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BY E-FILING

British Columbia Utilities Commission
Sixth Floor – 900 Howe Street
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Attention: Patrick Wruck, Commission Secretary

Dear Mr. Wruck

**Re: British Columbia Utilities Commission
FortisBC Energy Inc. and City of Surrey Applications for
Approval of Terms for an Operating Agreement
Project No. 1598915**

On behalf of the City of Surrey, we enclose for filing the City's Final Argument on New Evidence.

Yours very truly,

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cc. FEI counsel

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BRITISH COLUMBIA UTILITIES COMMISSION

**FortisBC Energy Inc. and City of Surrey
Applications for Approval of
Terms for an Operating Agreement
Project No. 1598915**

**City of Surrey
Final Argument on New Evidence**

November 5, 2018

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1. Introduction

1. On October 5, 2018, the British Columbia Utilities Commission (“**BCUC**”) Panel re-opened this proceeding to request further information from the City of Surrey (the “**City**”) and from FortisBC Energy Inc. (“**FEI**”).
2. The new information requests from the Panel were focused on the matter of an operating fee for the terms of a new operating agreement between the City and FEI.
3. At a high level, there are two issues in this proceeding in relation to the operating fee: (1) should there be an operating fee in the operating agreement and, if so, (2) what methodology should be used to calculate the operating fee value.
4. With respect to the first threshold issue, both the City and FEI agree that the operating agreement between the parties should have an operating fee. Both parties have requested such in their respective applications to the BCUC in this proceeding. The disagreement in regards to the operating fee is with respect to what methodology should be used to calculate the operating fee value.
5. The purpose of the operating fee is to compensate the City for FEI’s use and occupancy of highways and other public places owned and controlled by the municipality. The City supports FEI using and occupying the following lands, subject to the conditions set out in the City’s proposed operating agreement including the operating fee:
 - (i) municipal highways owned and controlled by the City, and
 - (ii) specified portions of non-highway properties owned and controlled by the City, some of which are fee simple lands, as set out in Schedule A to the proposed agreement.
6. The focus of this submission is on the BCUC’s jurisdiction and mandate in regard to the matter of an operating fee in connection with the City’s Exhibit B2-18 response to the BCUC Panel’s information request.

2. City of Surrey's Submissions

2.1. The City's authority in the absence of an operating agreement with FEI

7. In the absence of an operating agreement with FEI providing otherwise, the municipality, as owner of municipal highways and other non-highway public places and as local government with jurisdiction to regulate highways and other public places, has the authority and responsibility to:

- grant licences of occupation of highways vested in the municipality;
- grant licences of occupation of parks vested in the municipality; and
- enact by-laws that regulate and prohibit uses of highways and other public places.

8. The *Community Charter*, S.B.C. 2003, c. 26 prescribes these rights and obligations as follows.

9. Pursuant to section 35(1) of the *Community Charter* the municipality is vested with ownership of highways within the municipality's boundaries:¹

35(1) Subject to this section,

(a) the soil and freehold of every highway in a municipality is vested in the municipality, and

(b) in the case of a highway in a municipality that is not vested under paragraph (a), the right of possession of the highway is vested in the municipality.

10. Section 35(11) of the *Community Charter* confirms that the municipality, as owner, has the right to grant a licence of occupation or an easement in respect of such a highway:

(11) For certainty, a council may grant a licence of occupation or an easement, or permit an encroachment, in respect of a highway that is vested in the municipality under subsection (1)(a).

¹ Section 35(2) of the *Community Charter* provides that subsection 35(1)(a) does not apply to provincial highways, federal highways, lands upon which provincial works are located, and the like. The vesting is also subject to the right of resumption by the Provincial Government.

11. Prior to the enactment of the *Community Charter* in 2003, the municipality had the right of possession of highways, and licences of occupation would have had to be granted by the Provincial Crown. This changed in 2003 when the soil and freehold of highways in a municipality were vested in the municipality. The legislature vested in the municipality the soil and freehold of highways in the municipality to provide the municipality with greater control over transportation and other uses of such highways.

12. Section 36(1) of the *Community Charter* further provides that the municipality may, by by-law, regulate and prohibit all uses of or involving a highway or part of a highway:

36(1) In addition to its authority in relation to highways as a service, a council may, by bylaw, regulate and prohibit in relation to all uses of or involving a highway or part of a highway.

13. Section 29(1) of the *Community Charter* similarly vests municipal parks in the municipality:

29(1) Land in a municipality that is dedicated to the public for the purpose of a park or a public square by a subdivision plan, explanatory plan or reference plan deposited in the land title office is vested in the municipality for that purpose.

14. Section 46(1) of the *Community Charter* provides that a person must not excavate any part of a highway or other public place, except as permitted by by-law or another enactment:

46(1) Except as permitted by bylaw or another enactment, a person must not excavate in, cause a nuisance on, obstruct, foul or damage any part of a highway or other public place.

15. The *Oil and Gas Activities Act*, S.B.C. 2008, c. 36 also recognizes that a permit respecting a pipeline as issued by the Oil and Gas Commission ("**OGC**") does not authorize the pipeline permit holder to enter onto the land of others:

34(1) In this section:

"entry agreement" means an agreement

- (a) that is between
 - (i) a specified permit holder, and
 - (ii) a land owner of an area of land, and
- (b) that authorizes the specified permit holder to enter, occupy or use the land owner's area of land for the purposes of constructing and operating a pipeline other than a flow line;

"specified permit holder" means a pipeline permit holder who holds a permit respecting a pipeline other than a flow line.

2) Subject to sections 23 and 39 and subsection (3) of this section, a permit holder must not begin or carry out an oil and gas activity on or under an area of land unless the permit holder,

...

(b) if the area of land is a highway, has obtained an authorization required under an enactment to enter, occupy or use the area of land.

(3) Subject to subsection (4), if a specified permit holder has failed to obtain an entry agreement, the specified permit holder may expropriate, in accordance with the *Expropriation Act*, as much of the land or interests in it of any person as may be necessary for constructing and operating the pipeline authorized by the permit.

(4) The land that may be expropriated under subsection (3) must not exceed 18m in breadth.

16. Accordingly, in the absence of an operating agreement with FEI, the municipality, as owner of municipal highways, other public places and fee simple lands, and as local government with jurisdiction to regulate such places, has the authority to grant to FEI licences of occupation (and/or entry agreements) and to regulate and prohibit FEI's use of such places. These rights include the authority to require compensation for use and occupancy of such places.

2.2. FEI has certain rights to use and occupy municipal highways and other public places

17. Neither a certificate of public convenience and necessity ("CPCN") issued by the BCUC, nor a CPCN deemed to be received by a public utility pursuant to the *Utilities*

Commission Act, R.S.B.C 1996, c. 473 ("**UCA**"), nor a pipeline permit issued by the OGC confers on FEI the right to use and occupy the lands of others without compensating the land owner. The CPCN represents the BCUC's approval for the CPCN holder to construct and operate the subject project; but the CPCN does not confer on the CPCN holder the right to enter on and occupy the lands of others without compensating the land owner, whether the land owner is the Provincial Government, a municipality or a private party.

18. Of course, FEI can acquire rights of way over lands needed for its infrastructure by negotiating with the land owner, including a municipality. Pursuant to the *Oil and Gas Activities Act*, the pipeline permit holder can negotiate an entry agreement with the land owner, including of a municipality, authorizing the permit holder to enter, occupy and use the needed area of land.
19. Additionally, as a gas utility FEI is granted certain rights pursuant to the *Gas Utility Act*, R.S.B.C. 1996, c. 170 ("**GUA**")² to carry on its business as a gas utility in municipalities, and to use and occupy the lands of others including municipal public places. The *GUA*, not the CPCN, confers certain rights, subject to important conditions, for FEI to use and occupy lands of others, including highways and other places owned and controlled by a municipality, as follows.
20. Section 6 of the *GUA* confers on FEI the right to expropriate any land in British Columbia reasonably required for FEI's undertaking, and, in that event, the *Expropriation Act*, R.S.B.C. 1996, c. 125 applies, including the requirements to compensate the land owner.³
21. Section 7 of the *GUA* empowers the BCUC to authorize FEI to enter and use land for constructing and maintaining FEI's works, subject to FEI deposited with the BCUC security in a form and amount the BCUC considers adequate to indemnify the land

² The *GUA* is referred to several times in this argument. A copy of the *GUA* is attached for convenience.

³ As noted above in paragraph 15, section 34(3) of the *Oil and Gas Activities Act* similarly provides a pipeline permit holder with the power to expropriate, in accordance with the *Expropriation Act*, the interest in land needed for constructing and operating the pipeline authorized by the permit.

owner for damage the owner might sustain by construction of the works, and subject to FEI, within a reasonable time, expropriating or otherwise acquiring the land required (for compensation).

22. Subsection 2(3)(c) of the *GUA* provides that FEI may place, construct, maintain and operate its natural gas distribution equipment on, along, over or under municipal highways and other public places “on the conditions that [FEI] and the municipality agree to”.
23. Thus, FEI has certain statutory rights to use and occupy the lands of others to place, construct, maintain and operate its natural gas pipelines:
 - (i) expropriation in accordance with and subject to the *Expropriation Act*, including compensation;
 - (ii) use of land, including lands owned and controlled by a municipality, to construct and operate a high-pressure pipeline permitted by the OGC in accordance with an entry agreement with the land owner, including compensation; and
 - (iii) use of highways and other public places owned and controlled by a municipality to place, construct, operate and maintain its low-pressure natural gas distribution equipment subject to conditions agreed to with the municipality, including compensation.
24. In the case of low-pressure natural gas distribution equipment, if FEI and the municipality are not able to agree on the terms and conditions for FEI's use and occupancy of municipal public places or structures, the BCUC may, by order pursuant to section 32 of the *UCA* (or section 33 or 36, as applicable), specify the manner and terms of FEI's use for such purposes.

2.3. Section 32 of the UCA

25. Section 32 of the *UCA* confers on the BCUC the power to, by order, specify the manner and terms of FEI's use of municipal highways and public places in circumstances where FEI and the municipality do not agree to the use or to the terms of the use. Pursuant to section 121 of the *UCA*, nothing in the *Community Charter* or done under the *Community Charter* (e.g., a municipal by-law) supersedes or impairs the BCUC's power to make a lawful order in accordance with section 32 of the *UCA*.
26. The City's position is that the BCUC's section 32 power should not be used to override reasonable conditions of the municipality. Only where the municipality's conditions and requirements for allowing FEI to use the municipality's public places are excessive, unreasonable, or effectively prevent FEI from exercising its conditional right to place, construct, operate and maintain its natural gas distribution equipment in municipal public places should the BCUC use its power to override such conditions and requirements.
27. Both the BCUC and the municipality have the mandate and responsibility to support the public interest. The BCUC is the ultimate arbiter of whether the municipality's conditions in regards to FEI's use of municipal public places for such purposes are reasonable in the public interest. As ultimate arbiter of the matter, the BCUC's mandate clearly is not to ride roughshod over reasonable municipal conditions. The BCUC should only override those conditions of the municipality that the BCUC considers excessive. Moreover, the BCUC should give deference to the municipal Council's judgment because the elected Council is itself responsible to make decisions that support the public interest.

2.4. The City's requested operating fee compensation is reasonable

28. The City's position is that compensation is not only permitted under the law, but in fact it is expected when one party is using the lands of another. Both the City and FEI have already agreed the Operating Agreement should include a fee for the use of the

highways and other public places owned and controlled by the City. The issue before the BCUC is whether the operating fee should be the 3.0% of gross revenue standard fee. The City's position is that its requested 3.0% of gross revenue operating fee compensation is eminently reasonable given that FEI and the BCUC have approved the same fee for many other municipalities, and it is in the public's interest to have a consistent fee across the Province.

29. The City believes that it should be compensated by FEI for FEI's use and occupancy of highways and other public places owned and controlled by the City (by way of an operating fee) for the following reasons:
- The City incurs substantial costs as a result of FEI's use and occupancy of such public places within Surrey (estimated at about \$4 million / year in 2017 Canadian dollars), and the operating fee revenue will reduce the need for other sources of revenue, primarily property taxes, to pay for these costs.
 - If the City has purchased lands or needs to purchase additional lands at market value to expand the City's public services (*e.g.*, roads, water mains, sewers and parks), FEI has piggy-backed on the City's purchase by placing its natural gas distribution facilities in such lands without contributing to the City's costs of acquiring such lands, all in the context of the high land values in Surrey.
 - The operating fee revenue will provide for a reallocation of some of the City's costs due to FEI's use and occupancy of public places, from all taxpayers to FEI customers in Surrey. The operating fee is more of a user pay model, which the City believes is more equitable than continuing to require all taxpayers to pay for these costs whether or not they are customers of FEI and/or receive any benefit from FEI's facilities in Surrey.

- 74⁴ other municipalities in British Columbia receive compensation from FEI for its use and occupancy of public places within their boundaries. FEI, in its response to BCUC Panel IR 1.1 confirms that FEI has operating agreements with a total of 100 municipalities in British Columbia, of which FEI is currently paying the 3% of gross revenues operating fee to 74 municipalities.
 - Denying the City's requested operating fee would perpetuate the requirement for the City and its taxpayers to pay costs that 74 other municipalities and their taxpayers are not required to pay in other areas of the province because those municipalities receive the operating fee from FEI. Given the adoption of common rates for all FEI ratepayers across the province and the fact of a standard FEI operating fee structure, the City continues to believe that the most appropriate position in terms of transparency, public interest and consistency among FEI ratepayers, most of whom are also municipal taxpayers, is to adopt the same operating fee structure as is in place for other municipalities in the province.
 - Municipalities in the adjacent jurisdiction of Alberta receive operating fee compensation from gas and electric utilities for their use and occupancy of public places within their boundaries.
30. The City's requested methodology for calculating the operating fee is identical to the operating fee FEI currently pays to 74 other municipalities in the province. FEI does not use and the BCUC has not approved any operating fee methodology other than the one that the City is requesting, and any new novel approach would not be in the public interest because it would lack transparency and consistency across the province.

⁴ The City initially understood that FEI has 70 operating agreements with municipalities that include the 3% of gross revenues operating fee. Through the course of this proceeding, FEI's evidence indicated that the correct number was 75 or more operating agreements with municipalities that include the operating fee. FEI's Exhibit B1-17 confirms that the correct number is 74 municipalities currently receive the operating fee.

31. It cannot be said that the City's requested operating fee is unreasonable or excessive when 74 municipalities (out of the 100 with operating agreements) receive the very same fee from FEI.
32. It is true that the City is not currently receiving an operating fee from FEI, and the implementation of the operating fee is a change relative to the *status quo* terms established over 60 years ago in the 1957 Operating Agreement. But certainly change in and of itself is not unreasonable. In 2015 both FEI and the BCUC agreed to 26 municipalities on Vancouver Island and the Sunshine Coast receiving the operating fee from FEI even though these municipalities did not previously receive an operating fee.⁵ There was (and remains) nothing unreasonable about the change from the *status quo* for the 26 municipalities on Vancouver Island and the Sunshine Coast to begin receiving this same operating fee.

2.5. The City's comments on FEI's Exhibit B1-17 response to BCUC Panel IR No. 1

33. FEI's response to BCUC Panel IR 1.1 provides a Table 1 and related commentary that the City submits is incomplete, unhelpful and potentially misleading. The commentary provided by FEI about its operations in communities outside of municipalities is incomplete and potentially misleading because the concept of an operating agreement and operating fee is only applicable to FEI's use of highways and public places owned and controlled by municipalities pursuant to the legislative scheme of the *GUA*, *UCA* and *Community Charter*. Highways in areas outside of municipalities, such as in unincorporated rural communities, and electoral areas and regional districts outside municipalities, are owned and controlled by the Provincial Government (and in some cases First Nations or the Federal Government). As can be seen in section 3(c)(ii) of the *GUA*, a different approval regime applies to FEI's use of highways and other public places in rural areas outside municipalities. In those cases, the Minister charged with the administration of the *Transportation Act*, S.B.C. 2004, c. 44 approves the conditions of

⁵ Exhibit B1-17, FEI response to BCUC Panel IR 1.1, page 1, lines 24-28.

FEI's use of such highways and public places. The Minister's conditions often include very unfavourable terms to the public utility in relation to use and occupancy and relocation costs, and are not subject to review by the BCUC. FEI's Table 1 also does not have regard to the recent trends in its operating agreements, including:

- our understanding is that 100% of the operating agreements FEI has entered into since 2005 include the operating fee. In 2005, FEI (then called Terasen Gas) negotiated a new pro-forma operating agreement with the Union of B.C. Municipalities ("**U.B.C.M.**") that includes the operating fee;⁶
- the Keremeos Operating Agreement approved by BCUC Order No. C-7-14, which the BCUC has used as a standard operating agreement against which to compare subsequent operating agreements entered into by FEI, contains the 3% of gross revenues operating fee; and
- in 2015 FEI agreed to new operating agreements with 26 municipalities on Vancouver Island and the Sunshine Coast that include the operating fee even though these municipalities did not previously receive an operating fee from FEI,
- such that, 74 of the 100 operating agreements FEI currently has with municipalities (that is, 74% of the operating agreements) have the same 3% of gross revenues operating fee, and the 26 agreements FEI identifies as not having an operating fee are likely agreements from 60 to 100 years ago that do not reflect the modern era nor the pro-forma terms negotiated by U.B.C.M.

34. With regard to the final paragraph of FEI's response to BCUC Panel IR 1.1, we agree with FEI that modern operating agreements are not franchise agreements. There is no grant of "privilege, concession or franchise" in any of FEI's modern operating agreements and a CPCN is not required for FEI or the municipality to enter into an operating agreement.

⁶ Refer to BCUC Order No. C-9-06, a copy of which is provided at Tab 9 of the supporting documents included with the City's Final Argument.

The operating agreement does not confer on FEI the right to carry on its business as a gas utility in the municipality; that right is conferred by the *GUA*. The operating agreement confers on FEI the rights specified in the agreement to use and occupy municipal highways and other public places owned and controlled by the municipality to place, construct, maintain and operate FEI's natural gas distribution equipment. The operating agreement confers on FEI the right to use and occupy the municipality's land, and not the right to carry on business in the municipality.

35. FEI's responses to BCUC Panel IRs 1.2 and 1.4 indicate that FEI has no operating agreements and provides no operating fees to regional districts. Again, this information from FEI is incomplete and potentially misleading because highways outside of municipalities are owned and controlled by the Provincial Government and would not be the subject of an operating agreement. The legislative scheme applicable to Provincial highways is quite different from that applicable to municipal highways.
36. FEI's responses to BCUC Panel IRs 1.3 and 1.5 indicate that in FEI's view there is no statutory authority *requiring* public utilities to pay rent or other compensation to a municipality for the use and occupancy of public places. The City's submissions regarding the matter are set out in sections 2.1 through 2.4, above. FEI's responses to these Panel IRs also state that FEI has been approaching operating fees from the perspective of whether or not it is reasonable to agree to collect one from FEI customers on behalf of a municipality given what FEI/customers are getting in return under the agreement. However, there is no evidence FEI has ever used or attempted to apply the approach FEI says it has been using, except in regards to the City of Surrey:
- FEI did not use or apply the identified approach in 2015 when it entered into new operating agreements with 26 municipalities on Vancouver Island and the Sunshine Coast that include the operating fee even though these municipalities did not previously receive an operating fee from FEI;

- FEI did not use or apply the identified approach in January of 2018 when it entered into a new operating agreement with the Village of Salmo that includes the operating fee (refer to BCUC Order C-1-18);
- FEI did not use or apply the identified approach in July of 2018 when it entered into a new operating agreement with the District of Lake Country that includes the operating fee (refer to BCUC Order G-178-18); and
- FEI did not use or apply the identified approach in September of 2018 when it entered into a new operating agreement with the City of Kelowna that includes the 3.0% of gross revenue operating fee. FEI's application to the BCUC for approval of the new operating agreement with Kelowna, as filed on October 9, 2018, does not mention the approach FEI says it uses in regards to operating fees.⁷

3. Conclusion

37. It is reasonable for the City to receive 3.0% of gross revenue operating fee compensation from FEI. The City's requested operating fee methodology is reasonable and consistent with the operating fee methodology used across the province, and it ought to be approved as part of the terms for a new operating agreement with FEI.

All of which is respectfully submitted this 5th day of November, 2018.

By: 

Ian D. Webb

Counsel for the City of Surrey

⁷ Refer to: <https://www.bcuc.com/ApplicationView.aspx?ApplicationId=645>.

This Act is current to October 24, 2018

See the Tables of Legislative Changes for this Act's legislative history, including any changes not in force.

GAS UTILITY ACT

[RSBC 1996] CHAPTER 170

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Definitions

1 In this Act:

"commission" means the British Columbia Utilities Commission under the *Utilities Commission Act*;

"gas" includes natural, manufactured and mixed gas and liquefied petroleum gas;

"gas utility" means a person that owns or operates in British Columbia equipment or facilities for the production, generation, storage, transmission, sale, delivery or furnishing of gas for the production of light, heat, cold or power to or for the public or a corporation for compensation, but does not include a company within the meaning of that word as defined in the *National Energy Board Act (Canada)*;

"land" includes

(a) an easement or privilege in, to, on, under, over or in respect of land, and

(b) foreshore and land covered by water;

"owner" means a person who is registered in a land title office as the owner of land or of a charge on land, whether entitled to it in the person's own right or in a representative capacity or otherwise, and, subject to the payment to the government of any unpaid purchase money, includes a purchaser of Crown land and a pre-emptor of Crown land and any person entitled to the minerals or timber in or on or a lease to Crown land;

"registrar" means the registrar under the *Land Title Act* for the land title district in which the affected land is located.

Part 1

Authority and power of gas utilities

- 2 (1) A gas utility that on April 14, 1954 was carrying on business as a gas utility in a municipality or rural area is authorized and empowered, subject to the *Utilities Commission Act*, to carry on its business as a gas utility in the municipality or rural area.
- (2) A gas utility to which a certificate of public convenience and necessity is granted after April 14, 1954 under the *Utilities Commission Act* or the legislation that preceded it is authorized and empowered, subject to the *Utilities Commission Act*, to carry on its business as a gas utility in the municipality or rural area mentioned in the certificate.
- (3) Without limiting subsection (1) or (2), a gas utility authorized under either of those subsections may do one or all of the following:
- (a) produce, generate, store, mix, transmit, distribute, deliver, furnish, sell and take delivery of gas;
 - (b) construct, develop, renew, alter, repair, maintain, operate and use property for any of those purposes;
 - (c) place, construct, renew, alter, repair, maintain, operate and use its pipes and other equipment and appliances for mixing, transmitting, distributing, delivering, furnishing and taking delivery of gas on, along, across, over or under any public street, lane, square, park, public place, bridge, viaduct, subway or watercourse
 - (i) in a municipality, on the conditions that the gas utility and the municipality agree to,
 - (ii) in a rural area that is not treaty lands, on the conditions that the minister charged with the administration of the *Transportation Act* approves, or
 - (iii) in treaty lands, as applicable under the final agreement,

- on the conditions the treaty first nation and gas
- (A) utility agree to,
 - (B) on notice to the treaty first nation, or
 - (C) if, on receiving notice under clause (B), a work plan is required by the treaty first nation, as set out in a work plan approved by the treaty first nation.

Matters under former Act

- 3** (1) A certificate, order, approval, rule, regulation, endorsement or decision made or deemed to have been made in respect of a gas utility by the British Columbia Energy Commission under the *Energy Act*, R.S.B.C. 1979, c. 108, and that was in force on September 11, 1980, continues in force until it expires or is suspended, cancelled, repealed or amended, and is deemed to be made by the British Columbia Utilities Commission under this Act.
- (2) A filing, return or report respecting a gas utility, made or deemed to have been made to the Energy Commission under the *Energy Act*, R.S.B.C. 1979, c. 108, before September 11, 1980, is deemed to have been made to the British Columbia Utilities Commission under this Act.

Contractual rights preserved

- 4** Nothing in this Act limits, restricts or annuls the rights and privileges of a gas utility under an existing contract between it and a municipality under a bylaw of a municipality or under an Act.

Part 2

Definition

- 5** In this Part, "**utility**" means a gas utility authorized under section 2 to carry on its business as a gas utility.

Right to expropriate land

- 6** A utility may expropriate any land in British Columbia reasonably required for its undertaking, and, in that event, the *Expropriation Act* applies.

Power to enter and use land in certain cases

- 7** (1) If, in the opinion of the commission, a delay in starting the construction of any works is not in the public interest or would cause unnecessary inconvenience or expense to the utility, the commission may authorize the utility to enter and use the land for constructing and maintaining the works, once the utility has deposited with the commission security in a

form and amount the commission considers adequate to indemnify the owner for damage the owner might sustain by construction of the works.

- (2) If the utility exercises its authority to enter and use the land, the utility must, within a reasonable time, expropriate or otherwise acquire the land required, and, in that event, the *Expropriation Act* applies.

Offence

- 8** A person who hinders or prevents entry on land or entry on or use of land under section 7 commits an offence.

Power to make regulations

- 9** The Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*.