



**ORDER NUMBER**  
**G-40-20**

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

and

FortisBC Energy Inc.  
Application for Acceptance of the Biomethane Purchase Agreements between  
FortisBC Energy Inc and Tidal Energy Marketing Inc.

**BEFORE:**

R. I. Mason, Panel Chair  
W. M. Everett, Commissioner  
R. D. Revel, Commissioner

on February 27, 2020

**ORDER**

**WHEREAS:**

- A. On June 3, 2019, FortisBC Energy Inc. (FEI) filed with the British Columbia Utilities Commission (BCUC) an application for acceptance of two Biomethane Purchase Agreements (BPAs) between FEI and Tidal Energy Marketing Inc. (Tidal Energy) pursuant to section 71 of the Utilities Commission Act (UCA) (Application);
- B. By Order G-130-06 dated October 26, 2006, the BCUC approved the Rules for Natural Gas Energy Supply Contracts (Rules). The Rules are intended to facilitate the BCUC's review of natural gas energy supply contracts pursuant to section 71 of the UCA;
- C. Section 18(1) of the Clean Energy Act (CEA) defines a prescribed undertaking as "...a project, program, contract or expenditure that is in a class of projects, programs, contracts or expenditures prescribed for the purpose of reducing greenhouse gas emissions in British Columbia.";
- D. Section 18(3) of the CEA states that "the commission must not exercise a power under the UCA in a way that would directly or indirectly prevent a public utility...from carrying out a prescribed undertaking."
- E. Section 2(3.8) of the Greenhouse Gas Reduction Regulation (GGRR) states that the acquisition of renewable natural gas (RNG) is a prescribed undertaking subject to:
  - a. the public utility paying no more than \$30/GJ; and
  - b. the total volume of RNG purchased in a calendar year does not exceed 5% of the total volume of natural gas provided by a public utility to its non-bypass customers in 2015;

- F. On August 8, 2019, FEI filed a non-confidential, redacted version of the Application and the BPAs, requesting that certain portions of the Application be kept confidential due to their commercially sensitive nature;
- G. By Orders G-213-19, G-283-19 and G-19-20 the BCUC established a public hearing process and regulatory timetable to review the Application which included intervener registration, one round of staff and intervener information requests (IRs), submissions on further process, written final arguments, written reply arguments, one round of panel IRs, and an oral submission process;
- H. The British Columbia Old Age Pensioners' Organization et al. (BCOAPO), the BC Sustainable Energy Association (BCSEA), and The Commercial Energy Consumers Association of British Columbia (CEC) participated as registered interveners in the proceeding;
- I. By December 11, 2019, the BCUC received final argument submissions from BCOAPO, BCSEA, and the CEC and a reply argument submission from FEI;
- J. On February 4, 2020, the BCUC received a letter of comment from the Ministry of Energy, Mines and Petroleum Resources, expressing support for the ability of utilities to undertake a broad range of activities, actions and investments to reduce the greenhouse gas emissions resulting from the natural gas sector in British Columbia;
- K. On February 27, 2020, the BCUC received oral submissions from FEI, BCOAPO, BCSEA, and the CEC and a reply submission from FEI;
- L. The BCUC has not reviewed the Application from a public interest perspective as the BPAs are prescribed undertakings under section 18(1) of the CEA; and
- M. The BCUC has reviewed the evidence and arguments submitted in this proceeding, notes that all interveners supported the acceptance of the BPAs and makes the following determinations.

**NOW THEREFORE** with reasons to follow, the BCUC orders as follows:

1. Pursuant to section 71 of the UCA, the Rules and the GGRR, the BCUC accepts for filing the BPA between FEI and Tidal Energy dated March 19, 2019.
2. Pursuant to section 71 of the UCA, the Rules and the GGRR, the BCUC accepts for filing the BPA between FEI and Tidal Energy dated April 29, 2019.
3. The BCUC will keep confidential the redacted portions of the Application, its supporting documents and responses to information requests as they contain commercially sensitive information.

**DATED** at the City of Vancouver, in the Province of British Columbia, this 27<sup>th</sup> day of February 2020.

BY ORDER

*Original signed by:*

R. I. Mason  
Commissioner