



ORDER NUMBER
G-174-25

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

and

Cambie Gardens Energy Limited Partnership
Terms of Service and Rates for the City of Vancouver and S.U.C.C.E.S.S. Affordable Housing Society

BEFORE:

M. Jaccard, Panel Chair
E. A. Brown, Commissioner

on July 9, 2025

ORDER

WHEREAS:

- A. By Order G-249-24, dated September 24, 2024, the British Columbia Utilities Commission (BCUC) issued its decision (Complaint Decision) regarding a complaint filed by S.U.C.C.E.S.S. Affordable Housing Society (SUCCESS) and the City of Vancouver (City). The complaint was regarding the inability to reach an agreement between Cambie Gardens Energy Limited Partnership (CGE) and SUCCESS on the rates and terms for the delivery of thermal energy service from the CGE thermal energy system (TES);
- B. The BCUC in the Complaint Decision provided recommendations and guidance to CGE and the City and SUCCESS with respect to rates and terms of the service agreement and directed that the parties had an additional six months from the date of Order G-249-24 to negotiate a long-term service agreement. The BCUC further directed that the parties were to provide notification to the BCUC if they were unable to reach agreement within this time period;
- C. By letters dated March 21, 2025 and March 25, 2025, with updates filed on April 28, 2025 and April 22, 2025 respectively, CGE and the City and SUCCESS confirmed that they had not reached agreement on a long-term service agreement;
- D. By Order G-147-25, dated June 16, 2025, the BCUC initiated a proceeding to set CGE's rates and terms of service with respect to its service to SUCCESS and established a regulatory timetable. The regulatory timetable included provision of notice to the other customers of the CGE TES, information to be filed by CGE, a letter of comment deadline, and submissions from CGE and the City and SUCCESS;
- E. On June 26, 2025, CGE filed the information requested in Order G-147-25, and requested to keep confidential: (i) certain aspects of its proposed service agreement (Proposed Agreement) with SUCCESS, (ii) certain aspects of its assessment of how the Proposed Agreement implements the BCUC's recommendations provided in Order G-249-24, and (iii) its financial model in its entirety; and

- F. In accordance with the BCUC's Rules of Practice and Procedure, the BCUC has considered CGE's request for confidentiality and finds that the following determinations are warranted.

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

1. The regulatory timetable is amended, as set out in Appendix A to this order.
2. CGE's financial model filed in Exhibit B-1-3 will be held confidential unless the BCUC determines otherwise.
3. CGE's request to keep information confidential that is already in the public domain, as specified in Section 4 of the decision accompanying this order, is denied.
4. CGE is directed to refile Exhibit B-1 by Tuesday, July 22, 2025, with the redactions associated with the information described in Directive 3 of this order removed.

DATED at the City of Vancouver, in the Province of British Columbia, this 9th day of July 2025.

BY ORDER

Electronically signed by Mark Jaccard

M. Jaccard
Commissioner

Cambie Gardens Energy Limited Partnership
Terms of Service and Rates for the City of Vancouver and S.U.C.C.E.S.S. Affordable Housing Society

REGULATORY TIMETABLE

Action	Date (2025)
CGE and the City and SUCCESS written submissions as per Order G-147-25	Thursday, July 17
CGE to file a revised version of Exhibit B-1 and additional information in accordance with the decision accompanying this order	Tuesday, July 22
CGE and the City and SUCCESS reply submissions as per Order G-147-25	Tuesday, July 29

DECISION

1.0 Background

By Order G-249-24, dated September 24, 2024, the British Columbia Utilities Commission (BCUC) issued its decision (Complaint Decision) regarding a complaint filed by S.U.C.C.E.S.S. Affordable Housing Society (SUCCESS) and the City of Vancouver (City). The complaint was regarding the inability to reach an agreement between Cambie Gardens Energy Limited Partnership (CGE) and SUCCESS on the rates and terms for the delivery of thermal energy service from the CGE thermal energy system (TES). In the Complaint Decision, the BCUC provided recommendations and guidance to the parties with respect to rates and terms of the service agreement and directed that the parties had an additional six months from the date of Order G-249-24 to negotiate a long-term service agreement. The BCUC further directed that the parties were to provide notification to the BCUC if they were unable to reach agreement within this time period.

By letters dated March 21, 2025 and March 25, 2025, with updates filed on April 28, 2025 and April 22, 2025, CGE and the City and SUCCESS, respectively, confirmed that they had not reached agreement on a long-term service agreement.

By Order G-147-25, dated June 16, 2025, the BCUC, noting that no long-term agreement has been reached between the parties, which is a requirement of the BCUC's TES Guidelines, initiated a proceeding to set CGE's rates and terms of service with respect to its service to SUCCESS and established a regulatory timetable. The regulatory timetable included provision of notice to the other customers of the CGE TES, information to be filed by CGE, a letter of comment period, and submissions from CGE and the City and SUCCESS. The BCUC directed CGE to file the following information:

1. The proposed service agreement (Proposed Agreement) with SUCCESS blacklined showing all changes from the service agreement filed in Appendix C of Exhibit B-4-1 of the complaint proceeding.
2. CGE's financial model that supports CGE's Proposed Agreement, in working excel format.
3. An assessment of how and where (page number and/or clause reference) the proposed service agreement implements the BCUC's recommendations provided in Order G-249-24. If applicable, CGE is to provide rationale for any of the BCUC's recommendations not implemented.

On June 26, 2025, CGE filed the above information, and requested that certain information in the filing be kept confidential.¹

2.0 BCUC's Rules of Practice and Procedure

Part IV of BCUC's Rules of Practice and Procedure (Rules) applies to confidential documents filed with the BCUC. The Rules provide that if a party wishes to keep information confidential the party must make a request. The BCUC may, with or without a hearing or further process, grant a request for confidentiality on any terms it considers appropriate.²

¹ Exhibit B-1.

² Order G-296-24 dated September 24, 2024, pp. 11 – 12.

Among other things, Rule 18.01 provides that if a party wishes to keep confidential any information in a document filed in any matter before the BCUC, in addition to the document, at the time of filing, the party must file a request that all or any part of the document be held in confidence which must:

- (i) briefly describe the nature of the information in the document and the reasons for the request for confidentiality, including the specific harm that could reasonably be expected to result if the document was made publicly available;
- (ii) indicate whether all or only a part of the document is the subject of the request; and
- (iii) provide, with explanation, a period of time for which the document should remain confidential.

Rule 18.02 provides that the party requesting confidentiality bears the onus of establishing why the information should be treated as confidential by the BCUC.

Rule 20.01 provides that 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.

3.0 CGE's Request for Confidentiality

CGE requests to keep confidential:

1. certain aspects of its Proposed Agreement with SUCCESS;
2. certain aspects of its assessment of how the Proposed Agreement implements the BCUC's recommendations provided in Order G-249-24 (Assessment); and
3. its financial model in its entirety.

CGE submits that the information contains trade secrets and commercial, financial, scientific and technical information of or about CGE that, if disclosed, would significantly harm its competitive position. CGE further states that disclosure of this information would result in undue material financial loss to CGE and significant harm or prejudice to its competitive or negotiating position.³

³ Exhibit B-1, p. 2.

4.0 Panel Determination

The Panel has reviewed CGE's request for confidentiality, considering the criteria provided in Rule 20.01 of the Rules and information that is already in the public domain, such as documents filed in the proceeding to review the complaint from the City and SUCCESS (Complaint Proceeding). We note there were multiple documents in the Complaint Proceeding that were filed publicly including the originally proposed service agreement⁴ and the rate⁵ CGE was proposing to charge SUCCESS. The Panel first addresses CGE's financial model, item (3) above, before dealing with the rest of CGE's request to keep certain information confidential.

Regarding CGE's financial model, the Panel accepts CGE's request for confidentiality. It is clear that disclosure of the model could significantly harm CGE's competitive position in negotiating rates with other customers. Accordingly, **CGE's financial model filed in Exhibit B-1-3 will be held confidential unless the BCUC determines otherwise.**

Regarding the remaining information that CGE requests to keep confidential as part of Exhibit B-1, the Panel observes that the following items are already in the public domain:

- The design capacity of the service on PDF p. 5, which is in the public domain in Exhibit B1-1 of the Complaint Proceeding.⁶
- Schedule B to the Proposed Agreement on PDF p. 31, the entirety of which is in the public domain in Exhibit B1-1 of the Complaint Proceeding.⁷
- The escalation rate on PDF p. 37, which is in the public domain in CGE's March 19, 2024, Final Argument in the Complaint Proceeding.⁸
- The original cost inflation rate on PDF p. 37, which is in the public domain in CGE's March 19, 2024, Final Argument in the Complaint Proceeding.⁹
- The original return on equity rate on PDF p. 37, which is in the public domain in CGE's March 19, 2024, Final Argument in the Complaint Proceeding.¹⁰

Information that is already in the public domain can no longer be confidential. Accordingly, **CGE's request to keep the above information confidential is denied. CGE is directed to resubmit Exhibit B-1 with the above noted redactions removed by Tuesday, July 22, 2025.** If not, the BCUC will make this information publicly available.

With respect to the remaining requests for confidentiality, the Panel considers the reasons provided by CGE to be overly broad, and do not sufficiently explain the specific harm that could result from public disclosure. For example, the Panel is not clear how disclosure of the specific design capacity percentage,¹¹ which is specific to the CGE TES, would result in undue material financial loss to CGE and significant harm or prejudice to its competitive or negotiating position. Before making a final ruling on the confidentiality of the remaining redactions requested by CGE within Exhibit B-1, and pursuant to Rule 18.01 and 18.02, the Panel invites CGE to provide, by Tuesday, July 22, 2025, further reasons for confidential treatment for each of the remaining redactions, including the specific harms that could reasonably be expected if the information was made publicly available. CGE is also requested to include the time period for which confidentiality is being requested.

⁴ Complaint Proceeding, Exhibit B1-1.

⁵ Complaint Proceeding, CGE Final Argument Dated March 19, 2024, pp. 6, 18 (PDF p. 9, 21).

⁶ Complaint Proceeding, Exhibit B1-1, PDF p. 41.

⁷ Complaint Proceeding, Exhibit B1-1, PDF p. 60.

⁸ Complaint Proceeding, CGE Final Argument dated March 19, 2024, p. 6 (PDF p. 9).

⁹ Complaint Proceeding, CGE Final Argument dated March 19, 2024, p. 17 (PDF p. 20).

¹⁰ Complaint Proceeding, CGE Final Argument dated March 19, 2024, pp. 4, 6 (PDF pp. 7, 9).

¹¹ Exhibit B-1, PDF p. 37.

The Panel requests that CGE provide its submission in the following format:

Page Number	Information	Reasons for the request for confidentiality	Specific harm that could reasonably be expected to result if the information was made publicly available	The time period for which confidentiality is being requested
...				
...				

Lastly, the Panel notes that the Proposed Agreement in Exhibit B-1 includes Schedules A, B, D and E. CGE is requested to clarify if there is a Schedule C to the Proposed Agreement, and if so, file an updated version of the Proposed Agreement with Schedule C included, with any associated requests for confidentiality if necessary. CGE is to file this clarification and/or updated Proposed Agreement by Tuesday, July 22, 2025.

DATED at the City of Vancouver, in the Province of British Columbia, this 9th day of July 2025.

Electronically signed by Mark Jaccard

M. Jaccard
Panel Chair/Commissioner

Electronically signed by Elizabeth A. (Lisa) Brown

E. A. Brown
Commissioner