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British Columbia Utilities Commission
Sixth Floor, 900 Howe Street
Vancouver, BC V6Z 2N3

**Attention: Ms. Erica M. Hamilton,
Commission Secretary**

Dear Sirs/Mesdames:

Re: Application for a Certificate of Public Convenience and Necessity (CPCN) for Constructing and Operating a Compressed Natural Gas (CNG) Refuelling Station at BFI Canada (BFI); British Columbia Utilities Commission (Commission) Order C-6-12 dated April 30, 2012 Compliance Filing; and Application for Variance and Reconsideration and Revised Application for Rates for Fuelling Service for BFI

1. On June 15, 2012, FortisBC Energy Inc. (“FEI”) submitted an application (the “Application”) to the British Columbia Utilities Commission (the “Commission”) for reconsideration of certain aspects of Order C-6-12 (the “Reconsideration”). By letter L-38-12 dated June 25, 2012, the Commission established the process for the first phase of the Reconsideration. These are FEI’s submissions in response to the comments provided by interveners in respect of phase one of the Reconsideration.
2. Pursuant to L-38-12, during this phase interveners were invited to comment on:
 - (a) whether the threshold for reconsideration has been met (rather than the substance of the issues); and
 - (b) if there is to be a reconsideration:

- (i) whether the Commission should hear new evidence;
 - (ii) whether the Commission should focus on the items in the Reconsideration Application, a subset of those items, or additional items; and
 - (iii) what process should be established for the reconsideration.
3. B.C. Sustainable Energy Association (“BCSEA”) and the British Columbia Old Age Pensioners Organization et al (“BCOAPO”) submitted comments in respect of phase one of the Reconsideration.
4. Both BCSEA and BCOAPO submit that the Reconsideration should proceed to the second phase of the process.¹ Given that BCOAPO and BCSEA agree that the Reconsideration should proceed to phase two, FEI has no submissions in response to the comments provided by BCOAPO and BCSEA on whether FEI’s application meets the threshold for proceeding to phase two.²
5. With respect to the procedure going forward, FEI agrees with BCOAPO and BCSEA that the process for phase two should be a written process, and that the scope of the Reconsideration should be on the issues raised in the Application.
6. On the issue of new evidence, FEI’s only submission is that the Commission should receive and consider evidence and submissions previously filed in the AES Inquiry. The basis for the receipt of this evidence is that a primary issue in this Reconsideration concerns the issues raised in the AES Inquiry. Both BCOAPO and BCSEA have been active participants in the AES Inquiry and are well acquainted with the issues raised in that proceeding and its evidentiary record. FEI proposes that the parties to this reconsideration should be permitted to refer to exhibits from the AES Inquiry in their submissions, should the need arise, without the need to file those exhibits as evidence in this Reconsideration.
7. FEI does not agree with BCOAPO that parties to the AES Inquiry, other than those who have intervened in the BFI Proceeding, should be permitted to

¹ BCOAPO submits that the Reconsideration should proceed to phase two in respect of the reconsideration of Orders 3 and 5(e), and takes no position with respect to the reconsideration of Order 5(b).

² BCOAPO expresses disagreement with some of the substantive issues raised by FEI in its Application. Further to the Commission’s direction in L-38-12 that the parties should only address whether the threshold for reconsideration has been met, FEI will not address the substance of these submissions in this phase of the Reconsideration. FEI will respond to BCOAPO’s substantive submissions (where there is disagreement with FEI) in phase two of the Reconsideration.

participate in this Reconsideration. Each of the four parties who intervened in the BFI Proceeding (BCOAPO, BCSEA, CEC and Clean Energy) have been active participants in the AES Inquiry and collectively represent the range of interests and perspectives that have been provided in that proceeding. Clean Energy is a competitor of FEI; CEC and BCOAPO represent customer groups; and BCSEA represents (in general terms) the broader public interest. In these circumstances, there is simply no basis or need to invite other parties from the AES Inquiry to participate. FEI submits that doing so would provide more burden than benefit.

8. With respect to permitting other CNG/LNG customers to make submissions on Order 5(b), FEI does not believe that there is any basis or need for making such an order. Presumably all of FEI's customers would join in FEI's submission that an order that results in customers being overcharged for its services should be set aside. There is nothing to be gained by having a multitude of the same submissions on the same point.
9. In conclusion, FEI submits that the Application establishes a reasonable basis for reconsideration, and that the Reconsideration should proceed to the second phase. As FEI's Application speaks to both phases of the reconsideration process, FEI submits that the second phase of the Reconsideration should consist of an opportunity for interveners to make their submissions on the merits of FEI's Application, followed by an opportunity for FEI to reply.

All of which is respectfully submitted.

FASKEN MARTINEAU DuMOULIN LLP

[original signed by]

David Curtis

DHC