

11 September 2019

Via email

Mr. Patrick Wruck
Commission Secretary
BC Utilities Commission
Suite 410, 900 Howe Street
Vancouver, BC V6Z 2N3

Dear Mr. Wruck:

**Re: British Columbia Utilities Commission (BCUC, Commission)
Creative Energy Vancouver Platforms Inc. (Creative Energy)
Application for a Certificate of Public Convenience and Necessity (CPCN) to Acquire
and Operate a Thermal Energy System (TES) for Cooling at the Vancouver House
Development (Application)**

Creative Energy writes in further reply to an inquiry of Commission staff regarding our request to maintain the confidentiality of the entirety of Appendix 2 of the Application, which is the Construction and Purchase Agreement between Creative Energy Vancouver Platforms Inc., and Howe Street Ventures Ltd and Howe Street Property Inc. (the **Purchase Agreement**).

When Creative Energy filed its Application it contemplated that Commission review would not entail a public process with its materials posted online in a public forum, in much the same way that the Commission did not establish a public hearing into its Stream B review of our CPCN Application for a Heating TES, also at the Vancouver House Development. That approach was consistent with the scope of that Application, notwithstanding that a Stream A exemption for that CPCN was not approved. Creative Energy notes that the appended service agreement to the Purchase Agreement in the current Application also reflected the view and expectation that a light-handed approach through a Stream A process could be appropriate under the circumstances. While the Commission denied a Stream A CPCN exemption for the Cooling TES, in Creative Energy's view it remains appropriate that the Commission's review can still proceed without an expanded public process. With the posting of our Application on the BCUC website as indicated by Commission staff, Creative Energy requested that Appendix 2 be kept confidential, respecting the associated provisions in section 14.3 of the Purchase Agreement.

The Purchase Agreement is a contract between two parties that Creative Energy desires to remain confidential with due consideration to its associated terms, our competitive position in this market, and the overall scope and circumstances of this Application. Creative Energy

acknowledges that section 14.3, item (c) contemplates that the Purchase Agreement could be made a public document if necessary to support submissions to regulatory agencies. Creative Energy has advanced the Purchase Agreement for the Commission's review in furtherance of our Application. Creative Energy submits that it is unnecessary to post the Purchase Agreement publicly online, given the scope of our Application and the limited parties affected.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Rob Gorter', with a long horizontal flourish extending to the right.

Rob Gorter
Director, Regulatory Affairs and Customer Relations