



ORDER NUMBER
G-351-24

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

and

British Columbia Hydro and Power Authority
TransAlta Energy Marketing Corp. Complaint Under BC Hydro Open Access Transmission Tariff

BEFORE:

M. Jaccard, Commissioner

on December 23, 2024

ORDER

WHEREAS:

- A. On September 24, 2024, the British Columbia Utilities Commission (BCUC) issued confidential Order G-250-24 to British Columbia Hydro and Power Authority (BC Hydro) with respect to a complaint filed by TransAlta Energy Marketing Corp (TEMC) (Confidential Order);
- B. In the Confidential Order the BCUC directed BC Hydro and TEMC to file written submissions with respect to the confidentiality of the Confidential Order amongst other materials, including proposed redactions, if any, that it seeks prior to its potential publication, as may be ordered by the BCUC;
- C. Between October 23 and October 28, 2024, TEMC and BC Hydro filed submissions with respect to the public disclosure of the Confidential Order and other materials; and
- D. Following a review of BC Hydro and TEMC's submissions, the Panel determines that release to the general public of both the Confidential Order and certain other materials is warranted and in the public interest.

NOW THEREFORE for the reasons outlined in the decision accompanying this order, the BCUC orders as follows:

- 1. The redacted Order G-250-24 is to be made public, as attached in Appendix A to this order.
- 2. Redacted versions of submissions made by TEMC and BC Hydro are to be made public, as attached in Appendix B to this order.
- 3. All other materials filed in this proceeding will remain confidential, until otherwise ordered by the BCUC.

DATED at the City of Vancouver, in the Province of British Columbia, this 23rd day of December 2024.

BY ORDER

Electronically signed by Mark Jaccard

M. Jaccard
Commissioner

DECISION

1.0 Introduction

On September 24, 2024, the British Columbia Utilities Commission (BCUC) issued confidential Order G-250-24 to British Columbia Hydro and Power Authority (BC Hydro) with respect to a complaint filed by TransAlta Energy Marketing Corp (TEMC) (Confidential Order). Directive 4 of the Confidential Order directed BC Hydro and TEMC to file written submissions with respect to the confidentiality of the Confidential Order and other materials submitted in the proceeding.

1.1 BCUC Rules of Practice and Procedure

Part IV of the BCUC Rules of Practice and Procedure (Rules) outline the provisions for requests for confidentiality and the filing of confidential documents.

Section 20.01 outlines the considerations for the BCUC with respect to determinations on confidential information:

In determining whether the nature of the information or documents require a confidentiality direction, the BCUC will have regard to matters that it considers relevant, including:

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

2.0 BC Hydro Submissions

On October 23, 2024, BC Hydro made a submission stating, except for the confidential redacted version of the Standards of Conduct investigation record and the unredacted self-report (SOC Investigation submissions), it supports making public a redacted version of the Confidential Order and all other submissions made during the proceeding (Public Materials).¹ BC Hydro requests the following redactions for the Public Materials²:

1. Information regarding BC Hydro's transmission customers who were not parties to the complaint should be kept confidential in perpetuity to protect their identity;
2. BC Hydro's customer agreement with Open Access Technology International, Inc. for the use of the Open Access Same-Time Information System (OASIS) contains non-disclosure and confidentiality provisions, so certain information from OASIS should be kept confidential in perpetuity; and
3. BC Hydro employee names and contact information should be kept confidential in perpetuity to protect their personal information.

BC Hydro requests that the SOC Investigation submissions filed on April 4, 2024, remain confidential.³

In supporting its request for confidentiality of the SOC Investigation submissions, BC Hydro notes that a description of the events leading to the SOC Investigation has already been published on its Standards of Conduct webpage. BC Hydro surmises that its proposal that the Confidential Order be made public provides further context on the SOC violations and suggests improvements to BC Hydro's related business practices. In BC Hydro's view, this proposal satisfies the public interest objective of transparency and disclosure and further disclosure through the public release of the SOC Investigation submissions is not required.⁴

3.0 TEMC Submissions

By email dated October 28, 2024, TEMC states that it takes no position on the confidentiality of its submissions made during the proceeding.⁵

Panel Determination

The Panel determines that the Public Materials should be released to satisfy the public interest of transparency and disclosure. BC Hydro does not object to the release of the Public Materials, while TEMC takes no position on the matter. The Panel agrees with BC Hydro that the release of the Public Materials is sufficient disclosure on this matter as it balances the public interest of fair, open and transparent regulatory proceedings with protecting market sensitive and personal information submitted in the complaint filed by TransAlta and subsequent proceeding. However, materials containing BC Hydro's customer agreement with OASIS will not be disclosed as that agreement contains non-disclosure and confidentiality provisions. As well, information containing BC Hydro transmission customers who were not parties to the complaint will also be kept confidential to protect their identity. Similarly, the disclosure of BC Hydro employee names and contact information will be redacted from the Public Materials to protect personal information. **The SOC Investigation submissions will remain confidential until otherwise ordered by the BCUC.** The BCUC notes BC Hydro has disclosed some background elements of the SOC Investigation on its website and supports the publication of a redacted version of the Confidential Order. The Panel finds this approach to be reasonable.

¹ BC Hydro Confidentiality Submission dated October 23, 2024, p. 1.

² BC Hydro Confidentiality Submission dated October 23, 2024, pp. 1–2.

³ BC Hydro Confidentiality Submission dated October 23, 2024, pp. 1–2.

⁴ BC Hydro Confidentiality Submission dated October 23, 2024, p. 2.

⁵ TEMC Confidentiality Submission dated October 23, 2024, p. 1.

DATED at the City of Vancouver, in the Province of British Columbia, this 23rd day of December 2024.

Electronically signed by Mark Jaccard

M. Jaccard
Commissioner

Attachment