



**bcuc**  
British Columbia  
Utilities Commission

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**ORDER NUMBER  
G-271-25**

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

and

FortisBC Energy Inc.  
Section 71 Filing of a Biomethane Purchase Agreement  
between FEI and Evergreen Environmental (Oshawa) Inc. and Convertus York Biofuel Ltd.

**BEFORE:**

B. A. Magnan, Panel Chair  
R. E. Murphy, Commissioner

on November 24, 2025

**ORDER**

**WHEREAS:**

- A. On October 2, 2025, FortisBC Energy Inc. (FEI) applied to the British Columbia Utilities Commission (BCUC), pursuant to section 71 of the *Utilities Commission Act* (UCA) and the BCUC Rules for Natural Gas Energy Supply Contracts (Rules), for acceptance of an assignment, novation and amending agreement dated September 5, 2025 (Amending Agreement) to the original biomethane purchase agreement (Original BPA) between FEI and Evergreen Environmental (Oshawa) Inc. (Evergreen) (Application);
- B. FEI submits that the Amending Agreement assigns and novates all of Evergreen's rights, title, interests, duties, liabilities, and obligations in the Original BPA to Convertus York Biofuel Ltd. (Convertus), amends the location of the facility to a different address within the same region, and extends the start date under the agreement;
- C. By Order E-24-21, dated October 21, 2021, the BCUC accepted the Original BPA between FEI and Evergreen dated March 31, 2021;
- D. FEI has filed both a redacted and an unredacted version of the Application. FEI requests that the unredacted version of the Application be held confidential in perpetuity due to its commercially sensitive nature; and
- E. The BCUC determines that the establishment of a public hearing process and regulatory timetable for the review of the Application is warranted.

**NOW THEREFORE** the BCUC orders as follows:

- 1. A public hearing process is established for the review of the Application, as set out in the regulatory timetable attached as Appendix A to this order.

2. FEI is directed to file the supplemental information set out in Appendix B to this order by Monday, December 8, 2025.
3. FEI is directed to make this order and the redacted version of the Application available on its website by Thursday, November 27, 2025.
4. FEI is directed to provide a copy of this order and the Application to Evergreen and Convertus by Thursday, November 27, 2025.
5. FEI is directed to provide written confirmation to the BCUC by Monday, December 1, 2025 of compliance with Directives 3 and 4 of this order.
6. In accordance with the [BCUC's Rules of Practice and Procedure](#), any party wishing to comment on the Application is invited to submit a Letter of Comment by the date established in the regulatory timetable. Letters of Comment must be submitted by way of the Letter of Comment Form available on the BCUC's website at <https://www.bcuc.com/Forms/LetterOfComment>.

**DATED** at the City of Vancouver, in the Province of British Columbia, this 24<sup>th</sup> day of November 2025.

BY ORDER

*Electronically signed by Bernard Magnan*

B.A. Magnan  
Commissioner

Attachment

FortisBC Energy Inc.  
Section 71 Filing of a Biomethane Purchase Agreement  
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**REGULATORY TIMETABLE**

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Action	Date (2025)
FEI notice of application	Thursday, November 27
FEI confirmation of compliance with notice requirements	Monday, December 1
FEI to file Supplemental Information	Monday, December 8
Letters of comment deadline	Monday, December 15
Further process, if any	To be determined

FortisBC Energy Inc.  
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**SUPPLEMENTAL INFORMATION LIST**

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In the Application, FEI states that the Amending Agreement, entered into on September 5, 2025, makes the following changes:<sup>1</sup>

1. Assigns and novates all of Evergreen’s rights, title, interests, duties, liabilities, and obligations in the Original BPA, dated March 31, 2021, to Convertus;
2. Amends the location of the facility to a different address within the same region; and
3. Extends the latest start date to April 2028.

Further, FEI submits that the Amending Agreement continues to be a prescribed undertaking under section 18(1) of the *Clean Energy Act* because the Amending Agreement “only alters ancillary terms and conditions” that do not alter any of the considerations for the three part-test for the contract to qualify as a prescribed undertaking that was in place at the time the Original BPA was accepted by BCUC.<sup>2</sup>

The Panel notes that, on June 10, 2024, the Lieutenant Governor in Council issued Order in Council (OIC) 302/2024, which amended sections of the *Greenhouse Gas Reduction Regulation*, including changes related to prescribed undertakings for the acquisition of renewable natural gas. These amendments were effective July 1, 2024.

In addition, section 68 of the UCA provides in part that:

**"energy supply contract"** means a contract under which energy is sold by a seller to a public utility or another buyer, and includes an amendment of that contract, but does not include a contract in respect of which a schedule is approved under section 61 of this Act... [emphasis added].

FEI must provide the following supplemental information regarding its application by Monday, December 8, 2025:

1. A further explanation regarding why FEI considers (i) assigning and novating the Original BPA to a new counterparty, (ii) amending the facility location, and (iii) extending the start date to only alter “ancillary terms and conditions.”
2. An explanation regarding whether the Amending Agreement constitutes a new energy supply contract.
3. A further explanation regarding whether the criteria applicable to a prescribed undertaking established by OIC 302/2024 apply to the Amending Agreement, in light of the responses to the items above.

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<sup>1</sup> Exhibit B-1, p. 1.

<sup>2</sup> Exhibit B-1, pp. 4–5.