



**ORDER NUMBER
G-116-19**

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

and

FortisBC Energy Inc. and the City of Surrey
Applications for Approval of Terms for an Operating Agreement

BEFORE:

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

on May 30, 2019

ORDER

WHEREAS:

- A. On April 30, 2019, FortisBC Energy Inc. (FEI) submitted a compliance filing (Compliance Filing) pursuant to the British Columbia Utilities Commission's (BCUC) decision and accompanying Order G-18-19 (Decision) regarding the Applications for Approval of Terms for an Operating Agreement by FEI and the City of Surrey (City). FEI submitted the Compliance Filing on behalf of FEI and the City and included a revised version of the New Operating Agreement containing the terms agreed to by FEI and the City (Agreed Terms) and the terms specified by the Panel according to the directives in the Decision;
- B. On May 17, 2017, the City applied to the BCUC for an order pursuant to subsection 32(2) of the *Utilities Commission Act* (UCA) specifying the terms under which FEI may install, operate and maintain its distribution equipment in public places within the City's boundary limits (City Application);
- C. On May 18, 2017, FEI applied to the BCUC pursuant to section 32 or alternatively section 33 of the UCA, for approval of new operating terms with the City (FEI Application). The new operating terms would, among other things, establish new protocols for interaction between the parties, address the allocation of costs when the City requires FEI to relocate its facilities, and provide for FEI to collect operating fees on behalf of the City from FEI customers in the City;
- D. In the Decision dated January 29, 2019, the BCUC ordered as follows:
 - 1. FEI and the City of Surrey are directed to submit to this Panel for approval within 90 days a revised version of the New Operating Agreement containing the Agreed Terms and the terms specified by the Panel according to the directives provided in this Decision; and
 - 2. FEI and the City of Surrey are directed to comply with all other directives in the Decision accompanying this Order;

- E. On April 30, 2019, the City filed a letter confirming its agreement with the New Operating Agreement filed by FEI pursuant to the Compliance Filing;
- F. On May 23, 2019, FEI submitted an amendment to its Compliance Filing providing an amended revised version of the New Operating Agreement to include revisions to the dispute resolution section; and
- G. The BCUC has completed its review of the New Operating Agreement filed pursuant to the Compliance Filing and finds that approval is warranted.

NOW THEREFORE pursuant to section 32 of the UCA, the BCUC orders as follows:

- 1. The Compliance Filing and the New Operating Agreement are approved by the Panel as being in accordance with the terms specified in the Decision.
- 2. FEI and the City are to execute the New Operating Agreement and file it for acceptance with the BCUC within 30 days of the date of this order.
- 3. FEI is to implement collection of the Operating Fee in accordance with the New Operating Agreement effective July 1, 2019.

DATED at the City of Vancouver, in the Province of British Columbia, this 30th day of May 2019.

BY ORDER

Original signed by:

R. I. Mason
Commissioner