



**ORDER NUMBER**  
**G-124-20**

IN THE MATTER OF  
the *Utilities Commission Act*, RSBC 1996, Chapter 473

and

British Columbia Utilities Commission  
Review of Thermal Energy Systems Regulatory Framework Guidelines

**BEFORE:**

R. I. Mason, Panel Chair  
W. M. Everett, QC, Commissioner  
T. A. Loski, Commissioner

on May 27, 2020

**ORDER**

**WHEREAS:**

- A. On August 28, 2013, by Order G-132-13, the British Columbia Utilities Commission (BCUC) established a written public hearing for the review of a proposed regulatory framework for Thermal Energy Systems (TES);
- B. On December 31, 2013, by Order G-231-13 and amended by Order G-231-13A on January 6, 2014, the BCUC found that exemptions from certain provisions of the *Utilities Commission Act* (UCA) for TES providers properly conserves the public interest and the BCUC sought approval from the Lieutenant Governor in Council (LGIC) for certain exemptions, pursuant to section 88(3) of the UCA;
- C. On June 20, 2014, the LGIC approved Orders in Council 399, 400 and 401 giving advance approval to the BCUC to exempt certain TES from certain provisions of the UCA, as requested. On August 27, 2014, the BCUC issued Orders G-119-14, G-120-14 and G-121-14 providing certain exemptions from certain provisions of the UCA for: a) Micro TES providers; b) Strata owned TES; and c) Stream A TES providers, respectively;
- D. On August 28, 2014, by Order G-127-14, the BCUC approved and issued the Thermal Energy System Regulatory Framework Guidelines (TES Guidelines). Revisions to the TES Guidelines were approved on March 2, 2015, by Order G-27-15;
- E. Section 1 of the TES Guidelines states that the TES Guidelines may be revised or updated from time to time in order to incorporate lessons learnt and adjust to evolving market circumstances and changes to the UCA. Over five years have elapsed since the issuance of the TES Guidelines;
- F. By Orders G-341-19, G-53-20 and G-91-20 dated December 20, 2019, March 16, 2020 and April 22, 2020, respectively, the BCUC established and amended a regulatory timetable for the Review of Thermal Energy

Systems Regulatory Framework Guidelines (Review), including a Transcribed Workshop scheduled for September 22, 2020, to continue September 23, 2020, if required;

- G. By Exhibit A-7, dated March 9, 2020, the BCUC established the scope of the Review and stated that all approved Stream A applications to date will be filed as a staff exhibit in the proceeding;
- H. On March 11, 2020, the BCUC notified all Stream A TES providers that any requests for confidentiality relating to approved Stream A applications are to be filed with the BCUC by March 20, 2020, pursuant to Part 4 of the BCUC's Rules of Practice and Procedure established by Order G-15-19;
- I. By Exhibit A-9, the BCUC extended the deadline for filing confidentiality requests to April 16, 2020;
- J. On April 14, 2020, the Onni Group (Onni) requested that certain information contained within its Stream A application for the Gilmore Place TES (Gilmore Place Application) be kept confidential (Exhibit C12-3). Specifically, Onni requests that information relating to the Gilmore Place real estate development be kept confidential on the basis that disclosure would put Onni at a disadvantage with its competitors with respect to municipal development and sales process.
- K. On April 16, 2020, FortisBC Alternative Energy Services Inc. (FAES) requested that certain information contained within 25 of its Stream A applications be kept confidential (Exhibit C2-4). Specifically:
  - (i) Information relating to construction costs, purchase price and operating costs, including sustainment capital. FAES states the information is commercially sensitive and public disclosure of could reasonably be expected to result in harm or prejudice to FAES' competitive or negotiating position with other parties on future TES projects;
  - (ii) Information relating to TES system sizes and annual loads. FAES states the information is commercially sensitive and disclosure could lead to individual customer consumption data being determined due to the limited number of customers in an on-site Stream A project; and
  - (iii) Information about specific utility assets in service including critical assets, system infrastructure, and system design. FAES states that disclosure of the information could jeopardize the safety, security, and operation of the TES systems in service; and
- L. The BCUC has reviewed Onni and FAES's requests for confidentiality and finds that the following determinations are warranted.

**NOW THEREFORE** pursuant to Part IV of the BCUC's Rules of Practice and Procedure, the BCUC orders as follows:

1. The BCUC will hold confidential the information relating to the Gilmore Place real estate development in the Gilmore Place Application, filed by Onni in Exhibit C12-3, until further order of the BCUC;
2. The BCUC will hold confidential the following information in the 25 Stream A applications, filed by FAES in Exhibit C2-4, until further order of the BCUC:
  - (i) Information relating to construction costs, purchase price and operating costs, including sustainment capital;
  - (ii) Information relating to TES system sizes and annual loads; and

- (iii) Information about specific utility assets in service including critical assets, system infrastructure, and system design.

**DATED** at the City of Vancouver, in the Province of British Columbia, this 27<sup>th</sup> day of May 2020.

BY ORDER

*Original signed by:*

R. I. Mason  
Commissioner