia Utilities Commission
Suite 410, 900 Howe Street
Vancouver, BC
V6Z 2N3

Dear Commission Secretary:

Re: FortisBC Energy Inc. (FEI)

Application for Approval of a Modification Agreement to the Operating Agreement between the Westbank First Nation and FEI

FEI hereby applies for approval from the British Columbia Utilities Commission (BCUC), pursuant to section 23(1)(g)(ii) of the *Utilities Commission Act* (UCA) of a Modification Agreement dated July 7, 2025 (Modification Agreement No. 6)¹ to the Operating Agreement between FEI and the Westbank First Nation (WFN) dated August 8, 2006 (WFN Operating Agreement).

Background:

By Order C-3-07, dated February 15, 2007, the BCUC approved, among other things, the WFN Operating Agreement for a period of 15 years, effective February 15, 2007. By Order G-234-21, dated August 5, 2021, the BCUC approved a Modification Agreement, dated July 26, 2021 (Modification Agreement No. 1), entered into between the WFN and FEI amending the expiry of the WFN Operating Agreement to February 15, 2022. By Order G-32-22, dated February 15, 2022, the BCUC approved a Modification Agreement, dated February 7, 2022 (Modification Agreement No. 2), entered into between the WFN and FEI amending the expiry of the WFN Operating Agreement to October 15, 2022. By Order G-289-22, dated October 18, 2022, the BCUC approved a Modification Agreement, dated October 3, 2022 (Modification Agreement No. 3), entered into between the WFN and FEI amending the expiry of the WFN Operating Agreement to June 15, 2023. By Order G-141-23, dated June 13, 2023, the BCUC approved a Modification Agreement, dated May 29, 2023 (Modification Agreement No. 4), entered into between the WFN and FEI amending the expiry of the WFN Operating Agreement to February 15, 2024. By Order G-40-24 dated February 15, 2024, the BCUC approved a Modification Agreement (Modification Agreement No.5) which amended the expiry of the WFN Operating Agreement to August 15, 2025.

Modification Agreement No. 6 extends the term of the WFN Operating Agreement to August 15, 2026, to facilitate ongoing discussions between FEI and WFN regarding terms to a new operating agreement.

¹ Modification Agreement No. 6 was executed by the WFN on July 7, 2025 and by FEI on July 8, 2025.

The extensions to the expiry of the WFN Operating Agreement, including those previously approved by the BCUC, have been necessary due to the complexity of the interrelationship between multiple agreements under negotiation between the parties as well as interrelated WFN policies that are also under development. As such, it is not possible to finalize the terms to a new operating agreement in isolation and additional time is required to advance negotiations and development on these interrelated policies and agreements. It is also not possible at this time to speculate whether additional extensions of the WFN Operating Agreement will be required in future.

Order Sought

Due to the expiry of the WFN Operating Agreement on August 15, 2025, FEI requests approval from the BCUC, pursuant to section 23(1)(g)(ii) of the UCA, of the executed Modification Agreement No. 6 to the WFN Operating Agreement, on a permanent basis effective August 16, 2025. Should the BCUC be unable to make a determination on permanent approval before the expiry of the existing agreement, then FEI requests approval of Modification Agreement No. 6 to the WFN Operating Agreement on an interim basis, pursuant to section 89, of the UCA effective August 16, 2025. A draft form of final Order is provided in Appendix B.

If further information is required, please contact Ilva Bevacqua, Sr. Manager of Regulatory Affairs and Compliance at (604) 592-7664.

Sincerely,

FORTISBC ENERGY INC.

Original signed:

Sarah Walsh

Attachments

cc (email only): WFN, Jeniffer Bellingham jbellingham@wfn.ca
Counsel for WFN, Emily Boyle emily@eblegal.ca; Kathryn Deo kathryn@arbutuslaw.ca.

Appendix A

**FEI – WESTBANK FIRST NATION
MODIFICATION AGREEMENT NO. 6**

MODIFICATION AGREEMENT

THIS AGREEMENT ("Modification Agreement") made as of the 7th day of July 2025.

BETWEEN:

WESTBANK FIRST NATION, a Self-Governing First Nation as represented by its duly elected Chief and Council of #301-515 Highway 97, Kelowna, British Columbia

(hereinafter "Westbank")

OF THE FIRST PART

AND:

FORTISBC ENERGY INC. (formerly Terasen Gas Inc.), a body corporate duly incorporated under the laws of the Province of British Columbia, and having an office in the Province of British Columbia located at 16705 Fraser Highway, Surrey, British Columbia

(hereinafter "FortisBC")

OF THE SECOND PART

WHEREAS:

- A. The parties entered into an operating agreement dated August 8, 2006 and modified by agreements dated July 26, 2021, February 7, 2022, October 3, 2022, May 29, 2023, and February 5, 2024 (collectively the "Westbank Operating Agreement"), which is due to expire on August 15, 2025;
- B. The parties have agreed to extend the term of the Westbank Operating Agreement for an additional period of one (1) year to expire on August 15, 2026 on the same terms and conditions as the Westbank Operating Agreement.

NOW THEREFORE, in consideration of the mutual promises herein and other good and valuable consideration (the receipt and sufficiency of which is hereby acknowledged), the parties agree as follows:

1. The parties agree to extend the term of the Westbank Operating Agreement to August 15, 2026.
2. This Modification Agreement shall be read together with the Westbank Operating Agreement and any capitalized terms used herein which are not otherwise defined shall the meanings given to them in the Westbank Operating Agreement.
3. This Modification Agreement is subject to the applicable laws of Westbank, Canada or the Province of British Columbia and those orders or provisions of the BCUC applicable to FortisBC.
4. Words importing the singular include the plural and vice versa; words importing the masculine gender include the feminine and neuter genders; and words importing persons include individuals, sole proprietors, corporations, partnerships and unincorporated associations.

5. This Modification Agreement may be executed in counterparts with the same effect as if all parties had signed the same document. All counterparts will be construed together and will constitute one agreement. Delivery of an executed counterpart of this Modification Agreement by facsimile or other means of electronic transmission shall be as effective as delivery of an originally executed counterpart.
6. All unamended terms and conditions in the Westbank Operating Agreement shall remain in full force and effect.
7. This Modification Agreement shall have effect as of July 7, 2025.

[Remainder of Page Intentionally Left Blank. Signature Page Follows.]

IN WITNESS of this Modification Agreement, the parties have caused this Modification Agreement to be duly executed as of the day and year first above written.

Signed by a quorum of the Westbank First Nation Council this 7th day of July, 2025.

WITNESS:

Witness Signature

301-515 Hwy 97 S. Kelowna

Address

BC V1Z3S2

Council members

Occupation

(As to all signatures)

Chief

Councillor

Councillor

Councillor

Councillor

Signed on behalf of FortisBC Energy Inc. this 8 day of July, 2025.

WITNESS:

Kim Kennedy

Witness Signature

16705 Fraser Hwy

Address

Surrey, BC V4N 0E8

Executive Assistant

Occupation

Authorized Signatory: Doug Slater

VP, Indigenous Relations and Regulatory Affairs



ORDER NUMBER

G-xx-xx

IN THE MATTER OF

the *Utilities Commission Act*, RSBC 1996, Chapter 473

and

FortisBC Energy Inc.

Application for Approval of a Modification Agreement to the Operating Agreement between
the Westbank First Nation and FortisBC Energy Inc.

BEFORE:

[Panel Chair]
Commissioner
Commissioner

on **Date**

ORDER

WHEREAS:

- A. On July 9, 2025, FortisBC Energy Inc. (FEI) applied to the British Columbia Utilities Commission (BCUC) pursuant to section 23(1)(g)(ii) of the *Utilities Commission Act* (UCA) for approval of a Modification Agreement, dated July 7, 2025 (Modification Agreement No. 6) entered into between the Westbank First Nation (WFN) and FEI, modifying the Operating Agreement between WFN and FEI dated August 8, 2006 (WFN Operating Agreement) (Application);
- B. By Order C-3-07 dated February 15, 2007, the BCUC, among other things, approved the WFN Operating Agreement for a period of 15 years with an expiration date of October 16, 2022;
- C. By Orders G-234-21, G-32-22, G-289-22, and G-141-23, the BCUC approved a sequence of four modification agreements amending the expiry of the WFN Operating Agreement. Most recently, by Order G-40-24 dated February 15, 2024, the BCUC approved a Modification Agreement dated February 5, 2024 (Modification Agreement No.5) amending the expiry of the WFN Operating Agreement to August 15, 2025;
- D. The Modification Agreement No. 6 amends the expiry of the WFN Operating Agreement to August 15, 2026;
and
- E. The BCUC has reviewed the Application and determines that approval is warranted.

NOW THEREFORE pursuant to section 23(1)(g)(ii) of the UCA, the BCUC orders that the Modification Agreement No. 6 to the WFN Operating Agreement is approved on a permanent basis, effective August 16, 2025.

DATED at the City of Vancouver, in the Province of British Columbia, this **(XX)** day of **(Month Year)**.

BY ORDER

(X. X. last name)
Commissioner