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British Columbia
Utilities Commission

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May 29, 2019

Sent via email/eFile

CITY OF COQUITLAM - RECONSIDERATION AND VARIANCE OF G-80-19 EXHIBIT A-2

Stephanie James
City Solicitor
City of Coquitlam
3000 Guilford Way
Coquitlam, BC V3B 7N2
sjames@coquitlam.ca

Re: City of Coquitlam – Application for Reconsideration and Variance of Order G-80-19 in the matter of the FortisBC Energy Inc. Application for Use of Lands under Sections 32 and 33 of the Utilities Commission Act in the City of Coquitlam for the Lower Mainland Intermediate Pressure System Upgrade Projects – Regulatory Timetable

Dear Ms. James:

Further to your May 16, 2019 filing please find enclosed British Columbia Utilities Commission Order G-114-19, establishing the regulatory timetable for the review of the above-noted application.

Sincerely,

Original signed by:

Patrick Wruck
Commission Secretary

/aci
Enclosure

cc: IWebb@lawsonlundell.com
Gas.Regulatory.Affairs@fortisbc.com
cweafer@owenbird.com



ORDER NUMBER
G-114-19

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

and

City of Coquitlam

Application for Reconsideration and Variance of Order G-80-19 in the matter of the
FortisBC Energy Inc. Application for Use of Lands under Sections 32 and 33 of the *Utilities Commission Act*
in the City of Coquitlam for the Lower Mainland Intermediate Pressure System Upgrade Projects

BEFORE:

R. I. Mason, Panel Chair
W. M. Everett, Commissioner

on May 29, 2019

ORDER

WHEREAS:

- A. On May 16, 2019, pursuant to section 99 of the *Utilities Commission Act* (UCA), the City of Coquitlam (City) filed with the British Columbia Utilities Commission (BCUC) an application for Reconsideration and Variance of Order G-80-19 (Application);
- B. By Order G-80-19 and accompanying reasons for decision dated April 15, 2019, the BCUC issued its decision regarding FortisBC Energy Inc.'s (FEI) application for use of the City's lands for the construction and operation of the Lower Mainland Intermediate Pressure System Upgrade Projects (LMIPSU Projects), including the disposition of the Nominal Pipe Size (NPS) 20 pipeline which FEI proposed to decommission. The BCUC ordered, among other things, the following:
 1. Pursuant to section 121 of the UCA, it is affirmed that FEI is authorized to abandon the decommissioned NPS 20 Pipeline in place; and
 2. Pursuant to section 32 of the UCA, upon request by the City in circumstances where it interferes with municipal infrastructure, the costs of removal of any portion of the decommissioned NPS 20 Pipeline shall be shared equally between FEI and the City;
- C. In its Application, the City requests that the BCUC reconsider and vary Order G-80-19 on the grounds that the BCUC erred in law by:
 1. Finding that the BCUC had jurisdiction to authorize FEI, within the meaning of the term "authorization" as used in section 121 of the UCA, to abandon in place FEI's decommissioned NPS 20 pipes located in Como Lake Avenue; and

2. Finding that section 32 of the UCA provides the BCUC with jurisdiction to specify the manner and terms under which the City may request FEI to remove any portion of the NPS 20 pipes abandoned in place;
- D. Part V of the BCUC's Rules of Practice and Procedure, which are attached to Order G-15-19, provide the Rules for the reconsideration process (Reconsideration Rules); and
- E. The Panel has reviewed the Application and considers that a public hearing process is warranted, in accordance with section 29 of the Reconsideration Rules.

NOW THEREFORE the BCUC orders as follows:

1. A public hearing process is established, in accordance with the regulatory timetable as set out in Appendix A to this order.
2. FEI is directed to publish on its website the Application, this order and the regulatory timetable, and to provide a copy of the same to all parties who participated in the FEI's use of the City's lands for the LMIPSU Projects proceeding, by Friday, June 8, 2019.
3. The City and interveners are requested to provide submissions on the proposed process in accordance with the regulatory timetable attached as Appendix A to this order. The submissions should address the following:
 - Whether any new evidence should be permitted and if so, the nature of the evidence;
 - Whether the hearing should be wholly, or in part, written, oral, or a combination thereof; and
 - If an oral component is considered necessary, any upcoming periods of unavailability.

DATED at the City of Vancouver, in the Province of British Columbia, this 29th day of May 2019.

BY ORDER

Original signed by:

R. I. Mason
Commissioner

Attachment

City of Coquitlam

Application for Reconsideration and Variance of Order G-80-19 in the matter of the FortisBC Energy Inc. Application for Use of Lands under Sections 32 and 33 of the Utilities Commission Act in the City of Coquitlam for the Lower Mainland Intermediate Pressure System Upgrade Projects

REGULATORY TIMETABLE

Action	Date (2019)
Intervener registration	Thursday, June 13
City of Coquitlam submission on process	Thursday, June 20
Intervener submissions on process	Thursday, June 27
City of Coquitlam reply on process	Thursday, July 4
Further process	TBD