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British Columbia
Utilities Commission

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February 18, 2021

Sent via eFile

PARKLAND – ADVANCE RULING ON CONFIDENTIALITY FOR FPTA REPORTING EXHIBIT A2-1

To: Affected Parties, *Fuel Price Transparency Act* Responsible Persons, Stakeholders and Members of the Public

Re: British Columbia Utilities Commission – Framework for the Determination of Confidentiality and Treatment of Protected Information collected pursuant to the *Fuel Price Transparency Act* – Project No. 1599130 – BCUC Staff Submission – Issuance of Framework Draft No. 1 – Information Workshop

British Columbia Utilities Commission staff submit the following document for the record in this proceeding:

British Columbia Utilities Commission
Framework for the Determination of Confidentiality and Treatment of Protected
Information collected pursuant to the *Fuel Price Transparency Act* –
Framework Draft No. 1 Information Workshop Presentation
Dated February 18, 2021 and February 22, 2021

Sincerely,

Original signed by:

Patrick Wruck
Commission Secretary

/ae
Enclosure



IT Support

- Welcome to the Framework Draft No. 1 Information Workshop
- If you are experiencing any issues with Microsoft Teams, please contact Melissa Mah at Melissa.Mah@bcuc.com
- We will begin the information workshop at 9:00 a.m.
- Please mute your line

Framework Draft No.1 Information Workshop

February 18, 2021 & February 22, 2021



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Overview

1

Welcome and Introductions

2

Background

3

Overview of Framework Draft No. 1

4

Question and Answer Period

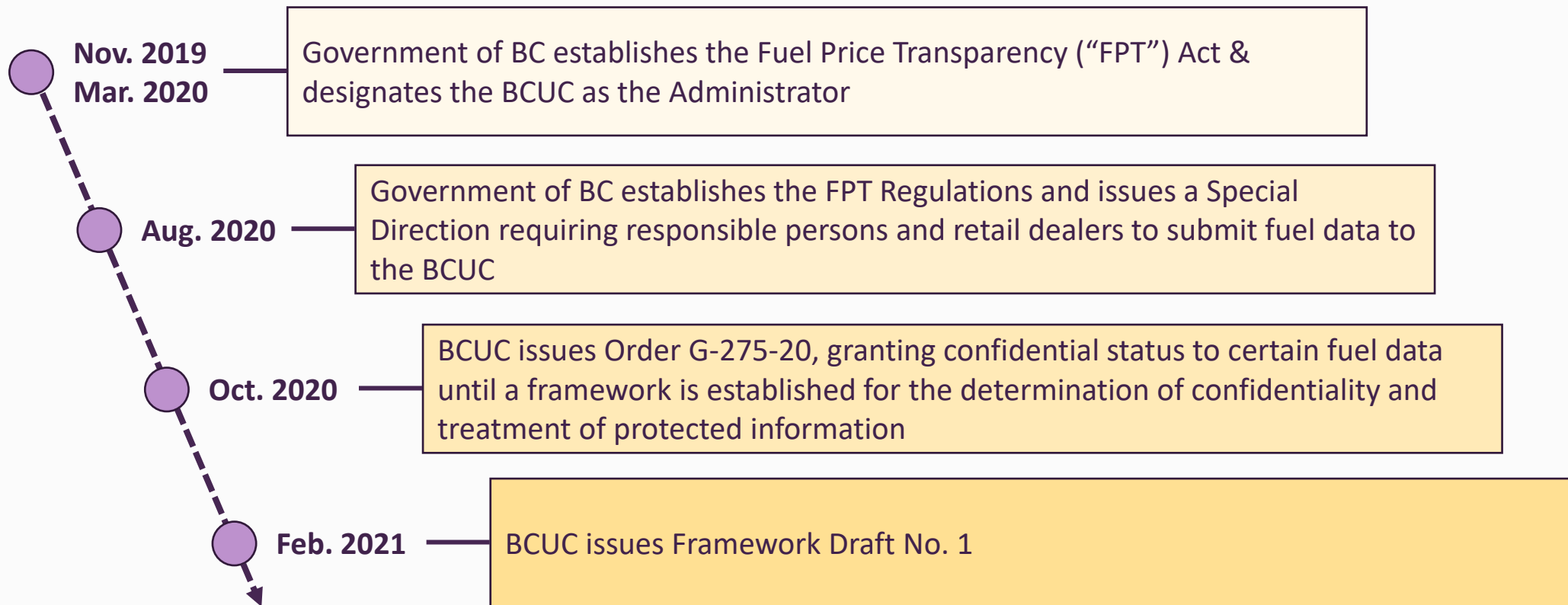


Introductions

- BCUC moderator
- BCUC staff team
 - Role of BCUC staff
- BCUC legal counsel
- Participant introductions
- Audio from today's information session will be live-streamed by Allwest Reporting on their website:
<https://allwestbc.com/>



Background





BCUC's Role

- As Administrator of the FPT Act, the BCUC is responsible for collecting and publishing information about gasoline and diesel fuel activities in BC, in an effort to promote competitiveness, and public confidence in the competitiveness of the fuel market
- The BCUC believes that establishing a robust framework for determining what fuel data is protected information and how such information will be treated is an important part of its mandate as Administrator

Overview of Framework Draft No.1



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Purpose of Framework Draft No. 1

- Framework Draft No. 1 sets out the proposed process pursuant to which the BCUC will determine what fuel data collected pursuant to the FPT Act constitutes protected information and the confidentiality thereof
- This is a starting point for discussion; no final determinations have been made
- The BCUC is inviting written submission and letters of comment on Framework Draft No. 1 by **Monday, March 8, 2021**
 - The cover letter accompanying Framework Draft No. 1 includes a number of specific questions that we hope interveners will address in their submissions



Framework Draft No. 1

Table of Contents

**Focus will be on Sections
3 to 6 of Framework
Draft No. 1**

1.0 GENERAL

- 1.1 Application of the Framework
- 1.2 Role of the BCUC
 - 1.2.1 BCUC Accountability under the FPT Act
- 1.3 Determination of Confidentiality and Treatment of Protected Information Framework

2.0 BACKGROUND

- 2.1 Fuel Price Transparency Act
 - 2.1.1 Protected Information

3.0 PROTECTED INFORMATION

- 3.1 Identification of Protected Information
 - 3.1.1 Principles
 - 3.1.2 Grouping Fuel Data Collected Pursuant to the FPT Act and FPT Regulation
- 3.2 Confidentiality of Protected Information
- 3.3 Submission Protocols for Protected Information

4.0 REQUESTS FOR CONFIDENTIAL TREATMENT OF NON-PROTECTED INFORMATION

5.0 DISCLOSURE OF PROTECTED INFORMATION AND OTHER CONFIDENTIAL MATERIALS

- 5.1 Undertaking and Declaration regarding Confidentiality of Protected Information
- 5.2 Public Interest
- 5.3 *Freedom of Information and Protection of Privacy Act* Requests

6.0 APPROACHES FOR MAKING PROTECTED INFORMATION NON-CONFIDENTIAL

- 6.1 Purpose
- 6.2 Aggregation
- 6.3 Anonymization
- 6.4 Passage of Time

7.0 RECONSIDERATION OF A BCUC DECISION

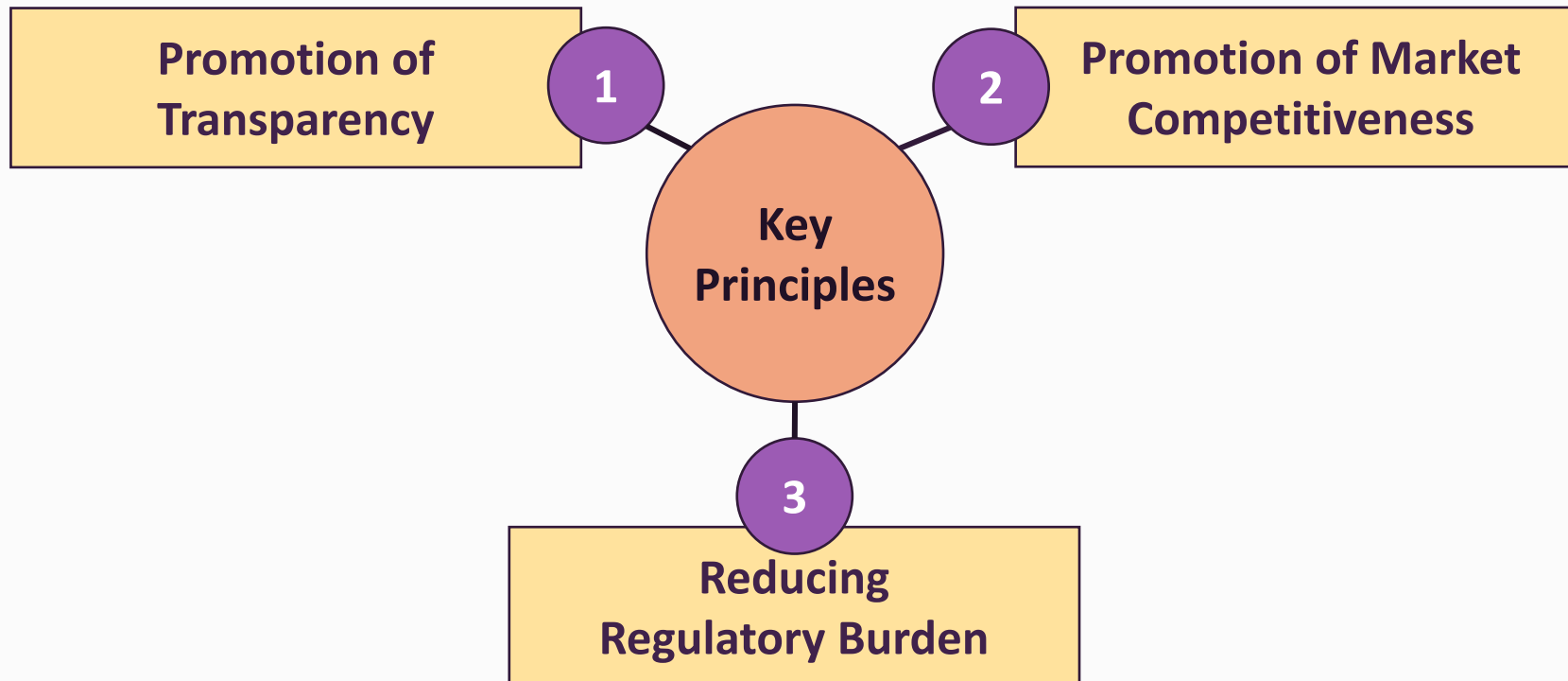
Appendix A – Identification of Protected Information and the BCUC Reporting Form Fields per Group

- A1. Background
- A2. Grouping of BCUC Reporting Form Fields
- A3. Data Fields Contained in BCUC Groups



Section 3.1.1 – Key Principles

- In Framework Draft No. 1, the BCUC proposes three principles for guiding the BCUC’s determination of what fuel data constitutes protected information





Section 3.1.2 – Grouping Fuel Data

- The BCUC proposes to organize fuel data into groups based on the nature of the data and then to use the key principles described to determine which groups of fuel data constitute protected information
- In Framework Draft No. 1, the BCUC proposes two groups of fuel data – Volume and Price – to be protected information

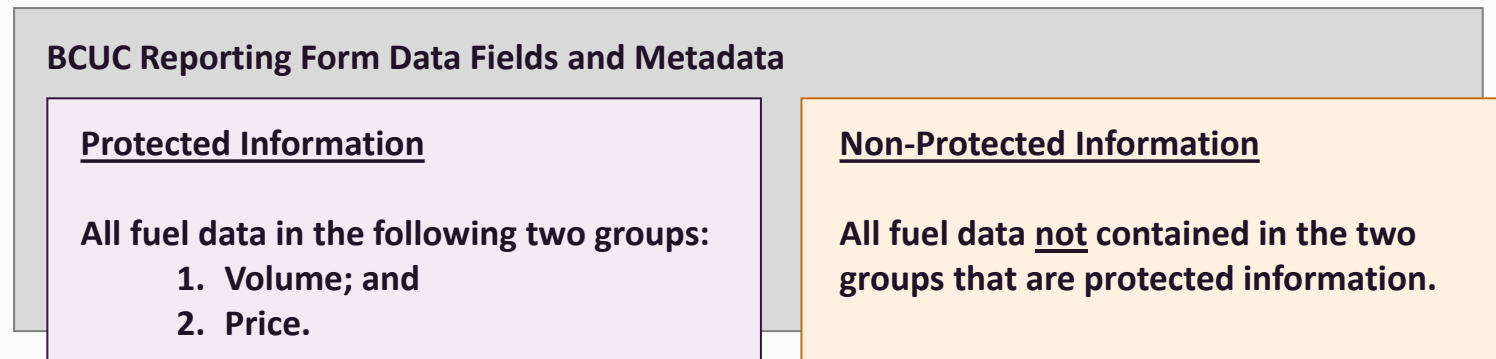
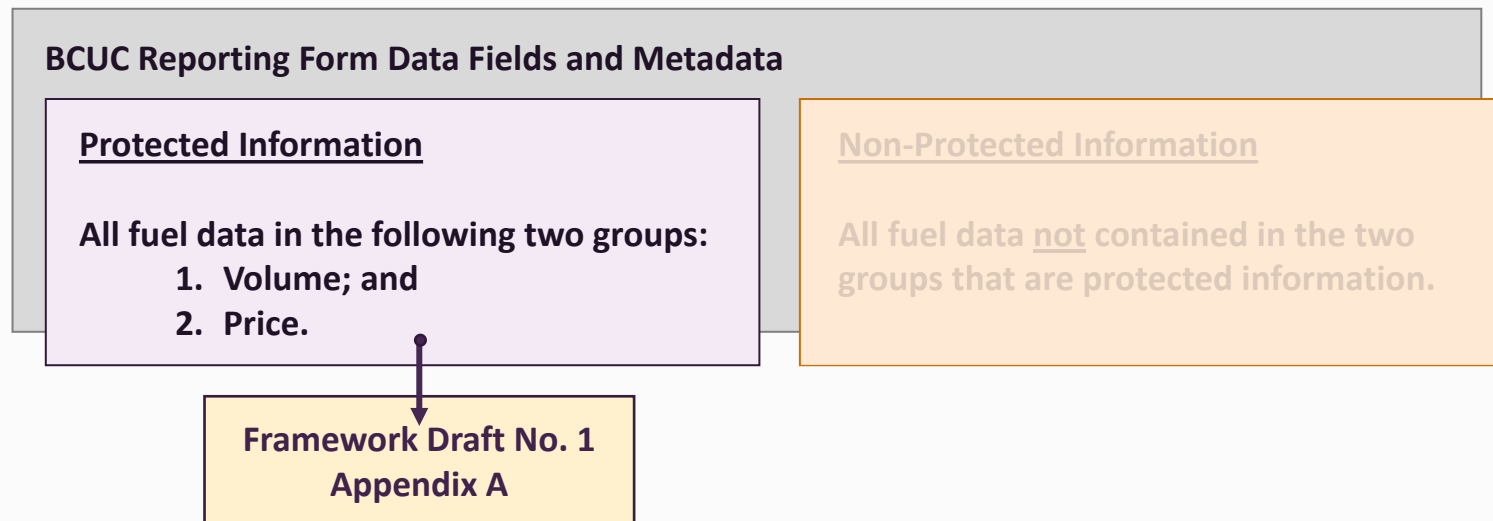


Figure A1.



Section 3.2 – Confidentiality of Protected Information

- The BCUC proposes to list all of the fuel data determined to be protected information in Appendix A to the Framework
- Protected information is confidential and would be treated confidentially by the BCUC; no further confidentiality requests for these data would be required





Draft

Appendix A – Tables A1-A2

BCUC list of fuel
data proposed to
be protected
information

Volume
Table A1

BCUC Reporting Form	Data Field	Protected Information
FPT Regulation – BC Monthly Importer Report	Volume (L15)	Yes
FPT Regulation – BC Monthly Wholesale Purchaser Report	Volume (L15)	Yes
FPT Regulation – BC Annual Storage Report (Terminal)	Transloading Capacity (Litres/Hour)	Yes
FPT Regulation – BC Annual Storage Report (Terminal)	Terminal Loading Capacity (Litres/Hour)	Yes
FPT Regulation – BC Annual Storage Report (Terminal)	Terminal Unloading Capacity (Litres/Hour)	Yes
FPT Regulation – BC Annual Storage Report (Tank)	Blending Capacity (Litres/Hour)	Yes
FPT Regulation – BC Annual Storage Report (Tank)	Physical Maximum Capacity (Litres)	Yes
FPT Regulation – BC Annual Storage Report (Tank)	Tank Heel Volume (Litres)	Yes
FPT Regulation – BC Annual Storage Report (Tank)	Net Useable Capacity (Litres)	Yes
FPT Regulation – BC Monthly Retail Supplier Report	Shipment Volume (Litres)	Yes
Special Direction – BC Monthly Retail Purchases Report	Shipment Volume (L15)	Yes
Special Direction – BC Monthly Retail Sales Report	Daily Volume Sold (L15)	Yes
Special Direction – Retail Station Survey	2019 Total Gasoline Sales Volume (Litres)	Yes
Special Direction – Retail Station Survey	2019 Total Diesel Sales Volume (Litres)	Yes

Price
Table A2

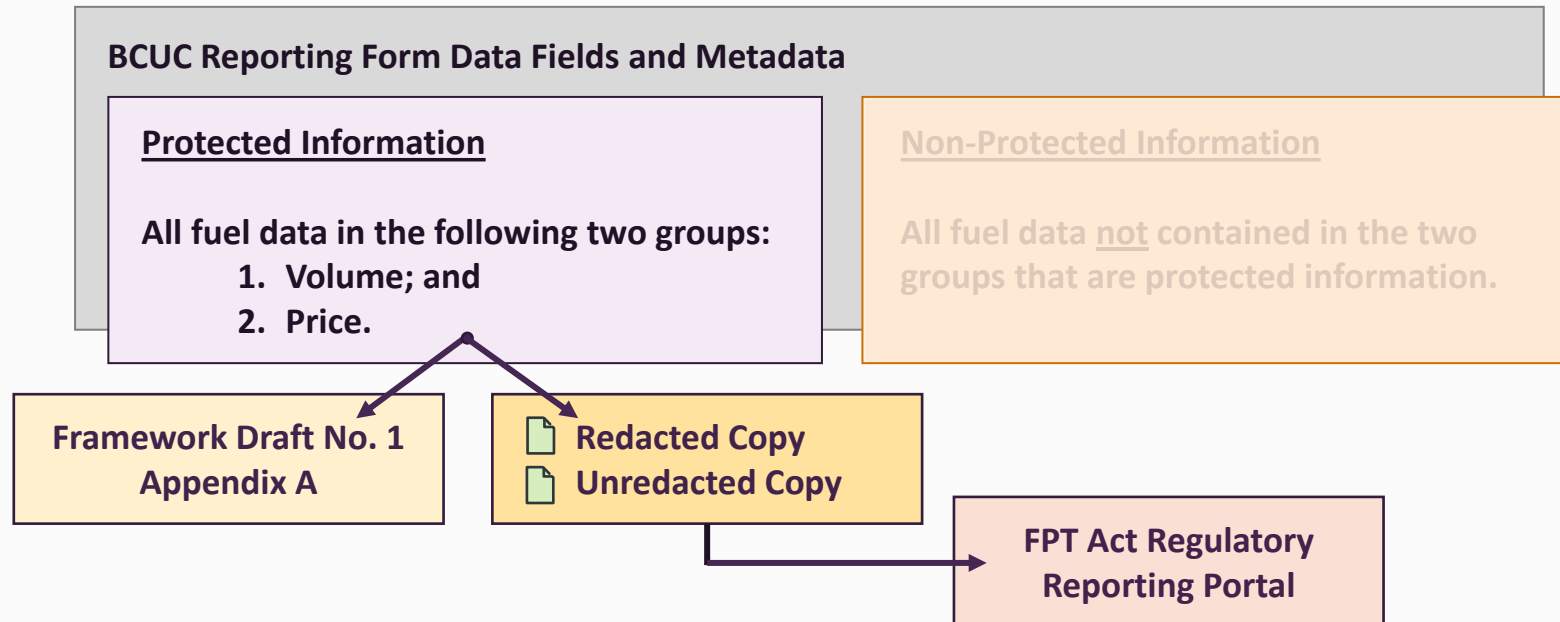
BCUC Reporting Form	Data Field	Protected Information
FPT Regulation – BC Monthly Importer Report	Purchase Price per Litre	Yes
FPT Regulation – BC Monthly Importer Report	Transportation Costs per Litre	Yes
FPT Regulation – BC Monthly Wholesale Purchaser Report	Purchased Price per Litre	Yes
FPT Regulation – BC Monthly Retail Supplier Report	Amounts Paid/Payable by Purchaser per Litre (\$/L)	Yes
Special Direction – BC Monthly Retail Purchases Report	Purchase Price per Litre (\$/L)	Yes
Special Direction – BC Monthly Retail Purchases Report	Transportation Costs per Litre (\$/L)	Yes
Special Direction – BC Monthly Retail Sales Report	Volume-Weighted Selling Price (\$/L)	Yes



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Section 3.3 – Submission Protocols for Protected Information

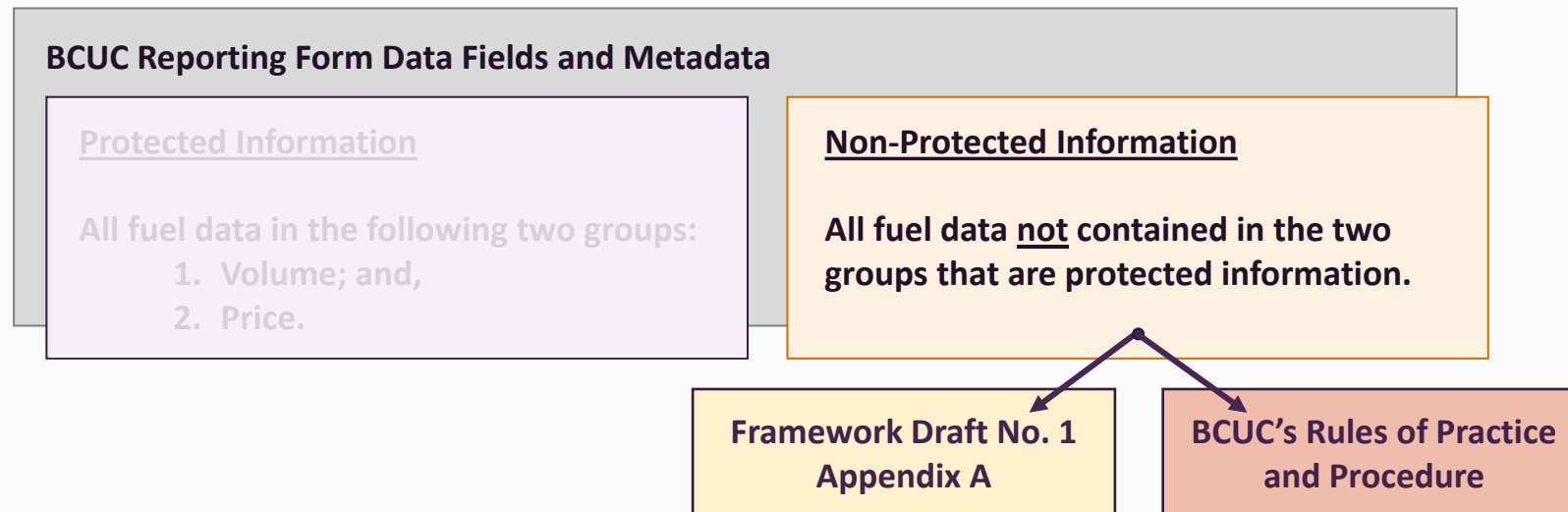
- If a submission contains protected information as identified in Appendix A, a responsible person would be required to submit: (i) a copy of the required BCUC form wherein any and all protected information is redacted; and (ii) an unredacted copy of the required BCUC form





Section 4.0 – Requests for Confidential Treatment of Non-Protected Info

- The BCUC may publish any fuel data not determined to be protected information
- In exceptional circumstances, confidential treatment of fuel data not determined to be protected information may be warranted. In these instances, the BCUC’s process for confidentiality requests set out in Part IV of the BCUC’s Rules of Practice and Procedure would apply





Draft

Appendix A – Table A3

BCUC list of fuel data proposed to be non-protected information

Table A3

BCUC Reporting Form	Data Field	Protected Information
FPT Regulation – BC Monthly Importer Report	Internal ID	No
FPT Regulation – BC Monthly Importer Report	Fuel Type	No
FPT Regulation – BC Monthly Importer Report	Fuel Grade	No
FPT Regulation – BC Monthly Importer Report	Importer	No
FPT Regulation – BC Monthly Importer Report	Currency	No
FPT Regulation – BC Monthly Importer Report	Transaction Type	No
FPT Regulation – BC Monthly Importer Report	Reporting Period	No
FPT Regulation – BC Monthly Importer Report	Country of Origin	No
FPT Regulation – BC Monthly Importer Report	Province of Origin	No
FPT Regulation – BC Monthly Importer Report	State of Origin	No
FPT Regulation – BC Monthly Importer Report	Currency	No
FPT Regulation – BC Monthly Wholesale Purchaser Report	Internal ID	No
FPT Regulation – BC Monthly Wholesale Purchaser Report	Fuel Type	No
FPT Regulation – BC Monthly Wholesale Purchaser Report	Fuel Grade	No
FPT Regulation – BC Monthly Wholesale Purchaser Report	Name of Wholesale Purchaser	No
FPT Regulation – BC Monthly Wholesale Purchaser Report	Currency	No
FPT Regulation – BC Monthly Wholesale Purchaser Report	Transaction Type	No
FPT Regulation – BC Monthly Wholesale Purchaser Report	Transaction Date	No
FPT Regulation – BC Monthly Wholesale Purchaser Report	Seller Name	No
FPT Regulation – BC Monthly Wholesale Purchaser Report	Seller Address	No



See Table A3 in Appendix A for complete list of proposed non-protected fuel data



Section 5.1 – Undertaking and Declaration Regarding Confidentiality of Protected Information

- The BCUC has longstanding practices for allowing access to confidential material in its proceedings
- In Framework Draft No. 1, the BCUC proposes adapting these existing practices to protected information
 - Parties requesting access would be required to submit a request to the BCUC and, among other things, to execute a binding Declaration and Undertaking form
 - Responsible Persons would be notified of any requests and would have an opportunity to object
 - The BCUC would render a final determination on access and impose any additional conditions or safeguards as it considers appropriate



Section 5.2 – Public Interest

- Pursuant to section 9(2)(b) of the FPT Act, the BCUC, in its role as Administrator, may publish protected information if the BCUC is satisfied that the public interest in the protected information that will be disclosed outweighs any potential harm to responsible persons, having regard, without limitation, to the importance of:
 - (i) the competitiveness of the market for reportable fuels; and
 - (ii) public confidence in the competitiveness of that market
- The BCUC will hold a hearing prior to any such disclosure and will provide notice of such a hearing to the affected parties



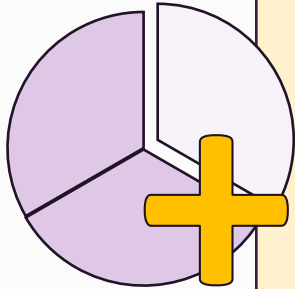
Section 6 – Approaches for Making Protected Information Non-Confidential

- In Framework Draft No. 1, the BCUC also proposes three methods for “desensitizing” protected information: aggregation, anonymization, and passage-of-time
- The processes described are intended to serve as a starting point to support the BCUC’s fuel data collection and publication efforts
- Any alternative methods the BCUC might consider implementing after a final Framework has been established would be subject to a public process



Section 6.2 – Aggregation

- The BCUC proposes that fuel data that has been aggregated in accordance with the methodology outlined in the framework would no longer be protected information



The BCUC may publish aggregate protected information in instances where the BCUC has determined that aggregation will not result in the direct or indirect disclosure of the protected information of any one responsible person (e.g., average values or total counts)

≥ 5

The BCUC considers that the aggregation of protected information submitted by no fewer than **five** responsible persons, whether the identities of the responsible persons are disclosed or not, is sufficient to ensure that the protected information of any one responsible person cannot be discerned (e.g., by back-calculation)

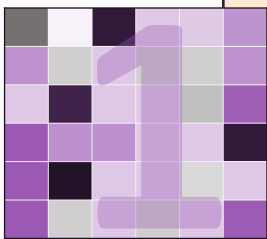


Section 6.3 – Anonymization

- Similarly, fuel data that has been anonymized in accordance with the framework methodology would not be protected information



The BCUC may publish anonymized protected information in instances where the BCUC has determined that such anonymization will not result in the direct or indirect disclosure of the identity of the responsible person associated

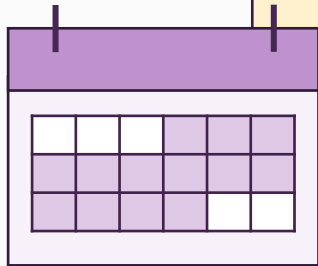


The BCUC considers that publishing **individual** fuel data fields on a standalone basis is sufficient to ensure that the identity of any one responsible person cannot be discerned (e.g., the BCUC may publish the ‘purchase price per litre’ reported by a responsible person, so long as this fuel data is published absent any other associated information)



Section 6.4 – Passage of Time

- The BCUC also recognizes the potential for a reduction in the sensitivity of protected information over time in Framework Draft No. 1



The BCUC considers that after a period of **two years** from the date of submission the sensitivity of protected information will have diminished such that confidential treatment is no longer warranted

< 2

Should the BCUC consider the sensitivity of certain protected information to have diminished such that confidential treatment is no longer warranted after a period of **less than two years**, the BCUC will notify the affected responsible person(s) of its intention to remove the protected information designation over that information



Framework Draft: Feedback

- The BCUC is actively seeking feedback on Framework Draft No. 1
- Further to the Framework Draft No. 1 cover letter, the BCUC invites written submissions and letters of comment on Framework Draft No. 1 by **Monday, March 8, 2021**

Question & Answer Period



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