



No. SE241957
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

Between

STAND ENVIRONMENTAL SOCIETY,
EDGAR DEARDEN, AND LORRAINE GOLDMAN

PLAINTIFFS

and

FORTISBC ENERGY INC., FORTISBC HOLDINGS INC., AND
FORTIS INC.

DEFENDANTS

NOTICE OF CIVIL CLAIM

This action has been started by the plaintiff(s) for the relief set out in Part 2 below.

If you intend to respond to this action, you or your lawyer must

- (a) file a response to civil claim in Form 2 in the above-named registry of this court within the time for response to civil claim described below, and
- (b) serve a copy of the filed response to civil claim on the plaintiff.

If you intend to make a counterclaim, you or your lawyer must

- (a) file a response to civil claim in Form 2 and a counterclaim in Form 3 in the above-named registry of this court within the time for response to civil claim described below, and
- (b) serve a copy of the filed response to civil claim and counterclaim on the plaintiff and on any new parties named in the counterclaim.

JUDGMENT MAY BE PRONOUNCED AGAINST YOU IF YOU FAIL to file the response to civil claim within the time for response to civil claim described below.

Time for response to civil claim

A response to civil claim must be filed and served on the plaintiffs,

- (a) if you were served with the notice of civil claim anywhere in Canada, within 21 days after that service,
- (b) if you were served with the notice of civil claim anywhere in the United States of America, within 35 days after that service,
- (c) if you were served with the notice of civil claim anywhere else, within 49 days after that service, or
- (d) if the time for response to civil claim has been set by order of the court, within that time.

CLAIM OF THE PLAINTIFFS

Part 1: STATEMENT OF FACTS

a) Overview

1. Climate change is a real and present danger impacting all residents of British Columbia. Home heating powered by the burning of fossil fuels significantly contributes to the warming of the planet. Recognizing this danger, consumers and governments have increasingly sought to reduce emissions by transitioning away from dependence on fossil fuels. Part of this transition has involved increased support by consumers and governments for electric heat pumps, rather than gas furnaces, to heat and cool homes. Electric heat pumps provide economical home heating and cooling without burning fossil fuels.

2. Understanding shifting consumer demands, FortisBC has sought to cultivate a climate-friendly image and tout the affordability of their products to better align with evolving consumer sentiments. In truth, they are promoting climate-change causing goods and services unlikely to provide savings to many consumers over the long-term. This conduct is known as “greenwashing.” While FortisBC claims to care about climate action and affordability, it continues to add 10,000 new gas consumers a year by falsely advertising gas as a climate-friendly source of home heating. FortisBC has a near monopoly on the supply of gas to homes in the province and stands to benefit by encouraging people to buy new gas furnaces and lock themselves into using gas for decades. FortisBC emphasizes its “renewable natural gas” program to consumers, but almost all the gas they deliver to British Columbians is from fossil fuels.

3. FortisBC is obstructing efforts to reduce emissions through their misleading claims regarding the environmental impacts and affordability of gas and electric heating systems by misrepresenting to consumers: (i) the amount of renewable natural gas produced in and delivered to British Columbia; (ii) the amount of renewable natural gas available to decarbonize the gas supply; (iii) the affordability of natural gas compared to electric heat pumps; (iv) the harmful role that using natural gas plays in climate change; and (v) the alleged certified carbon neutral status of their renewable natural gas.

4. Through their greenwashing in advertising and promotion of natural gas to British Columbians, FortisBC has committed deceptive acts and practices in breach of the *Business*

Practices and Consumer Protection Act, SBC 2004, c 2 (the “*BPCPA*”). The Plaintiffs seek public interest remedies under section 172 of the *BPCPA* to bring an end to FortisBC’s ongoing deception and to ensure that British Columbians are provided complete, transparent, and accurate information about the climate impacts and affordability of their energy purchasing decisions.

b) Parties

(i) Plaintiffs

5. The Plaintiff Stand Environmental Society (“**Stand**”) is a society under the *Societies Act*, SBC 2015, c 18. Stand is a non-profit environmental organization that advocates for corporations and governments to put people and the environment first in the face of the climate crisis.

6. The Plaintiff Edgar Dearden resides in British Columbia. Mr. Dearden purchased natural gas from approximately 2018 until 2020 from FortisBC Energy Inc. for personal and household use.

7. The Plaintiff Lorraine Goldman resides in British Columbia. Ms. Goldman continues to purchase natural gas monthly from FortisBC Energy Inc. for her personal and household use.

8. Stand, Mr. Dearden and Ms. Goldman are collectively the “**Plaintiffs**.” The Plaintiffs bring this action to protect consumers from misleading claims regarding goods and services that contribute to climate change.

(ii) Defendants

9. The Defendant Fortis Inc. is a company provincially incorporated pursuant to the laws of Newfoundland and Labrador with an address for service at 5 Springdale Street, Suite 1100, PO Box 8837, St. John’s, Newfoundland and Labrador, A1B 3T2, Canada. Fortis Inc. is the registered owner of FortisBC trademarks in Canada.

10. The Defendant FortisBC Holdings Inc. is a company provincially incorporated pursuant to the laws of British Columbia with an address for service at 1000-1111 West Georgia Street, Vancouver, BC, V6E 4M3, Canada. FortisBC Holdings Inc. is a wholly-owned subsidiary of Fortis Inc.

11. The Defendant FortisBC Energy Inc. (“**FEI**”) is a company provincially incorporated pursuant to the laws of British Columbia with an address for service at 1000-1111 West Georgia Street, Vancouver, BC, V6E 4M3, Canada. FEI is a subsidiary of FortisBC Holdings Inc. and an indirect and wholly-owned subsidiary of Fortis Inc. FEI does business as and operates under the trade name “FortisBC.” FEI is licensed to use FortisBC trademarks by Fortis Inc.

12. FEI has a near monopoly on the distribution of natural gas in British Columbia and is the largest distributor of natural gas in the province. FEI carries on business in British Columbia by:

- a) supplying natural gas products to British Columbian consumers for use in their households; and
- b) providing and maintaining the infrastructure to distribute its natural gas to consumers,

(collectively, the “**gas products and services**”).

13. Fortis Inc., FortisBC Holdings Inc. and FEI are collectively “**FortisBC.**” At all material times, the Defendants, functioning as a joint enterprise under the umbrella of FortisBC, operated as a single global entity. Within this joint enterprise, the Defendants individually and jointly engaged in the business of, or are successors in interest to entities engaged in the business of, supplying, soliciting, offering, advertising, and promoting gas products and services to British Columbian consumers for use in their households. Each of the Defendants is an agent of the others for the purposes of the conduct alleged in this claim.

c) Scientific and Policy Background

(i) Climate Change is Largely Caused by Burning Fossil Fuels

14. Climate change is the shift in worldwide weather phenomena and physical states of the Earth associated with an increase in global average temperatures. In this pleading, “climate change” refers to the human-caused climate change that has been evident since at least the 20th century and continues to accelerate in the 21st century. Climate change is caused by an increase in greenhouse gases (“**GHGs**”) in the atmosphere primarily from producing and burning fossil fuels such as coal, oil, and natural gas.

15. GHGs are gases in Earth’s lower atmosphere that trap heat reflected from the Earth, preventing it from escaping into space, creating a “greenhouse” effect that warms the Earth. While human activity has caused a buildup of GHGs in the atmosphere since the Industrial Revolution in the mid-1700s to 1800s, the harm to our planet from the release of GHGs has rapidly accelerated in recent years. For example, the decade between 2011 and 2020 was the warmest on record and represented an approximate 1°C increase compared to the average global temperature between 1850-1900. In addition, 2023 was the warmest year ever recorded since global temperatures began to be reliably tracked in approximately 1850.

16. Methane, which is a potent GHG, is released into the atmosphere through, *inter alia*, leaks in gas pipelines, distribution systems and appliances. Methane is also the primary component of natural gas which, when burned, produces carbon dioxide, which is itself another GHG.

(ii) British Columbia’s Commitments to Fight Climate Change

17. In the global effort to curb climate change, 194 countries and the European Union signed the Paris Agreement within the United Nations Framework Convention on Climate Change (the “**Paris Agreement**”). The Paris Agreement commits parties to holding the increase in the global average temperature to “well below 2°C above pre-industrial levels” and “pursuing efforts to limit the temperature increase to 1.5°C above pre-industrial levels.” Canada ratified the Paris Agreement on October 5, 2016. To meet the Paris Agreement goal of limiting warming to 1.5°C above pre-industrial levels, all countries must reduce their combustion of fossil fuels, including natural gas.

18. The Province of British Columbia passed the *Climate Change Accountability Act*, SBC 2007, c 42 (“***Climate Change Accountability Act***”) to address GHGs in the province. This legislation sets targets for reducing GHGs by at least 40 percent by 2030, 60 percent by 2040, and 80 percent by 2050. Under the *Climate Change Accountability Act*, the Minister of Environment and Climate Change set GHG emission reduction targets for 2030 for four sectors of the economy. British Columbia is not on track to meet its emissions target for the “buildings and communities” sector, which includes emissions from residential and commercial buildings, waste, and land use change.

19. The majority of GHGs from buildings in British Columbia come from the burning of natural gas and other fossil fuels for space and water heating. Rapidly reducing the use of natural

gas is therefore essential to meeting provincial climate targets. In order to reduce GHGs, municipal, provincial, and federal governments have introduced policies, incentives and regulations to reduce the use of gas and fuel oil for heating, including implementing more stringent standards for the construction of new buildings, setting efficiency requirements for space and water heaters, and phasing out rebates for appliances that use natural gas and other fossil fuels.

(iii) British Columbians' Choices in Home Heating and Cooling

20. Most consumers in British Columbia heat and cool their homes with one or both of natural gas and electricity. Heating a home with natural gas requires a household gas heating device, such as a furnace or boiler, that burns gas delivered to the home, producing both heat and GHGs. Gas furnaces and boilers are less than 100 percent efficient, meaning that not all fuel burned will be converted into heat for the home.

21. The majority of natural gas in British Columbia's gas distribution system is a fossil fuel that is extracted from the Earth and is commonly referred to as "conventional natural gas" or "fossil gas." In this pleading, fossil-fuel based natural gas is referred to as "**fossil gas**." In British Columbia, most fossil gas is extracted by fracturing bedrock in a GHG-intensive process called "fracking" in northern British Columbia and Alberta.

22. Methane, the primary component in fossil gas, can also be captured from decomposition at landfills, wastewater treatment plants, and agricultural residue for use in the gas system. FortisBC refers to methane produced from decomposition as "**renewable natural gas**." While not a fossil fuel, renewable natural gas generates GHGs through its production, processing, transportation and use, as well as through fugitive emissions.

23. As gas furnaces or boilers can only heat, as opposed to cool, homes, consumers who need to cool their homes with an appliance also require an electric air conditioner. Most air conditioners generate cool air by gathering heat inside a home and pushing it outside.

24. As an alternative to gas heating, consumers can heat their homes with electricity using either electric baseboard heating or an electric heat pump. Electricity in British Columbia primarily comes from hydro-electric dams and generates significantly fewer GHGs than fossil gas.

25. Electric heat pumps provide both heating and cooling to buildings. Electric heat pumps are more than 100 percent efficient because they use electricity to move heat from one space to

another, as opposed to generating heat. Because of their efficiency and low production of GHGs, municipal, provincial, and federal rebates and subsidies are available to British Columbians to reduce the cost of purchasing electric heat pumps.

26. As part of the provincial CleanBC climate plan, the Province of British Columbia will require that all new space and water heaters sold and installed by 2030 be at least 100 percent efficient. This means that gas furnaces and boilers will not be able to be installed to provide primary residential heating after 2030.

(iv) Electric Heat Pumps Are Frequently the Most Affordable Option in British Columbia

27. Heating and cooling a home with an electric heat pump is frequently less expensive than heating with a gas furnace or boiler and cooling with an air conditioner, both on an annual basis and over the lifetime of an appliance. This is particularly true for homes and other buildings in milder climates (e.g. southwestern British Columbia where the majority of the population lives), and in energy efficient buildings with good mechanical system designs. Factors that influence the cost of heating and cooling with an electric heat pump relative to a gas appliance and air conditioner include the building's location, age, and construction, as well as the efficiency of the appliance, use of other gas appliances, and available rebates. In submissions to the British Columbia Utilities Commission, FortisBC acknowledged that heat pump rebates can result in a cost advantage to consumers who purchase electric heat pumps as opposed to gas furnaces.

28. Although the costs of fossil and renewable natural gas are currently lower per unit of energy than electricity, the higher efficiency of an electric heat pump means that a heat pump frequently costs less to operate compared to using both a gas furnace and air conditioning. Further savings also occur when a heat pump allows a consumer to completely disconnect from gas.

29. In addition, heating buildings with fossil gas will become more expensive over time due to scheduled increases to British Columbia's carbon tax, as set out in the *Carbon Tax Act*, SBC 2008, c 40 (the "*Carbon Tax Act*"). The *Carbon Tax Act* prescribes that the carbon tax on natural gas will increase annually from \$3.2384/gigajoule as of April 1, 2023 to \$3.9859/gigajoule on April 1, 2024, \$4.7334/gigajoule on April 1, 2025, and eventually to \$8.4684/gigajoule on April 1, 2030. As increases in the carbon tax inflate the cost of heating a home with gas but do not impact the

cost of heating a home with an electric heat pump, the rising cost of carbon contributes to the cost benefits heating a home with electricity.

30. Public reports created by governments, non-profit organizations, and other companies have found that electric heat pumps are often the most affordable method by which consumers can heat and cool their homes. These reports include, but are not limited to, the following:

- a) Sarah Miller, Kate Harland, Christiana Guertin and Ricardo Pelai, “Heat Pumps Pay Off: unlocking lower-cost heating and cooling in Canada” (Canadian Climate Institute, 2023);
- b) District of Saanich, “Make the Switch: How upgrading from a natural gas furnace or boiler to a heat pump has cut costs and carbon pollution for British Columbia homeowners” (2023);
- c) Alexander Gard-Murray, Brendan Haley, Sarah Miller and Matheiu Poirier, “The Cool Way to Heat Homes: Installing Heat Pumps Instead of Central Air Conditioners in Canada” (Building Decarbonization Alliance, Canadian Climate Institute, Efficiency Canada, Greenhouse Institute, 2023);
- d) Letter from B.C. Climate Solutions Council letter to the Minister of Environment and Climate Change Strategy, “Re: Greenhouse Gas Reduction Standard” (15 September 2023);
- e) Alex Ferguson and Jeremy Sager, Natural Resources Canada, “Cold-Climate Air Source Heat Pumps: Assessing Cost-Effectiveness, Energy Savings and Greenhouse Gas Emission Reductions in Canadian Homes” (Ottawa: Natural Resources Canada, 8 March 2022); and
- f) BC Hydro, “Bringing the heat: British Columbians concerned over energy costs, unaware that going all in on gas does not make dollars or sense” (2022).

(v) *FortisBC Supplies the Same Gas Regardless of Whether Consumers Purchase Fossil Gas or Renewable Natural Gas*

31. FortisBC purports to offer consumers the option to heat their homes with one, or both, of fossil gas and renewable natural gas. While FortisBC charges a greater price per unit of energy for

renewable natural gas than for fossil gas, FortisBC pipes the same gas into consumers' homes regardless of whether consumers elect to heat their homes with fossil gas or renewable natural gas.

32. FortisBC purchases renewable natural gas from sources within and outside of British Columbia. The renewable natural gas is put into the local gas system where it is produced, regardless of the location from which it is purchased. For example, renewable natural gas purchased by FortisBC from sources in Ontario is used in Ontario, not in British Columbia.

33. At all material times, the majority of renewable natural gas sold to consumers in British Columbia was neither produced in British Columbia nor transported to consumers in British Columbia. As of 2023, renewable natural gas made up approximately five to ten percent of the total gas supplied by FortisBC in British Columbia, and of that only about 13 percent came from sources within British Columbia.

34. Most of the natural gas that FortisBC delivers to households in British Columbia is fossil gas, regardless of whether consumers pay for renewable natural gas or fossil gas. Any consumer who purchases a new gas appliance will be committed or "locked in" to using primarily fossil gas to heat their home.

(vi) FortisBC Cannot Provide 100% Renewable Natural Gas to British Columbians

35. FortisBC uses the term "renewable and low-carbon gas" to refer to a variety of gases that FortisBC represents could completely replace fossil gases in the future, including renewable natural gas and hydrogen.

36. However, no renewable or low-carbon gas is supplied to FortisBC consumers other than renewable natural gas. Other renewable or low-carbon gases, if ever developed sufficiently, will likely generate greater GHGs than FortisBC's current sources of renewable natural gas and may even generate more GHGs than fossil gas. Further, the supply of renewable natural gas is limited. There is insufficient renewable natural gas available in British Columbia to replace fossil gas demand in British Columbia. FortisBC does not have a plan to provide 100 percent renewable natural gas in the gas system to British Columbians.

(vii) FortisBC Profits from Selling Mostly Fossil Gas to British Columbians

37. FEI is a privately owned "public utility" pursuant to the *Utilities Commission Act*, RSBC 1996, c 473 and is regulated by the British Columbia Utilities Commission. Public utilities

including FEI function as natural monopolies because the infrastructure needed to build, operate, and maintain a utility lends itself to a limited number of sellers. In each of 2021 and 2022, FEI added approximately 10,000 new residential customers per year to their gas network. In 2022, FEI had approximately 976,000 residential customers, representing 91 percent of FEI's customer base.

38. FortisBC generates the majority of its corporate profits from the sale of fossil gas and renewable natural gas. As more consumers elect to heat and cool their households with electric heat pumps instead of gas, FortisBC loses market share in the residential heating market across most of British Columbia. FortisBC therefore has a financial incentive to induce consumers to heat their homes with natural gas, despite it being against most consumers' interests to do so.

(viii) FortisBC's Renewable Natural Gas Has Not Been "Certified" as Carbon Neutral

39. In 2017, FortisBC commissioned the consultancy group Offsetters Climate Solutions Inc. ("Offsetters"), later renamed Ostrom Climate Solutions Inc., to prepare a report reviewing FortisBC's past renewable natural gas documents, summarizing policies in British Columbia, and reviewing the carbon status of renewable natural gas.

40. While Offsetters concluded that renewable natural gas in general is a carbon neutral fuel, Offsetters did not review, or make conclusions with respect to, FortisBC's supply of renewable natural gas. In addition, Offsetters did not "certify" renewable natural gas supplied by FortisBC as carbon neutral.

d) FortisBC misrepresents the cost and environmental impacts of fossil gas, renewable natural gas, and electric heat pumps

41. At all material times, FortisBC supplied and/or participated in the solicitation, offering, sale, advertising and/or promotion of gas products and services to consumers in British Columbia for personal, family or household use.

42. At material times, FortisBC represented, expressly or by implication, that:

- a) the majority of renewable natural gas purchased from FortisBC by British Columbian consumers comes from local sources in British Columbia and is delivered to consumers in British Columbia ("**Renewable Natural Gas Sourcing Misrepresentations**");

- b) renewable natural gas is, and will continue to be, a significant portion of the gas delivered to British Columbia consumers by FortisBC, meaning that the majority of FortisBC's business is renewable and aligned with climate targets ("**Renewable Natural Gas Supply Misrepresentations**");
- c) using FortisBC's gas products and services in conjunction with an electric air conditioner is always less expensive for consumers than using electric heat pumps for household heating and cooling ("**Affordability Misrepresentations**");
- d) using FortisBC's gas products and services for home heating and cooling is aligned with meeting provincial climate change targets and reducing greenhouse gas emissions in a cost-effective way ("**Climate Misrepresentations**"); and
- e) FortisBC's renewable natural gas product is certified as carbon-neutral by a third party ("**Renewable Natural Gas Certification Misrepresentations**"),

(collectively, the "**Misrepresentations**").

43. At all material times, FortisBC made the Misrepresentations through advertisements, representations and/or statements made through and/or on, *inter alia*, <https://fortisbc.com>, FortisBC social media accounts on Facebook, Instagram, LinkedIn, YouTube, X (formerly known as Twitter), radio, television, magazines, newspapers, electronic and physical mail, physical advertisements in public places, and public presentations. FortisBC has also made the Misrepresentations through their membership in trade associations. The Misrepresentations consist of, *inter alia*, words, images, and the omission of material facts. Appended as Schedule "A" to this Notice of Civil Claim is a non-exhaustive list of the Misrepresentations.

44. At all material times, FortisBC knew or ought to have known that each of the Misrepresentations, singly or in combination, were false and/or misleading in a material respect.

(i) Renewable Natural Gas Sourcing Misrepresentations

45. At all material times, FortisBC represented, expressly or by implication, that:

- a) renewable natural gas purchased by consumers in British Columbia primarily comes from local sources within British Columbia; and/or

- b) renewable natural gas purchased by consumers is delivered to the gas system in British Columbia and is used by consumers in British Columbia;

and/or omitted to represent the material fact that:

- c) the majority of renewable natural gas purchased by consumers from FortisBC comes from sources outside of British Columbia and is used by consumers outside of British Columbia.

46. For example, FortisBC represents on a webpage accessible through <https://fortisbc.com> titled “Sustainable Energy Options” that renewable natural gas comes from local sources:



47. At all material times, the Renewable Natural Gas Sourcing Misrepresentations were false and/or misleading because:

- a) the majority of renewable natural gas provided by FortisBC to consumers was sourced from outside of British Columbia and was not “local”; and/or
- b) the majority of renewable natural gas sourced from outside of British Columbia was not delivered to the gas system in British Columbia or to consumers within British Columbia.

(ii) Renewable Natural Gas Supply Misrepresentations

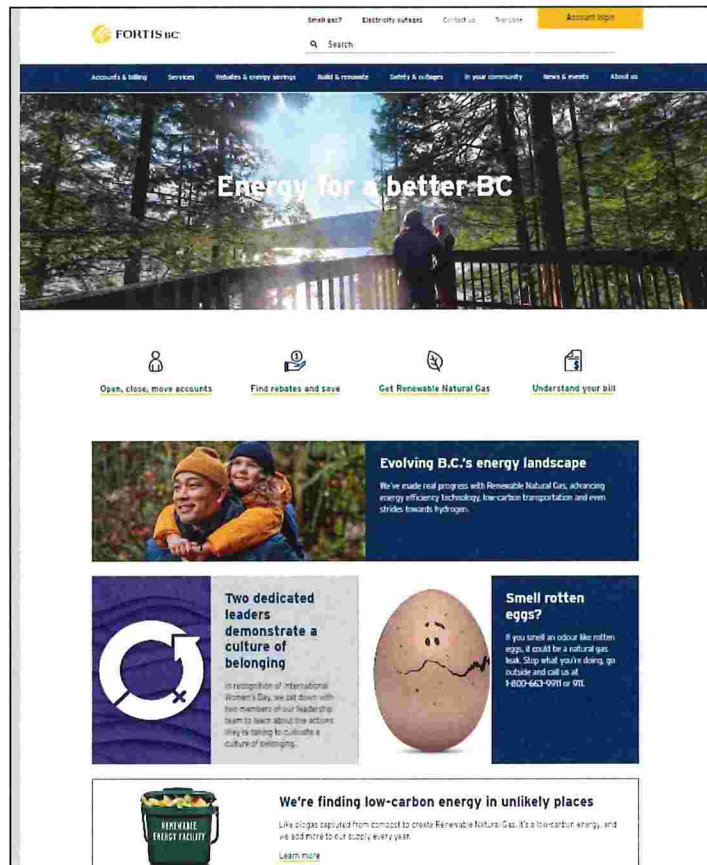
48. At all material times, FortisBC represented, expressly or by implication, that:

- a) renewable natural gas, as a more sustainable form of energy than fossil gas, forms a primary part of its business and is a significant portion of the energy supplied to consumers; and/or
- b) renewable natural gas from landfill waste, municipal waste and agricultural waste will be a significant portion of the energy supplied to consumers in the future;

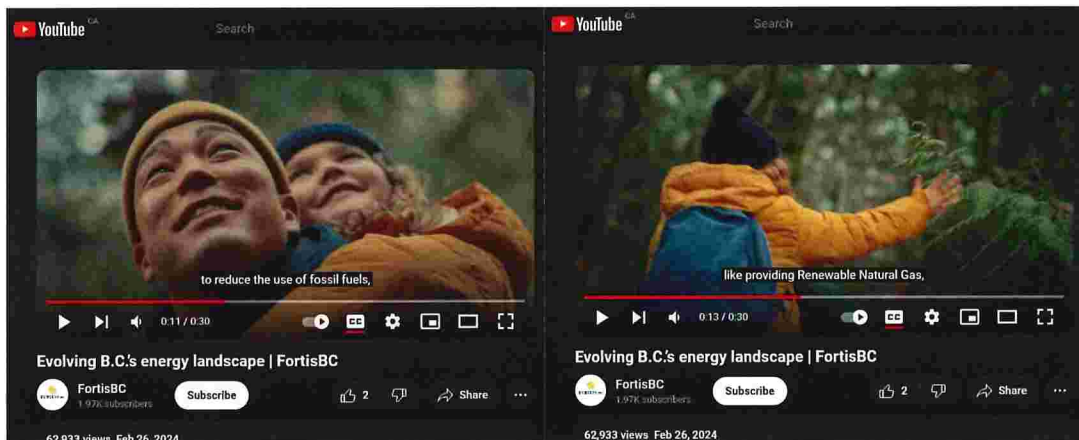
and/or omitted to represent the material fact(s) that:

- c) the majority of gas supplied to consumers in British Columbia by FortisBC is fossil gas, an energy source from fossil fuels; and/or
- d) FortisBC will not provide renewable natural gas as the majority of gas supplied to consumers at any point in the future.

49. For example, on the homepage of <https://fortisbc.com>, FortisBC emphasizes its supply of renewable natural gas and omits to represent that fossil gas forms the majority of the energy supplied to consumers:



50. In addition, FortisBC represents in a video advertisement posted on its YouTube page that FortisBC has “made real progress towards harnessing renewable energy to reduce the use of fossil fuels, like providing Renewable Natural Gas, hydroelectricity, and even making strides towards hydrogen”:



51. At all material times, the Renewable Natural Gas Supply Misrepresentations were false and/or misleading because:

- a) a consumer paying for 100% renewable natural gas would receive primarily fossil gas delivered to their house;
- b) the average consumer paying for gas from FortisBC would receive primarily fossil gas delivered to their house; and/or
- c) a person buying a gas furnace now can expect to receive primarily fossil gas delivered to their house until at least 2030 and will never receive primarily renewable natural gas.

(iii) Affordability Misrepresentations

52. At all material times, FortisBC represented, expressly or by implication, that:

- a) purchasing a new gas furnace, powered by fossil gas and/or renewable natural gas in conjunction with an air conditioner is less expensive for consumers on a day-to-day basis and over the lifetime of the appliance than heating and cooling their home with an electric heat pump;

and/or omitted to represent the material fact(s) that:

- b) the efficiency of an electric heat pump and its ability to provide both heating and cooling means that comparing the cost differences between gas rates and electricity rates does not accurately represent the cost to use an electric heat pump for heating and cooling compared to a gas furnace and air conditioner;
- c) the higher efficiency of an electric heat pump will often mean that it is more affordable to operate than a gas furnace or other gas appliance supplied by fossil gas;
- d) the higher costs of renewable natural gas compared to fossil gas will make an electric heat pump generally more affordable to operate than a gas furnace powered by renewable natural gas and an air conditioner;
- e) scheduled increases to the carbon tax on fossil gas, as set out in the *Carbon Tax Act*, will increase the cost of heating a home with a new gas heating appliance; and/or
- f) rebate programs exist for heat pumps which lower the cost of these devices, while rebate programs for gas furnaces either do not exist or are being eliminated.

53. For example, FortisBC represents on a webpage accessible through <https://fortisbc.com> titled “Managing your natural gas use” that “heating with natural gas is about one third the cost of electricity”:

The screenshot shows the FortisBC website interface. At the top, there is a navigation bar with links for "Smell gas?", "Electricity outages", "Contact us", "Translate", and "Account login". Below this is a search bar with a magnifying glass icon and the word "Search". A dark blue navigation menu contains links for "Accounts & billing", "Services", "Rebates & energy savings", "Build & renovate", "Safety & outages", "In your community", "News & events", and "About us". The main content area features a sidebar on the left with "Accounts & billing" and a list of links: "Open, close or move your account", "Payment options", "Billing and rates", and "Understanding your natural gas bill". The main heading is "Managing your natural gas use". The text below the heading reads: "Understanding how much energy you use, when and how, will help you take control and manage your bills better. For starters, did you know that heating with natural gas is about one third the cost of electricity? And more than half your home's energy goes to space heating? In fact, about a whopping 77 per cent of your energy goes to both space and water heating. So it makes sense to learn more about how you use energy in your home or business."

54. FortisBC also represented on a webpage accessible through <https://fortisbc.com> titled “Cool comfort: natural gas furnace plus air conditioner” that heating a home with gas and cooling with an air conditioner will cost less than heating and cooling a home with an electric heat pump:

Bottom line: if you have access to gas, it's still the most affordable option for home heating, compared with electricity. And if you already have a gas furnace, you just need to add an electric air conditioner to your central heating system to ensure year-round comfort and savings.


55. In addition, FortisBC represents that using a gas furnace with air conditioning to heat a home is less expensive than heating and cooling with an electric heat pump through its “**Home Energy Calculator**,” which is published and promoted on <https://fortisbc.com>. The Home Energy Calculator allows consumers to compare the costs of various heating and cooling appliances, including heat pumps and gas furnaces. Between approximately March and November 2023, FortisBC promoted the Home Energy Calculator on FortisBC social media accounts as being able to assist consumers in choosing the best heating system for their home.

56. Through the Home Energy Calculator, FortisBC represents that heating and cooling a home with a natural gas furnace and an air conditioner is less expensive than heating and cooling a home with an electric heat pump. This results in a recommendation that consumers heat their households with natural gas furnaces and an air conditioner, even under conditions where it is very likely that a heat pump will be more affordable, such as when the home: (i) is located in southern British Columbia; (ii) is well-insulated; and/or (iii) already employs an electric heat pump for heating and/or cooling.

57. Further, the Home Energy Calculator only assesses the current operational costs of a gas furnace with an air conditioner or heat pump. The calculator omits that heating and cooling a home with an electric heat pump is expected to be less expensive overall due to, *inter alia*: (i) the fact that upfront costs of a heat pump can be lower than the combined costs of a gas heating appliance and air conditioning; (ii) the existence of rebates; (iii) the variability in natural gas rates over time; and/or (iv) the scheduled increase in fossil gas prices due to the provincial carbon tax increases through 2030 under the *Carbon Tax Act*.

58. From approximately March 2023 to September 2023, the Home Energy Calculator showed consumers that rebates existed for new high efficiency gas furnaces while omitting to represent that rebates for electric heat pumps were also available:

There are many choices when it comes to heating and cooling your home. Below is some additional information that might help you with your decision.

 Show appliance options for:

Heating
 Cooling
 Heating & cooling

Select up to two options to compare to your existing appliance (check the box in the first column). You can sort or filter the columns by clicking on the arrow next to the title.

Note: For combination systems, the output represents only the heating portion of the system.

Appliance	Appliance type	Fuel type	Efficiency rating ¹	We recommend ²	Possible rebates ³	Energy costs ⁴
<input type="checkbox"/> Natural gas furnace and central ac	Dual fuel systems	Natural gas	High performance	✓	✓	\$
<input type="checkbox"/> Natural gas boiler and central ac	Dual fuel systems	Natural gas	High performance		✓	\$
<input type="checkbox"/> Heat pump - air source, central	Heat pump	Electricity	High performance			\$\$
<input type="checkbox"/> Heat pump - air source, single-zone mini-split	Heat pump	Electricity	High performance			\$\$
<input type="checkbox"/> Heat pump - air source, multi-zone mini-split	Heat pump	Electricity	High performance			\$\$
<input type="checkbox"/> Natural gas furnace and central ac	Dual fuel systems	Natural gas	Minimum efficiency			\$

59. At all material times, the Affordability Misrepresentations were false and/or misleading because:

- a) monthly energy costs will frequently be lower for homeowners, particularly with energy efficient homes in milder climates such as Southern Vancouver Island and the Lower Mainland (where a majority of British Columbians live), who disconnect from gas and purchase high efficiency heat pumps to heat and cool their homes as opposed to homeowners who heat and cool their homes with gas and an air conditioner; and/or
- b) over the lifetime of an appliance, homeowners with energy efficient homes in milder climates such as Southern Vancouver Island and the Lower Mainland, in particular, will frequently save money on the total cost of owning and operating a

high efficiency heat pump compared to a gas furnace and air conditioner when available rebates and subsidies for heat pumps are considered.

(iv) Climate Misrepresentations

60. At all material times, FortisBC represented, expressly or by implication, that:

- a) heating a home with fossil gas or renewable natural gas is aligned with reducing emissions and achieving climate targets;
- b) staying connected to FortisBC's gas network and increasing the supply of renewable natural gas is the most cost-effective way to meet provincial climate targets; and/or
- c) purchasing a new efficient gas furnace can lower emissions to a similar extent as by purchasing an electric heat pump;

and/or omitted to represent the material fact(s) that:

- d) expanding gas infrastructure by purchasing a new gas furnace for a new building is not aligned with achieving provincial climate targets;
- e) a high efficiency gas furnace using fossil gas will have significantly higher GHGs than an electric heat pump and will lock consumers into purchasing gas for the lifetime of the appliance;
- f) consumers purchasing renewable natural gas for use in their gas furnace will continue to use and burn primarily fossil gas in their furnace;
- g) there is insufficient supply of renewable natural gas in British Columbia to replace the fossil gas used in home heating in British Columbia;
- h) renewable and low carbon gases other than renewable natural gas contemplated to "decarbonize" the gas system would likely have significantly higher GHGs than renewable natural gas and electricity in British Columbia;
- i) decarbonizing the gas system with renewable and low carbon gases would be more expensive than placing greater reliance on efficient electrical systems;

- j) hydrogen gas cannot be distributed in the gas distribution system in high concentrations and cannot be used in fossil gas appliances and equipment; and/or
- k) independent assessments have consistently found no meaningful role for hydrogen in heating services.

61. For example, FortisBC represented on a webpage accessible through <https://fortisbc.com> titled “Why choose gas” that using natural gas to heat homes has an “important role” in helping meet British Columbia’s climate goals:



62. At all material times, that the Climate Misrepresentations were false and/or misleading because:

- a) using electric heat pumps for new residential buildings is a more cost effective and efficient way to lower GHGs and achieve climate targets than using natural gas;
- b) expanding gas infrastructure and purchasing new gas furnaces is not aligned with provincial climate targets;
- c) electric heat pumps lower emissions significantly more per household than a high efficiency gas furnace using fossil gas; and/or
- d) a consumer who buys a new gas furnace and pays for renewable natural gas will burn primarily fossil gas for the lifetime of their appliance.

(v) *Renewable Natural Gas Certification Misrepresentations*

63. At material times, FortisBC represented that the renewable natural gas sold and distributed by FortisBC is “certified” as “carbon neutral.”

64. For example, an excerpt of a FortisBC news release titled “British Columbia shown to hold a wealth of renewable and low carbon gas potential,” accessible through <https://fortisbc.com>, states that renewable natural gas is “certified carbon neutral energy”:

Renewable Natural Gas

Renewable Natural Gas (RNG) is a sustainable, certified carbon neutral energy that is key to a lower carbon future for British Columbia (B.C.) as it helps reduce GHG emissions. It's derived from decomposing organic waste, making it carbon neutral and not a fossil fuel. Renewable Natural Gas is produced in a different manner than

65. In addition, FortisBC represents on a news release accessible through <https://fortisbc.com> titled “FortisBC proposes to provide 100 per cent renewable gas to all new homes” that its renewable natural gas is “third-party certified carbon neutral energy.”

66. At all material times, the Renewable Gas Certification Representations were false and/or misleading because FortisBC did not have any third-party certification verifying that renewable natural gas supplied by FortisBC is carbon neutral.

Part 2: RELIEF SOUGHT

67. The Plaintiffs seek:

- a) a declaration under section 172(1)(a) of the *BPCPA* that FortisBC has breached sections 4-5 of the *BPCPA*;
- b) an injunction under section 172(1)(b) of the *BPCPA* to restrain further breaches of the *BPCPA* by prohibiting FortisBC from making the Misrepresentations in its marketing of its gas products and services;
- c) an order under section 172(3)(c) of the *BPCPA* that FortisBC issue corrective advertisements to the public containing the particulars of any judgment, declaration, order or injunction granted against FortisBC;
- d) costs; and
- e) such further and other relief as this Honourable Court deems just.

Part 3: LEGAL BASIS

68. The Plaintiffs plead and rely on the *BPCPA*, the *Supreme Court Civil Rules*, BC Reg 168/2009 and related enactments, and the *Limitation Act*, SBC 2012, c 13 (the “*Limitation Act*”).

a) FortisBC’s deceptive acts or practices under the BPCPA

69. Fossil gas and renewable natural gas sold and delivered by FortisBC are “goods” within the meaning of section 1 of the *BPCPA*. Further or in the alternative, the distribution and delivery of renewable natural gas and fossil gas by FortisBC is a “service” within the meaning of section 1 of the *BPCPA*.

70. FortisBC is a “supplier” and FortisBC’s sale, distribution and/or supply of the gas products and services in British Columbia for use in residential heating is a “consumer transaction” within the meaning of section 1 of the *BPCPA*.

71. The Misrepresentations are “representations” and/or “conduct” by a supplier for the purpose of a consumer transaction pursuant to section 4 of the *BPCPA*.

72. By making the Misrepresentations, FortisBC breached sections 4-5 of the *BPCPA*. The Misrepresentations constitute deceptive acts or practices. FortisBC breached sections 4-5 of the *BPCPA* irrespective of whether it was contrary to any of the types of deceptive acts or practices enumerated under subsection 4(3). The Misrepresentations had the capability, tendency or effect of deceiving or misleading consumers in British Columbia and FortisBC knew, or ought reasonably to have known, this to be the case.

73. Section 5 of the *BPCPA* prohibits suppliers from committing or engaging in deceptive acts or practices in respect of consumer transactions. Once it is alleged that a supplier committed or engaged in a deceptive act or practice, the burden of proof that the deceptive act or practice was not committed or engaged in is on the supplier.

74. The Renewable Natural Gas Sourcing Misrepresentations, as set out at paragraph 45 of this Notice of Civil Claim, had the capability, tendency or effect of deceiving or misleading a consumer contrary to sections 4-5 of the *BPCPA* including, *inter alia*, subparagraphs 4(3)(a)(i)-(iii) and (b)(vi) because:

- a) the majority of renewable natural gas provided by FortisBC to consumers was sourced from outside of British Columbia and was not “local”; and/or
- b) the majority of renewable natural gas sourced from outside of British Columbia was not delivered to the gas system in British Columbia or to consumers within British Columbia.

75. The Renewable Natural Gas Supply Misrepresentations, as set out at paragraph 48 of this Notice of Civil Claim, had the capability, tendency or effect of deceiving or misleading a consumer contrary to sections 4-5 of the *BPCPA* including, *inter alia*, subparagraphs 4(3)(a)(i), (ii), (vii), (viii) and (b)(vi) because:

- a) a consumer paying for 100% renewable natural gas would receive primarily fossil gas delivered to their house;
- b) the average consumer paying for gas from FortisBC would receive primarily fossil gas delivered to their house; and/or
- c) a person buying a gas furnace now can expect to receive primarily fossil gas delivered to their house until at least 2030 and will never receive primarily renewable natural gas.

76. The Affordability Misrepresentations, as set out at paragraph 52 of this Notice of Civil Claim, had the capability, tendency or effect of deceiving or misleading a consumer contrary to sections 4-5 of the *BPCPA* including, *inter alia*, subparagraphs 4(3)(b)(vi), (viii) and (c)(i)-(ii) because:

- a) monthly energy costs will frequently be lower for homeowners, particularly with energy efficient homes in milder climates such as Southern Vancouver Island and the Lower Mainland (where a majority of British Columbians live), who disconnect from gas and purchase high efficiency heat pumps to heat and cool their homes as opposed to homeowners who heat and cool their homes with gas and an air conditioner; and/or
- b) over the lifetime of an appliance, homeowners with new and well-insulated homes in milder climates such as Southern Vancouver Island and the Lower Mainland, in

particular, will frequently save money on the total cost of owning and operating a high efficiency heat pump compared to a gas furnace and air conditioner when available rebates and subsidies for heat pumps are considered.

77. The Climate Misrepresentations, as set out at paragraph 60 of this Notice of Civil Claim, had the capability, tendency or effect of deceiving or misleading a consumer contrary to sections 4-5 of the *BPCPA* including, *inter alia*, subsections 4(3)(a)(i)-(iii), (b)(vi), and (b)(viii) because:

- a) using electric heat pumps for new residential buildings is a more cost effective and efficient way to lower GHGs and achieve climate targets than using natural gas;
- b) expanding gas infrastructure and purchasing new gas furnaces is not aligned with provincial climate targets;
- c) electric heat pumps lower emissions significantly more per household than a high efficiency gas furnace using fossil gas; and/or
- d) a consumer who buys a new gas furnace and pays for renewable natural gas will burn primarily fossil gas for the lifetime of their appliance.

78. The Renewable Natural Gas Certification Misrepresentations, as set out at paragraph 63 of this Notice of Civil Claim, had the capability, tendency or effect of deceiving or misleading a consumer contrary to sections 4-5 of the *BPCPA* including, *inter alia*, subparagraphs 4(3)(a)(i)-(ii) and (b)(i) because FortisBC did not have any third-party certification verifying that renewable natural gas supplied by FortisBC is carbon neutral.

b) Remedies

79. The Plaintiffs are entitled to a declaration pursuant to section 172(1)(a) of the *BPCPA* that FortisBC has breached sections 4-5 of the *BPCPA*.

80. The Plaintiffs are entitled to an injunction pursuant to section 172(1)(b) of the *BPCPA* to restrain further breaches of the *BPCPA* by FortisBC.

81. The Plaintiffs are entitled to an order pursuant to section 172(3)(c) of the *BPCPA* requiring FortisBC to advertise to the public in a manner that will assure prompt and reasonable

communication to consumers, and on terms or conditions that the court considers reasonable, particulars of any judgment, declaration, order or injunction granted against it through this proceeding.

c) Service on the Defendants

82. The Plaintiffs have the right to serve this Notice of Civil Claim on the Defendants and have this matter heard in British Columbia pursuant to sections 3, 7 and 10 of the *Court Jurisdiction and Proceedings Transfer Act*, SBC 2003, c 28 (the “*Court Jurisdiction and Proceedings Transfer Act*”) because FEI and FortisBC Holdings Inc. are ordinarily resident in British Columbia and there is a real and substantial connection between British Columbia and the facts alleged in this proceeding, pursuant to sections 10(h) and/or (i) of the *Court Jurisdiction and Proceedings Transfer Act*, as this action:

- a) concerns a business carried on in British Columbia; and/or
- b) is a claim for an injunction ordering the Defendants to do or refrain from doing anything in British Columbia.

Plaintiffs’ address for service:

Susanne Calabrese
Andhra Azevedo
Ecojustice Canada Society
390 – 425 Carrall Street
Vancouver, BC V6B 6E3

Sam Jaworski
Justin Giovannetti
Slatter Vecchio LLP
PO Box 10445 Pacific Centre North
18th Floor, 777 Dunsmuir Street
Vancouver, BC V7Y 1K4

Fax number address for service (if any):

N/A


E-mail address for service (if any):

aazevedo@ecojustice.ca
scalabrese@ecojustice.ca
bgabel@ecojustice.ca
service@slattervecchio.com
sjj@slattervecchio.com
jvg@slattervecchio.com

The address for the registry is:

800 Smithe Street
Vancouver, BC V6Z 2E1

Date: March 25, 2024



Signature of Lawyer for Plaintiffs

For: Susanne Calabrese
Andhra Azevedo
Sam Jaworski
Justin Giovannetti

Rule 7-1 (1) of the Supreme Court Civil Rules states:

- (1) Unless all parties of record consent or the court otherwise orders, each party of record to an action must, within 35 days after the end of the pleading period,
 - (a) prepare a list of documents in Form 22 that lists
 - (i) all documents that are or have been in the party's possession or control and that could, if available, be used by any party at trial to prove or disprove a material fact, and
 - (ii) all other documents to which the party intends to refer at trial, and
 - (b) serve the list on all parties of record.

**ENDORSEMENT ON ORIGINATING PLEADING OR PETITION
FOR SERVICE OUTSIDE BRITISH COLUMBIA**

The plaintiff claims the right to serve this pleading on the defendant Fortis Inc. outside British Columbia on the ground that the *Court Jurisdiction and Proceedings Transfer Act*, SBC 2003, c 28, s 10 (the “*Court Jurisdiction and Proceedings Transfer Act*”) applies because there is a real and substantial connection between British Columbia and the facts on which this proceeding is based. The Plaintiffs rely on sections 10(h) and/or (i) of the *Court Jurisdiction and Proceedings Transfer Act*, in that this action:

- a) concerns a business carried on in British Columbia; and/or
- b) is a claim for an injunction ordering the Defendants to do or refrain from doing anything in British Columbia.

APPENDIX

Part 1: CONCISE SUMMARY OF NATURE OF CLAIM:

This is an action brought under section 172 of the *Business Practices and Consumer Protection Act*, SBC 2004, c 2 regarding deceptive acts and practices in the sale and advertising of natural gas.

Part 2: THIS CLAIM ARISES FROM THE FOLLOWING:

A dispute concerning:

- a motor vehicle accident
- medical malpractice
- another cause

A personal injury arising out of:

- contaminated sites
- construction defects
- real property (real estate) D personal property
- investment losses
- the lending of money
- an employment relationship
- a will or other issues concerning the probate of an estate
- a matter not listed here
- the provision of goods or services or other general commercial matters

Part 3: THIS CLAIM INVOLVES:

- a class action
- maritime law
- aboriginal law
- constitutional law
- conflict of laws
- none of the above
- do not know

Part 4: *Business Practices and Consumer Protection Act*, SBC 2004, c 2; *Limitation Act*, SBC 2012, c 13

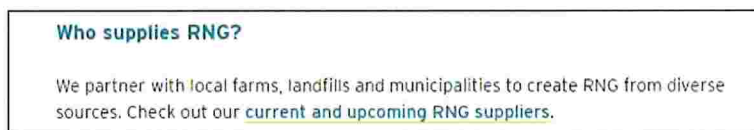
Schedule A

Renewable Natural Gas Sourcing Misrepresentations Examples

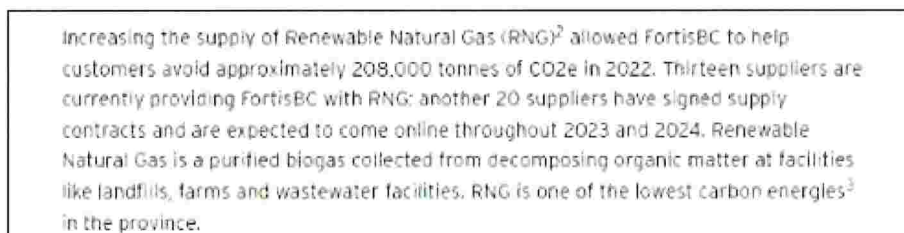
1. FortisBC represents on a webpage accessible through <https://www.fortisbc.com/> titled “Sustainable Energy Options” that renewable natural gas comes from “local” sources:



2. FortisBC represents on a webpage accessible through <https://www.fortisbc.com/> titled “So what is renewable natural gas anyway” that FortisBC partners with “local” sources to create renewable natural gas (“RNG”):



3. FortisBC represented in a news release dated May 25, 2023, posted on <https://www.fortisbc.com/>, titled “FortisBC helps customers avoid close to 800,000 tonnes of carbon dioxide in 2022” that renewable natural gas is one of the lowest carbon energies “in the province”:

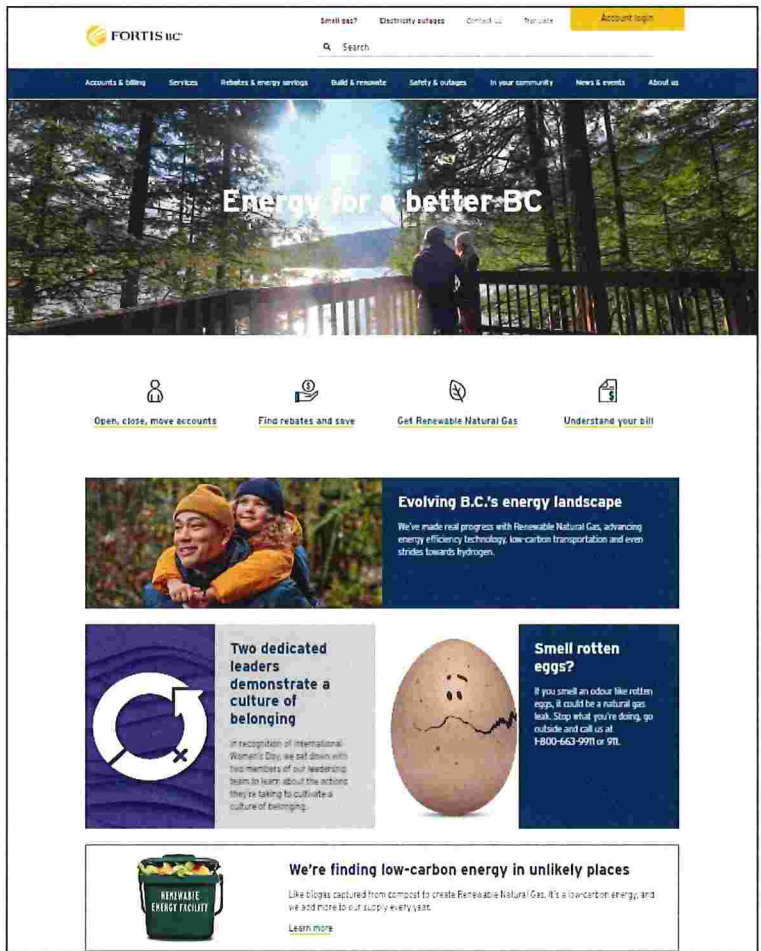


4. FortisBC represented in a paid promotion published in the online newspaper the Daily Hive on February 27, 2023, accessed through <https://dailyhive.com/vancouver/renewable-natural-gas-fortisbc-partner-content>, that renewable natural gas is transported in British Columbia “using a reliable, well-established system to move renewable energy rather than carbon energy”:

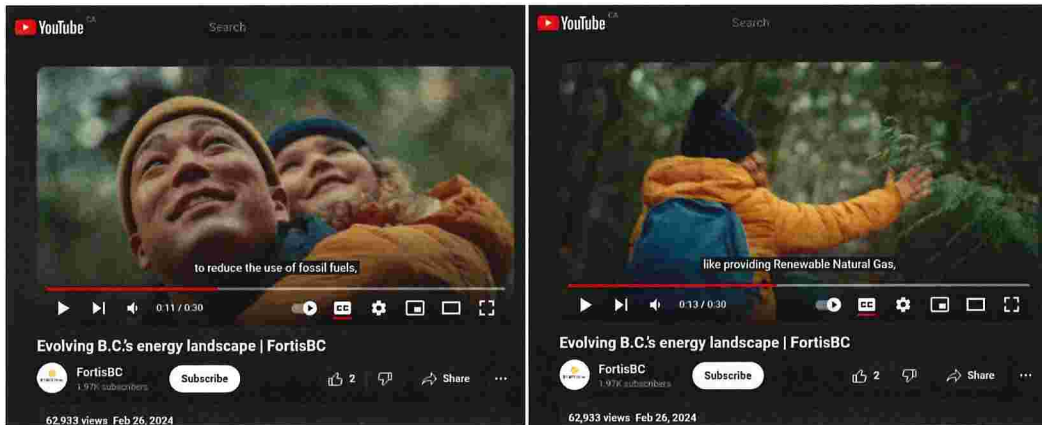
Renewable Natural Gas is a big step in the right direction, allowing BC to continue using a reliable, well-established system to move renewable energy rather than carbon energy. Check out **some of the other work FortisBC is doing** to decarbonize its gas system and help its customers lower their energy use.

Renewable Natural Gas Supply Misrepresentations Examples

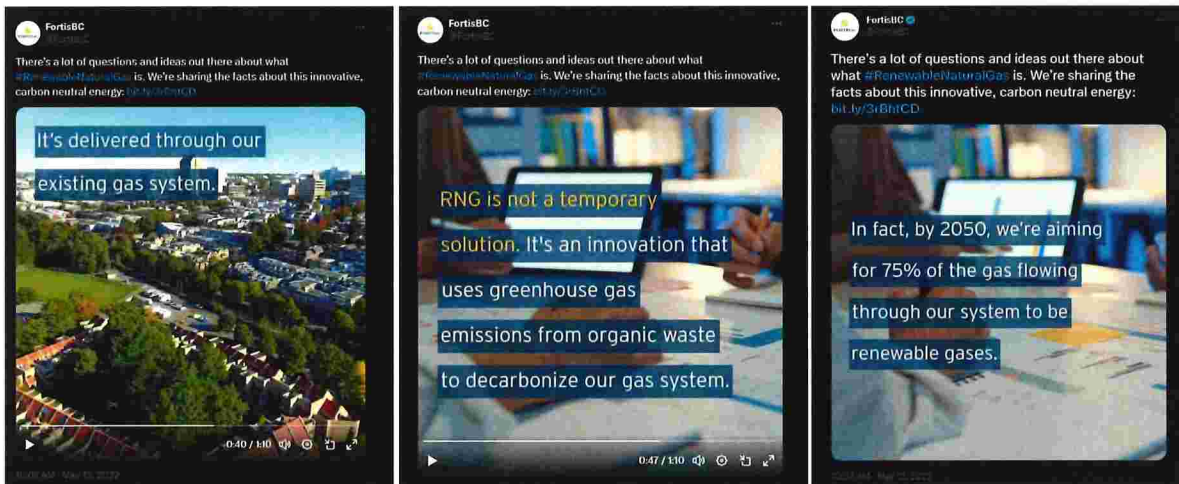
5. On the <https://www.fortisbc.com> homepage, FortisBC emphasizes its supply of renewable natural gas and omits to represent that fossil gas forms the majority of the energy supplied to consumers:



6. FortisBC represents in a video advertisement posted on its YouTube page that FortisBC has “made real progress towards harnessing renewable energy to reduce the use of fossil fuels, like providing Renewable Natural Gas, hydroelectricity, and even making strides towards hydrogen”:

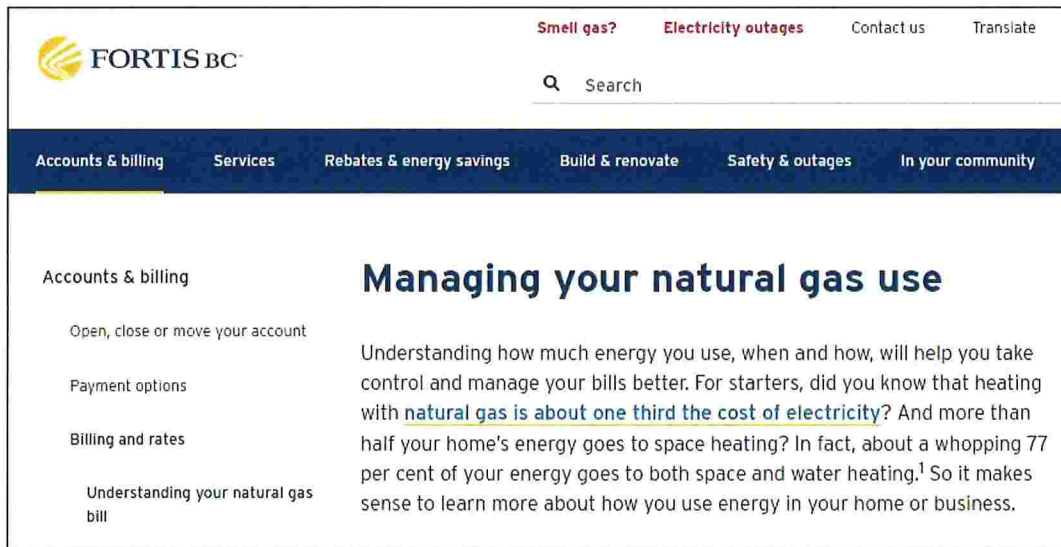


7. FortisBC represented, through a video posted to its YouTube, X (formerly known as Twitter) and Facebook accounts between January 2022 and May 2022 that “[Renewable natural gas] is delivered through our existing gas system. [Renewable natural gas] is not a temporary solution . . . In fact, by 2050 we’re aiming for 75% of the gas flowing through our system to be renewable gases.” The following excerpts are from the video posted on X (formerly known as Twitter) on May 12, 2022:



Affordability Misrepresentations Examples

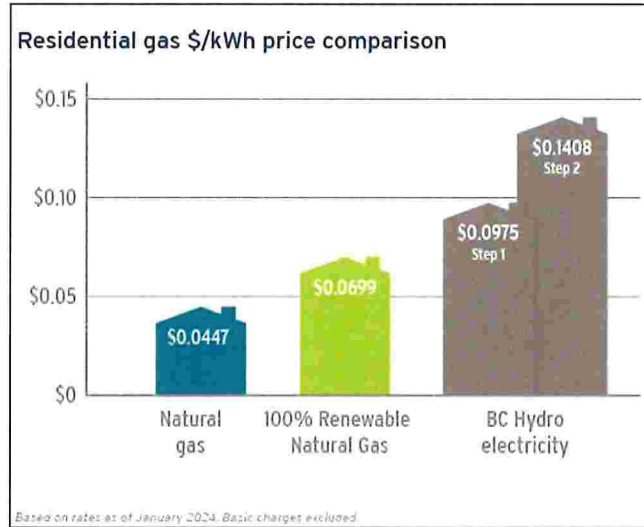
8. FortisBC represents on a webpage accessible through <https://www.fortisbc.com/> titled “Managing your natural gas use” that “heating with natural gas is about one third the cost of electricity[.]”:



9. FortisBC represented on a webpage accessible through <https://www.fortisbc.com/> titled “Cool comfort: natural gas furnace plus air conditioner” that heating and cooling a home with gas and an air conditioner, respectively, is less expensive than heating and cooling a home with an electric heat pump:

Bottom line: if you have access to gas, it's still the most affordable option for home heating, compared with electricity. And if you already have a gas furnace, you just need to add an electric air conditioner to your central heating system to ensure year-round comfort and savings.

10. FortisBC represents on a webpage accessible through <https://www.fortisbc.com/> titled “How much does Renewable Natural Gas cost?” that heating a home with fossil or renewable natural gas is less expensive than heating a home with an electric heat pump:



11. From approximately March 2023 to September 2023, FortisBC’s Home Energy Calculator represented that rebates existed for new high efficiency gas furnaces while omitting to represent that rebates for electric heat pumps were also available:

There are many choices when it comes to heating and cooling your home. Below is some additional information that might help you with your decision.

Show appliance options for:

- Heating
- Cooling
- Heating & cooling

Select up to two options to compare to your existing appliance (check the box in the first column). You can sort or filter the columns by clicking on the arrow next to the title.

Note: For combination systems, the output represents only the heating portion of the system.

Appliance	Appliance type	Fuel type	Efficiency rating ¹	We recommend ²	Possible rebates ³	Energy costs ⁴
<input type="checkbox"/> Natural gas furnace and central ac	Dual fuel systems	Natural gas	High performance	✓	✓	\$
<input type="checkbox"/> Natural gas boiler and central ac	Dual fuel systems	Natural gas	High performance		✓	\$
<input type="checkbox"/> Heat pump - air source, central	Heat pump	Electricity	High performance			\$\$
<input type="checkbox"/> Heat pump - air source, single-zone mini-split	Heat pump	Electricity	High performance			\$\$
<input type="checkbox"/> Heat pump - air source, multi-zone mini-split	Heat pump	Electricity	High performance			\$\$
<input type="checkbox"/> Natural gas furnace and central ac	Dual fuel systems	Natural gas	Minimum efficiency			\$

Climate Misrepresentations Examples

12. FortisBC represented on a webpage accessible through <https://www.fortisbc.com/> titled “Why choose gas” that using natural gas to heat homes has an “important role” in helping meet British Columbia’s climate goals:



3 Take the affordable path to lower-carbon energy.

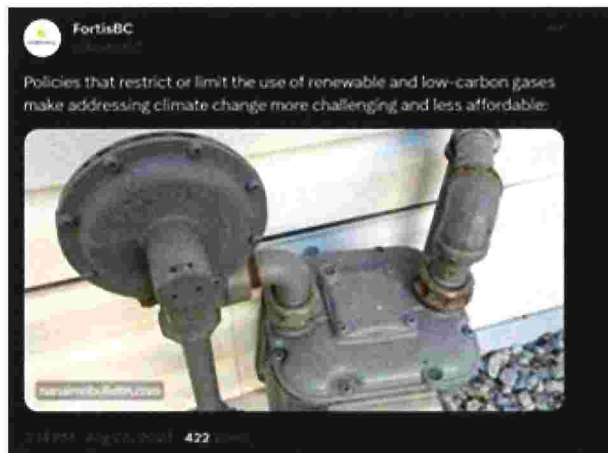
The gas system has an important role to play in helping our province meet its climate action goals. Natural gas is an abundant, local energy source delivered through an existing infrastructure that helps British Columbians heat their homes in a cost-effective way.

13. FortisBC represents on a webpage accessible through <https://www.fortisbc.com/> titled “Heat pump vs furnace? How to choose the best heating system for your home” that “You can reduce energy use and GHG emissions by upgrading to a high-efficiency gas system and signing up for RNG, or you can opt for an electric heat pump that can make your home more energy efficient”:

The choice is yours

Remember, there isn't a right way or a wrong way. You can reduce energy use and GHG emissions by upgrading to a high-efficiency gas system and signing up for RNG, or you can opt for an electric heat pump that can make your home more energy efficient. For both scenarios, you have the option to add cooling, either with adding an air conditioning unit onto your gas furnace or with a heat pump that heats and cools. You can make the choice that best fits your preferences, goals and budget.

14. FortisBC represented, through an opinion piece written by a FortisBC employee, Carmen LeBlanc, published in the Times Colonist on August 26, 2023 and Nanaimo News Bulletin on August 28, 2023, that municipal restrictions on connecting new buildings to gas “would do little to further climate goals, but it will reduce choice, raise prices and cut off homes and businesses from access to a system that delivers low-carbon energy options today and in the future.” The Nanaimo News Bulletin article was shared on the FortisBC X (formerly known as Twitter) account on August 28, 2023:



15. FortisBC represented, through a letter to the editor of *Business in Vancouver* written by Doug Slater, Vice President of Indigenous relations and regulatory affairs for FortisBC, titled “An electrification-centred approach to energy is not affordable” dated September 20, 2023 that “With renewable and low-carbon gases like renewable natural gas, we can support B.C.’s move towards cleaner energy and meet the energy needs of the future without putting further financial strain on families and businesses, but to do that we need to maintain our existing gas infrastructure.”

Renewable Natural Gas Certification Misrepresentations Examples

16. FortisBC represented in a news release dated March 2, 2022, posted on <https://www.fortisbc.com/>, titled “British Columbia shown to hold a wealth of renewable and low carbon gas potential” that renewable natural gas is “certified carbon neutral energy”:

Renewable Natural Gas

Renewable Natural Gas (RNG) is a sustainable, certified carbon neutral energy that is key to a lower carbon future for British Columbia (B.C.) as it helps reduce GHG emissions. It's derived from decomposing organic waste, making it **carbon neutral** and not a fossil fuel. Renewable Natural Gas is produced in a different manner than

17. FortisBC represented in a news release dated January 20, 2022, posted on <https://www.fortisbc.com/>, titled “FortisBC proposes to provide 100 per cent renewable gas to all new homes” that renewable natural gas is “third-party certified carbon neutral energy.”