



**ORDER NUMBER
G-196-25**

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:

B. A. Magnan, Commissioner

on August 11, 2025

ORDER

WHEREAS:

- A. On July 9, 2025, FortisBC Energy Inc. (FEI) filed an application (Application) with 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) to the Operating Agreement between FEI and the Westbank First Nation (WFN) dated August 8, 2006 (WFN Operating Agreement);
- 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, effective February 15, 2007;
- 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 date of the WFN Operating Agreement. Most recently, by Order G-40-24 dated February 15, 2024, the BCUC approved a Modification Agreement dated February 4, 2024 (Modification Agreement No. 5) amending the expiry date of the WFN Operating Agreement to August 15, 2025;
- D. Modification Agreement No. 6 amends the expiry date of the WFN Operating Agreement to August 15, 2026;
- E. On July 17, 2025, the BCUC issued BCUC Staff Questions No. 1 to FEI. On July 31, 2025, FEI filed its responses to BCUC Staff Questions No. 1. FEI requests that its responses be held confidential in perpetuity, pursuant to Section 18 of the BCUC's Rules of Practice and Procedure. FEI states that the responses contain commercially sensitive information relating to matters under negotiation between FEI and WFN and the status of those negotiations, the disclosure of which does not serve the public interest; and
- F. The BCUC has reviewed the Application and FEI's responses to BCUC Staff Questions No. 1 and makes the following determinations.

NOW THEREFORE pursuant to section 23(1)(g)(ii) of the UCA, the BCUC orders as follows:

1. Modification Agreement No. 6 to the WFN Operating Agreement is approved on a permanent basis, effective August 16, 2025.
2. FEI's responses to BCUC Staff Questions No. 1 will be kept confidential unless the BCUC determines otherwise.

DATED at the City of Vancouver, in the Province of British Columbia, this 11th day of August 2025.

BY ORDER

Electronically signed by Bernard Magnan

B. A. Magnan
Commissioner