



LETTER L-16-15

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VIA EMAIL

rhobbs@shaw.ca

April 2, 2015

Mr. Robert Hobbs
Industrial Consumers Group
301-2298 McBain Avenue
Vancouver, BC V6L-3B1

Dear Mr. Hobbs:

Re: FortisBC Inc.

Section 71 Application for Acceptance of the Capacity and Energy Purchase and Sale Agreement
between FortisBC Inc. and Powerex Corp.

By letter L-11-15 dated March 16, 2015, the British Columbia Utilities Commission (Commission) established a process to provide interested stakeholders the opportunity to make submissions in regard to the acceptance, under section 71 of the *Utilities Commission Act*, of certain sections of the redacted version of the Capacity and Energy Purchase and Sale Agreement dated February 17, 2015 (Agreement) between Powerex Corp. (Powerex) and FortisBC Inc. (FBC) which was filed by FBC on March 6, 2015 (Filing).

In its submission dated March 19, 2015, the Industrial Customers Group (ICG) submitted that the Commission, in the process established in L-11-15, did not provide an opportunity for comments from interested stakeholders regarding the FBC request for confidentiality of Appendix B, which is the unredacted version of the Agreement, in keeping with the protocol established for hearings in the Commission's Confidential Filing Practice Directive.

By letter L-13-15 dated March 25, 2015, the Commission extended the deadline for submissions regarding the acceptance of the redacted version of the Agreement to March 27, 2015. In letter L-13-15 the Commission also requested ICG to provide clarification as to whether it has objections to the FBC request that Appendix B be held confidential by submitting any such objections in writing together with reasons to the Commission by March 27, 2015.

ICG filed a submission dated March 27, 2015, in which it states its position is that the Commission should ensure public disclosure of all aspects of the Agreement and related documents that have been filed.¹ Further, ICG submits:

Even if there is commercially sensitive information in Appendix B the interests of FortisBC in confidentiality have not been sufficiently described and supported so as to outweigh the public interest in public disclosure of all aspects of the transaction. ...FortisBC has failed to follow the Confidential Filing Practice Directive because it failed to describe the nature of the information and the reasons for the request for confidentiality.²

¹ ICG submission dated March 27, 2015, p. 1.

² Ibid, pp. 2-3.

In its submission ICG makes the following request:

In the event that the Commission does decide to hold Appendix B confidential, the ICG, pursuant to section 9 of the Confidential Filing Practice Directive, requests access to the information that the Commission finds to be confidential.³

No other parties filed submissions objecting to FBC's request for confidentiality.

On March 31, 2015, BC Hydro and Powerex together (BC Hydro/Powerex) filed a joint submission responding to the submissions of the other stakeholders in regard to the acceptance of the redacted version of the Agreement and responding to the ICG submission regarding the need for confidentiality. BC Hydro/Powerex also provided comments in regard to ICG's request for access to confidential material. BC Hydro/Powerex submitted that, given Powerex is a party to the Agreement and in alignment with FBC on the issues, BC Hydro and Powerex have the same rights of reply as FBC. The Commission agrees that it is appropriate for BC Hydro and Powerex to reply to ICG's objections to FBC's request for confidentiality as a party that may be impacted by disclosure, consistent with section 4 of the BCUC Confidential Filing Practice Directive.

On March 31, 2015, FBC filed:

- its reply submission regarding the submissions of the interested stakeholders in regard to the acceptance of the redacted version of the Agreement incorporating the BC Hydro/Powerex submission by reference;
- reply comments in regard to the ICG submission regarding the need for confidentiality; and
- comments in regard to ICG's request for access to information the Commission finds to be confidential.

By this letter the Commission provides ICG the opportunity to reply to certain aspects of the FBC and BC Hydro/Powerex submissions dated March 31, 2015. The Commission acknowledges that ICG is of the view that FBC's justification for confidentiality in the Filing was limited and, as a result of these unique circumstances, ICG will be provided the opportunity to comment on the further comments regarding the need for confidentiality as provided by FBC and BC Hydro/Powerex in their respective submissions dated March 31, 2015. ICG's reply submission is to be limited to the following:

- the FBC and BC Hydro/Powerex comments in regard to the need for confidentiality; and
- the FBC and BC Hydro/Powerex comments in regard to the ICG's request for access in the event the Commission determines the information should be held confidential.

ICG is to provide any reply submissions in this regard to the Commission in writing by **Thursday, April 9, 2015**.

Yours truly,

Original signed by:

Erica Hamilton

CM/kbb

cc: FortisBC Inc.
Powerex Corp.
BC Hydro Regulatory Affairs Group
Registered Interveners in FBC 2014-2019 Multi-Year PBR

³ Ibid, p. 4.