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**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER C-12-11**

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IN THE MATTER OF
the Utilities Commission Act, R.S.B.C. 1996, Chapter 473

and

An Application by FortisBC Energy Inc.
for Approval of an Operating Agreement
with the Village of Lumby

BEFORE: L.F. Kelsey, Commissioner
N.E. MacMurchy, Commissioner
D. Morton, Commissioner November 17, 2011
R. Revel, Commissioner

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

WHEREAS:

- A. BC Gas Utility Ltd. [(BC Gas) as FortisBC Energy Inc. (FEI) was formerly known] and the Village of Lumby (Municipality) entered into a Franchise Agreement dated January 28, 1991 (Franchise Agreement);
- B. The Franchise Agreement expired on August 10, 2011;
- C. On October 28, 2011, FEI applied to the British Columbia Utilities Commission (Commission) for approval of an Operating Agreement (Agreement) between FEI and the Municipality, effective August 24, 2011 (Application);
- D. The Commission has reviewed the Application and considers that approval is warranted.

NOW THEREFORE the Commission, pursuant to section 45 of the *Utilities Commission Act*, approves the Operating Agreement as filed.

DATED at the City of Vancouver, in the Province of British Columbia, this 17th of November 2011.

BY ORDER

Original signed by:

D. Morton
Commissioner