



**ORDER NUMBER
G-258-23**

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

and

British Columbia Utilities Commission
Generic Cost of Capital Proceeding

BEFORE:

A. K. Fung, KC, Panel Chair
K. A. Keilty, Commissioner
T. A. Loski, Commissioner

on September 29, 2023

ORDER

WHEREAS:

- A. By Order G-66-21 dated March 8, 2021, pursuant to section 82 of the *Utilities Commission Act* (UCA), the British Columbia Utilities Commission (BCUC) established a Generic Cost of Capital (GCOC) proceeding;
- B. By Orders G-66-21, G-156-21, G-183-21, G-205-21, G-231-21, G-281-21, G-288-21, G-106-22, G-217-22A, and G-327-22A, the BCUC established a regulatory timetable and scope for the GCOC proceeding;
- C. The GCOC proceeding is being conducted in two stages. Stage 1 of the GCOC proceeding determined the deemed capital structure and allowed return on equity (ROE) of FortisBC Energy Inc. (FEI) and FortisBC Inc. (FBC) (collectively, FortisBC). Stage 2 will determine matters related to the Benchmark Utility and establish the cost of capital for other utilities in British Columbia;
- D. On January 31, 2022, FortisBC filed its evidence to support its deemed capital structure and allowed ROE proposal. As part of the proceeding, FortisBC requests the BCUC to keep the following exhibits confidential as they are proprietary information or contain customer information that cannot be disclosed publicly:
 - i. Exhibit B1-9-1, FortisBC Response to BCUC Information Request (IR) No. 1, Attachments 51.1, 56.2.1, and 58.6;
 - ii. Exhibit B1-10-1, FortisBC Response to BCOAPO IR No. 1, Attachments 21.3, 21.4, 21.5, 21.6 and 21.7;
 - iii. Exhibit B1-11-1, FortisBC Response to CEC IR No. 1, CEC IR1 52.1 and Attachments 23.2 and 25.1;
 - iv. Exhibit B1-12-1, FortisBC Response to ICG IR No. 1, ICG IR1 5.1; and

- v. Exhibit B1-19-1, FortisBC Response to BCOAPO No. 2, BCOAPO IR2 69.1, 83.1.1 and Attachment 69.1;
- E. By Order G-236-23 and accompanying decision dated September 5, 2023, the BCUC completed Stage 1 of the GCOC proceeding, which determined the deemed capital structure and allowed return on equity for FEI and FBC; and
- F. The BCUC has considered the confidentiality requests in accordance with the BCUC's Rules of Practice and Procedures as set out in Order G-72-23, and makes the following determinations.

NOW THEREFORE the BCUC orders as follows:

1. The following exhibits in the GCOC Stage 1 proceeding evidentiary record will be kept confidential due to their proprietary or commercially sensitive nature:
 - a. Exhibit B1-9-1, FortisBC Response to BCUC IR No. 1, Attachments 51.1, 56.2.1, and 58.6;
 - b. Exhibit B1-11-1, FortisBC Response to CEC IR No. 1, CEC IR1 52.1 and Attachments 23.2 and 25.1;
 - c. Exhibit B1-12-1, FortisBC Response to ICG IR No. 1, ICG IR1 5.1; and
 - d. Exhibit B1-19-1, FortisBC Response to BCOAPO No. 2, BCOAPO IR2 69.1, 83.1.1 and Attachment 69.1;
2. FortisBC is directed to provide, with explanation, a period of time for which the documents in Directive 1 should remain confidential, within 14 days of the date of this order for BCUC acceptance.
3. FortisBC's request to keep Exhibit B1-10-1, Attachments 21.3, 21.4, 21.5, 21.6 and 21.7 confidential is denied because the information is already available as part of Exhibit B1-8-1, FEI 2020 AIF, FBC 2020 AIF, JMC-FEI-3 and JMC-FBC-3 in the public evidentiary record of the GCOC Stage 1 proceeding.
4. FortisBC may make a submission as to what should be done with the document in Directive 3, within 14 days of the date of this order for BCUC acceptance.

DATED at the City of Vancouver, in the Province of British Columbia, this 29th day of September 2023.

BY ORDER

Original signed by:

A.K. Fung, KC
Commissioner