



ORDER NUMBER
G-326-24

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

and

Easy Energy Inc.
Request for Confidentiality

BEFORE:

E. B. Lockhart, Commissioner
B. A. Magnan, Commissioner

on December 6, 2024

ORDER

WHEREAS:

- A. On July 3, 2024, Easy Energy Inc. (Easy Energy) filed an application (Application) pursuant to Part IV of the British Columbia Utilities Commission's (BCUC) Rules of Practice and Procedure, requesting that certain information (i.e. annual sales revenue and total number of customers) contained in its August 28, 2023 application for renewal of its Gas Marketers Licence (2023 Renewal Application) be kept confidential;
- B. On August 28, 2023, Easy Energy filed its 2023 Renewal Application, seeking renewal of its Gas Marketer Licence for the November 1, 2023 to October 31, 2024 period. Pursuant to Attachment 1 of the Rules for Gas Marketers, Easy Energy requested that its 2023 Renewal Application be held confidential;
- C. By Order A-9-23 dated October 30, 2023, the BCUC renewed Easy Energy's Gas Marketer Licence and ruled that the 2023 Renewal Application would be held confidential until otherwise determined;
- D. In the time since Order A-9-23 was issued, the BCUC updated its "entity map" webpage on its website, to provide customers of regulated entities with easily accessible information that gives them a general understanding of their energy provider;
- E. By Order G-238-24 dated September 5, 2024, the BCUC established a regulatory timetable for review of Easy Energy's Application and directed Easy Energy to file supplemental information. On September 18, 2024, Easy Energy filed the directed supplemental information; and
- F. The BCUC has reviewed Easy Energy's Application and supplemental information and makes the following determination.

NOW THEREFORE for the reasons outlined in the decision accompanying this order, the BCUC denies Easy Energy's request that its annual sales revenue and total number of customers be treated as confidential information.

DATED at the City of Vancouver, in the Province of British Columbia, this 6th day of December 2024.

BY ORDER

Electronically signed by Bernard Magnan

B. A. Magnan
Commissioner

DECISION

1.0 Introduction

On July 3, 2024, Easy Energy Inc. (Easy Energy) filed an application (Application) pursuant to Part IV of the British Columbia Utilities Commission's (BCUC) Rules of Practice and Procedure (Rules),¹ requesting that certain information (i.e. annual sales revenue and total number of customers) contained in its August 28, 2023 application for renewal of its Gas Marketers Licence (2023 Renewal Application) be kept confidential.

Pursuant to the BCUC's *Rules for Gas Marketers*,² Easy Energy submitted the information and documentation required for an application for a license to market natural gas, with several documents marked as confidential. By Order A-9-23, dated October 30, 2023, the BCUC directed that Easy Energy's 2023 Renewal Application would be held confidential until the BCUC determines otherwise.

The BCUC maintains a publicly available "Entity Map" webpage (Entity Map), which includes high-level information such as annual sales revenue and number of customers, regarding BCUC-regulated entities.³ Following the issuance of Order A-9-23, the BCUC updated its Entity Map to display Easy Energy's annual sales revenue and total number of customers, based on information contained in the confidential 2023 Renewal Application. The BCUC removed Easy Energy's annual sales revenue and number of customers information from its "Entity Map" webpage pending this Panel's decision.

2.0 Approvals Sought

Easy Energy requests that the annual sales revenue and number of customers, as set out in its 2023 Renewal Application, be treated as confidential and not published on the BCUC's website.

3.0 Legal and Regulatory Framework

Rule 16 provides that the Rules apply to all requests for confidentiality and confidential documents filed with the BCUC in regard to any and all matters.

Rule 20.01 states, in turn, that in determining whether the nature of information or documents requires a confidentiality direction, the BCUC will have regard to matters that it considers relevant, including the following:

- (a) whether the disclosure of the information could reasonably be expected to result in:
 - (i) undue material financial loss or gain to a person;

¹ Attached to Order G-296-24.

² Attached to Order A-12-13.

³ <https://map.bcuc.com/>

- (ii) significant harm or prejudice to that person's competitive or negotiating position; or
 - (iii) harm to individual or public safety or to the environment;
- (b) whether the information is personal, financial, commercial, scientific, labour relations or technical information that is confidential and consistently treated as confidential by the person;
- (c) whether the person's interest in confidentiality outweighs the public interest in the disclosure of the information or documents in the hearing;
- (d) whether the person submitting the document has any legal obligation to maintain confidentiality; and
- (e) whether it is practicable to hold the hearing in a manner that is open to the public.

4.0 Regulatory Process

By Order G-238-24 dated September 5, 2024, the BCUC established a regulatory timetable and directed Easy Energy to file supplemental information by September 20, 2024.

In particular, the BCUC directed Easy Energy to (i) explain how each of the factors from Rule 20.01 listed above applies to the information regarding annual sales revenue and number of customers from Easy Energy's 2023 Renewal Application; and (ii) explain why Easy Energy's interest in keeping information about annual sales revenue and number of customers confidential outweighs the public interest in customers of Easy Energy, a regulated entity, having access to high-level information regarding their energy provider similar to that information available to customers of regulated public utilities.

On September 18, 2024, Easy Energy submitted supplemental information responding to the above-noted directive.

5.0 Easy Energy's Position

Easy Energy submits that its annual sales revenue and number of customers constitute commercially sensitive information and would harm its competitive position and business interests if published.⁴

Easy Energy states that publishing this information could make Easy Energy the target of a larger competitor; may cause other private companies to "see an opportunity to enter the Gas Marketing space to the detriment of Easy Energy"; could mislead a reader as the sales revenues are not exclusively from BC or the Customer Choice Program; and may negatively influence customer perspectives.⁵ Easy Energy explains that this information, in combination with the Customer Choice Annual Program Statistics, which are publicly available in the Customer Choice Annual General Meeting hearings, may negatively impact its negotiations with its suppliers and cause Easy Energy serious material financial loss.⁶

⁴ Exhibit B-1, p. 3.

⁵ Exhibit B-1, p. 3.

⁶ Exhibit B-2, p. 2.

Easy Energy acknowledges the BCUC has published similar information on its website for other entities. It draws a distinction, however, since Easy Energy submits that “marketers such as FortisBC, Pacific Northern Gas and Corix are all regulated utilities that own and operate gas or electric infrastructure,” and “are not privately held companies that are simply Gas Marketers like Easy Energy.”⁷

Easy Energy submits that its interest in keeping the information confidential outweighs the public interest in publishing the high-level information. It argues that there is greater public interest in publishing high-level information concerning regulated utilities “given that their customers are captive and subject to variable market-based rates which results in an increased need for transparency.” Easy Energy further submits that publishing its annual sales revenue and number of customers could negatively impact its negotiations with suppliers and ultimately leave consumers with fewer options with respect to natural gas providers and pricing.⁸

6.0 Panel Determination

The Panel has considered the criteria set out in Rule 20.01 in its assessment of whether Easy Energy’s annual sales revenue and number of customers should be subject to confidential treatment.

The Panel considers Easy Energy’s annual sales revenue and number of customers to be high-level information in that neither piece of information, whether considered in isolation or in combination with the other, discloses details of Easy Energy’s business model, operations, key commercial relationships, or profitability.

Given the above, the Panel is not persuaded that knowledge of Easy Energy’s annual sales revenue and number of customers would be of significant use to an industry competitor or negotiating counterparty. The Panel finds that Easy Energy has not demonstrated that the disclosure of this information is likely to cause any undue material financial loss to Easy Energy, or is likely to significantly harm or prejudice its competitive or negotiating position.

Although gas marketers and public utilities are subject to different regulatory requirements, both are regulated entities in BC. The Panel considers that there is a public interest in Easy Energy’s current and prospective customers having access to high-level information about their energy provider, since customers have the freedom to choose between purchasing natural gas at variable, market-based rates from a public utility or at long-term, fixed rates from a gas marketer. Making high-level information about energy providers accessible to current and prospective customers helps these customers to make an informed decision. The Panel finds that Easy Energy’s interest in keeping its annual sales revenue and number of customers confidential is outweighed by the public interest in making that information publicly available.

In light of the foregoing, the BCUC denies Easy Energy’s request that its annual sales revenue and total number of customers be treated as confidential information.

⁷ Exhibit B-1, p. 3.

⁸ Exhibit B-2, p. 3.

DATED at the City of Vancouver, in the Province of British Columbia, this 6th day of December 2024.

Electronically signed by Blair Lockhart

E. B. Lockhart
Commissioner

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B. A. Magnan
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