

# FASKEN

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## By Electronic Filing

British Columbia Utilities Commission  
Suite 410, 900 Howe Street  
Vancouver, BC V6Z 2N3

**Attention: Patrick Wruck, Commission Secretary**

Dear Sirs/Mesdames:

**Re: British Columbia Utilities Commission – An Inquiry into Gasoline and Diesel Prices in British Columbia – Project No. 1599007**

We are the solicitors for Parkland Fuel Corporation (“Parkland”).

We write further to our letter in the above-noted matter dated July 5, 2019 and BCUC Order G-148-19 issued yesterday (the “Confidentiality Order”) with respect to:

1. the timing of Parkland’s filing of confidential business information; and
2. the continued uncertainty regarding the Inquiry process and Parkland’s procedural fairness concerns in light of the impending “oral workshop”.

## Timing of Filing of Confidential Business Information

Yesterday’s Confidentiality Order, issued at Parkland’s urging, has rectified the dilemma faced by parties seeking certainty that confidential business information would not be disclosed to competitors. As a result, Parkland can provide the requested information to the BCUC, along with context around those numbers as necessary to ensure they are understood.

However, the BCUC has requested the information by July 15, 2019, which (for the reasons we articulated in our letter of July 5) is a date that Parkland cannot reasonably meet. While Parkland anticipates being unable to deliver the materials before the Oral Workshop, its commercial sensitivity would have precluded discussion at the Workshop in any event. That said, Parkland recognizes the value to the BCUC of having that information as soon as possible, and will continue to make best efforts to deliver it as soon as it can be completed.

## Parkland Continues to Have Significant Concerns Regarding Procedural Fairness

We have previously articulated Parkland’s concern regarding the fairness of the timelines established in this Inquiry. That concern has been amplified by the fact that, despite there being only five business days until the start of the “Oral Workshop – Panel Questions”, parties have yet to receive confirmation about the format and expectations for that Workshop.

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Since the initial conference calls held by the BCUC with participants, Parkland has received conflicting advice from the BCUC as to the anticipated format of the oral workshop, including:

- whether, despite being identified as “Oral Workshop - Panel Questions”, the BCUC is entertaining having parties cross-examine one another;
- whether the BCUC’s own consultants are appearing;
- whether attendees are permitted to make a presentation, and if so on what matters and what length; and
- whether witnesses are to have any opportunity to respond to information filed by the BCUC or other parties since Parkland filed its evidence, and if not, when that would occur.

This Inquiry has the potential to profoundly impact Parkland’s business. Parkland has, to date, voluntarily participated in this process to the best of its ability. However, the integrity of this process demands that the uncertainty be rectified immediately. Even then, the short notice regarding the expectations for the Oral Workshop is necessarily an impediment to full and fair participation. The only way to mitigate that harm is to delay the Workshop.

Yours truly,

**FASKEN MARTINEAU DuMOULIN LLP**

*[Original signed by]*

Matthew Ghikas  
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MG/TA

