



**ORDER NUMBER**

**G-289-22**

**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:**

R. I. Mason, Commissioner

on October 18, 2022

**ORDER**

**WHEREAS:**

- A. On October 13, 2022, FortisBC Energy Inc. (FEI) applied to the British Columbia Utilities Commission (BCUC) pursuant to section 23(1)(g) of the *Utilities Commission Act* for approval of a Modification Agreement dated October 3, 2022, (Modification Agreement No. 3) entered into between the Westbank First Nation (WFN) and FEI, modifying the expiry of the Operating Agreement between WFN and FEI dated August 8, 2006 (WFN Operating Agreement) (Application);
- B. The WFN Operating Agreement expires October 16, 2022. 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. By Order G-234-21 dated August 5, 2021, the BCUC approved a Modification Agreement dated July 26, 2021 (Modification Agreement No. 1) amending the expiry of the WFN Operating Agreement to February 15, 2022, and by Order G-32-22, dated February 15, 2022, the BCUC approved a Modification Agreement dated February 7, 2022 (Modification Agreement No. 2) amending the expiry of the WFN Operating Agreement to October 15, 2022;
- C. The Modification Agreement No. 3 amends the expiry of the WFN Operating Agreement to June 15, 2023; and
- D. The BCUC has reviewed the Application and determines that approval is warranted.

**NOW THEREFORE** pursuant to section 23(1)(g)(ii) of the *Utilities Commission Act*, the BCUC orders that the Modification Agreement No. 3 to the WFN Operating Agreement is approved on a permanent basis, effective October 16, 2022.

**DATED** at the City of Vancouver, in the Province of British Columbia, this 18<sup>th</sup> day of October 2022.

BY ORDER

R. I. Mason  
Commissioner