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October 15, 2020

BRITISH COLUMBIA UTILITIES COMMISSION  
Suite 410  
900 Howe Street  
Vancouver, British Columbia V6Z 2N3

Attention: Marija Tresoglavic, Acting Commission Secretary

**Re: Advance Ruling on the Confidentiality of Submissions Under the *Fuel Price Transparency Act*, Order G-242-20**

This is in response to the British Columbia Utilities Commission (“**BCUC**”) Order G-242-20 (the “**Order**”) respecting Parkland Corporation’s (“**Parkland**”) request for an Advance Ruling on Confidentiality for the Fuel Price Transparency Act (the “**FPTA**”) Reporting Submissions (the “**Proceedings**”).

1. G & B Fuels Inc. has registered as an intervener in the Proceeding ordered by the Commission as G-242-20 with respect to an advance ruling on the confidentiality proposed by Parkland regarding FPTA Submissions.
2. G & B purchases wholesale, imports into, and supplies retailers within British Columbia, and therefore is a “responsible person” under the FPTA, and as a result, is responsible for submitting multiple reports monthly to satisfy the Regulations under the FPTA.
3. G & B generally supports Parkland’s proposal dated September 16, 2020 for the treatment of confidentiality and competitively sensitive submissions required under the FPTA which is detailed here:
  1. Advanced approval of confidential status be granted to information submitted by responsible persons that they identify as commercially or competitively sensitive in reporting submissions made under the *FPTA* (“Confidential Filings”). Responsible persons must ensure that Confidential Filings, or any portions thereof, are clearly marked confidential.

2. For the purpose of the order, confidential materials shall include (i) all Confidential Filings, and (ii) any document created by the BCUC (including its staff and legal counsel) that contains data from Confidential Filings in a manner that allows such data to be discerned.
  3. The BCUC will keep confidential materials confidential within the BCUC and only use them for purposes related to its administration of the *FPTA*.
  4. Access to the confidential materials shall be strictly limited to the BCUC (including its staff and legal counsel) who have a need to access such information for purposes related to the administration of the *FPTA*. To the extent that external consultants, such as information technology professionals, may have access to confidential materials, they are bound by confidentiality undertakings to the BCUC.
  5. The BCUC will also ensure the information contained in the Confidential Filings cannot be discerned (e.g., by back-calculation) in the BCUC's public reporting, other published material or reports to government.
  6. Should (i) any of the confidential materials be the subject of a request for disclosure under the *Freedom of Information and Protection of Privacy Act*, or (ii) proceedings be commenced in the Supreme Court of British Columbia in respect of the confidential materials, the BCUC shall, forthwith, provide specific notice to the affected party and general notice of a request of a proceeding, as the case may be, to all parties that filed Confidential Filings.
4. G & B further supports the underlying reasoning Parkland provides in its letter dated September 16, 2020, and specifically acknowledges that:
    - i) publication of such detailed commercially sensitive data will be damaging to G & B's competitiveness within the industry for all the same reasons it affects larger entities within the market.
    - ii) publication of detailed information provides no benefit to the public over and above a more generalized summation of the data that could be presented.
    - iii) protecting sensitive information is fundamental to strong market competition, which, as the administrator of the *FPTA*, is the role of the BCUC.
  5. Questions Posed by the BCUC:
    - a. ***Should the BCUC's Rules be modified to recognize the confidentiality of "protected" information?***

The Rules should be modified by either an order or an amendment to put into effect the Parkland proposal.

- b. ***Are additional terms or directives necessary beyond the BCUC's Rules and section 9 of the FPTA regarding applications for confidentiality of or the treatment of "protected" information.***

Section 9 of the Act requires clarification that the information received by BCUC under the Act is deemed confidential and therefore protected.

**c. Are Parkland's proposed terms feasible under the FPT Act?**

The FPTA provides the Commission the ability to determine whether information it receives is confidential and protected, as well as the decision not to publish information; the proposal by Parkland is consistent with the FPTA.

There is nothing within the Act or other legislation that requires the Commission to publish commercially sensitive information.

**d. Submit any further process to address requests for an advanced ruling on confidentiality of "protected" information.**

Due to the frequency of the reporting, the detailed information in the reports, and the multiple reports required from many responsible persons, it is more time-efficient and less costly to include in the Act that all information be considered confidential without requiring special requests by the submitter nor advanced ruling for individual parties, particularly on a monthly basis.

What applies to one participant applies to all in order to protect market competitiveness and therefore the best interest of the public.

In conclusion it is important that the Act administered by the BCUC is consistent with what the BCUC promotes, that being market competition. Not only does the publication of such detailed and sensitive information harm the market participants, but by default, it goes against the public benefit by corroding the very competitiveness of which the public relies to obtain fair pricing. There has been no evidence provided showing that the BCUC must publicize commercially sensitive information to be effective in administering the Act.

Sincerely,



Lisa Keffer

G & B Fuels Inc.