



October 10, 2018

Sent via eFile

CREATIVE ENERGY BEATTY/EXPO PLANTS CPCN AND REORGANIZATION	EXHIBIT A-13
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Mr. Krishnan Iyer
President and CEO
Creative Energy Vancouver Platforms Inc.
Suite 1 - 720 Beatty Street
Vancouver, BC V6B 2M1
Krishnan@creative.energy; info@creative.energy

Re: Creative Energy Vancouver Platforms Inc. – Application for Certificate of Public Convenience and Necessity for the Expo–Beatty Plants and Reorganization – Project Number 1598962

Dear Mr. Iyer:

On September 26, 2018, the British Columbia Utilities Commission (BCUC) issued a letter to Creative Energy Vancouver Platforms Inc. (Creative Energy) (ExhibitA-10) requesting clarifications from Creative Energy regarding its letter of September 13, 2018, to Grover, Elliot & Co. Ltd. in which it asked that certain enclosed information be kept confidential.

The BCUC was copied on that letter (Exhibit B-7), but did not receive any of the enclosed attachments sent to Grover, Elliott & Co. Ltd. Creative Energy stated in the letter to Grover, Elliott & Co. Ltd that “the documents in Attachment 4 are confidential to the parties and are provided to you in confidence,” and that “the documents in Attachment 4 must not be disclosed to anyone outside your organization, including the BCUC and interveners in this proceeding.”

The Panel in its letter requested that Creative Energy provide an explanation on the confidential treatment of Attachment 4 and submissions on how keeping information confidential will impact the ability of the Panel to consider the independent land value assessment. In addition, the Panel invited other parties to provide written comments regarding the confidentiality treatment of Attachment 4 with reply comments from Creative Energy.

In response to the Panel request, on September 28, 2018, Creative Energy filed its submission (Exhibit B-8) stating that Attachments 1, 2, and 3 are publically available documents and are submitted to Grover, Elliott & Co. Ltd. as a matter of convenience. Regarding Attachment 4, Creative Energy stated that this Attachment is considered confidential by the parties to the agreements, including in particular British Columbia Enterprise Corporation and Concord Pacific Developments Ltd., as it contains unique terms for the purchase, sale and development rights respecting land proximate to BC Place Stadium, and public disclosure of these documents could reasonably be expected to result in harm to the competitive or negotiating position of these parties. Creative Energy also stated that it had not taken the position that the Attachment 4 documents will not be provided to the BCUC, nor has it asked the BCUC to make a determination regarding confidentiality and clarified that, if the BCUC wants a copy of the Attachment 4 documents, it may direct such request to Creative Energy or its counsel. Creative Energy also elaborated that the parties to these agreements do not necessarily agree on the

interpretation of provisions of the 1988 Agreements as amended, including the provisions related to the Floor Space Ratio (FSR) matter. For that reason, Creative Energy has asked Grover Elliot not to provide any specific opinions regarding the meaning of the 1988 Agreement, as amended.

On October 4, 2018, Mr. Weafer of Owen Bird Law Corporation on behalf of the Commercial Energy Consumers Association of British Columbia (CEC) filed a submission (Exhibit C3-5) stating that Creative Energy has not put forward a persuasive position as to why the materials in Attachment 4 should not be made available to the BCUC and to Interveners in the proceeding, subject to the Interveners taking on an undertaking on confidentiality as is the normal practice of the BCUC. Further, the CEC submits that the BCUC should request that Creative Energy provide any alternative views of the meaning of the agreements, including Appendix 4, to the Independent Appraiser.

In its reply submission dated October 9, 2018 (Exhibit B-11), Creative Energy reiterated that it does not oppose providing the 1988 Agreement, as amended, to the BCUC on a confidential basis, nor does it oppose providing it to Mr. Weafer and/or Mr. Craig of the CEC if they provide a confidentiality declaration and undertaking in the BCUC's standard form.

The Panel has considered filed submissions and requests **that Creative Energy file as evidence in this proceeding, all Appendices (1-4) that were submitted to Grover, Elliot & Co Ltd. by 2:00 p.m. on Thursday, October 11, 2018.** If deemed necessary, Creative Energy may file Appendix 4 on a confidential basis.

The Panel expects that Grover, Elliot & Co. Ltd. observe Creative Energy's request not to provide any specific opinions regarding the meaning of the 1988 Agreement, as amended.

Sincerely,

Original signed by:

Patrick Wruck
Commission Secretary

LU/dg

cc: Mr. Larry Dybvig
Grover, Elliott & Co. Ltd.