



**ORDER NUMBER
G-116-22**

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

and

FortisBC Energy Inc.

Application for Approval of Rates and Agreement for Constructing and Operating a Compressed Natural Gas
Fueling Station under the Province's Greenhouse Gas Reduction (Clean Energy) Regulation for GFL
Environmental Inc. and for Amendments to Rate Schedule 6P – Public Service – Natural Gas Refueling Service
Tariff and Rates

BEFORE:

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

on May 2, 2022

ORDER

WHEREAS:

- A. On October 27, 2021, FortisBC Energy Inc. (FEI) applied to the British Columbia Utilities Commission (BCUC), pursuant to sections 59 to 61 and 89 of the Utilities Commission Act, for approval of the following:
1. The rate design and rates established in a Fueling Services Agreement and amending agreement to the Fueling Services Agreement (Amending Agreement No. 1) between FEI and GFL Environmental Inc. (GFL) (collectively GFL Agreement) for Compressed Natural Gas (CNG) fueling service at the fueling station located in Abbotsford, BC (GFL Abbotsford Fueling Station) on an interim and refundable basis, effective November 15, 2021; and
 2. Amendments to Rate Schedule 6P – Public Service – Natural Gas Refueling Service (RS 6P) tariff and rates, on an interim non-refundable/non-recoverable basis, to accommodate point-of-sale public fueling at the GFL Abbotsford Fueling Station, effective November 30, 2021. Due to the nature of the service, FEI states that it will not have the ability to refund or recover any differences between interim and permanent rates for public users (Application);
- B. On December 14, 2020, FEI and GFL entered into a Fueling Services Agreement and on September 22, 2021, Amending Agreement No. 1, which established the terms, conditions and rates for GFL to receive CNG fueling service from the GFL Abbotsford Fueling Station;
- C. FEI states it has secured a capital contribution under the Government of Canada's Natural Resources Canada (NRCan) Electric Vehicle and Alternative Fuel Infrastructure Deployment Program towards the development and construction of the GFL Abbotsford Fueling Station. Under the funding contribution agreement between

NRCan and FEI for the GFL Abbotsford Fueling Station (NRCan Agreement), FEI is required to provide public fueling access to the GFL Abbotsford Fueling Station ;

- D. By Order G-320-21, the BCUC, among other things:
1. Approved the rate design and rates established in the GFL Agreement on an interim and refundable/recoverable basis, effective November 15, 2021;
 2. Consented to the proposed amendments and rates to RS 6P, for public fueling at the GFL Abbotsford Fueling Station, as set out in the Application on an interim and non-refundable/non-recoverable basis, effective November 30, 2021; and
 3. Established a regulatory timetable, which included one round of information requests (IRs) to FEI, to review whether the GFL Abbotsford Fueling Station is a prescribed undertaking as provided in the Greenhouse Gas Reduction (Clean Energy) Regulation (GGRR);
- E. On November 15, 2021, FEI and GFL entered into a letter agreement to extend the deadline to either waive or satisfy the three conditions precedent as described in Part 1 of the GFL Agreement to December 31, 2021 (Letter Agreement);
- F. By Order G-43-22, the BCUC established the remainder of the regulatory process, which included a second round of IRs followed by written final and reply arguments. By letter dated March 24, 2022, the BCUC requested that all parties respond to specific questions as part of their final arguments;
- G. The Commercial Energy Consumers (CEC) Association of British Columbia participated as an intervener in the proceeding;
- H. On April 13, 2022, the CEC submitted that it recommends the BCUC approve the application as filed; and
- I. The BCUC has completed its review of the evidence and submissions filed in the proceeding, determines that the GFL Abbotsford Fueling Station meets the requirements for a prescribed undertaking as defined by the GGRR, and finds that the following orders are warranted.

NOW THEREFORE the BCUC orders as follows:

1. FEI is approved to use the rate design and rates established in the GFL Agreement as amended by the Letter Agreement on an interim and refundable/recoverable basis, effective November 15, 2021.
2. The NRCan Agreement and amendments to that agreement filed on a confidential basis with the BCUC in the responses to IRs are to be kept confidential due to their commercially sensitive nature.

DATED at the City of Vancouver, in the Province of British Columbia, this 2nd day of May 2022.

BY ORDER

Original signed by:

W. M. Everett, QC
Commissioner