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May 25, 2021

Sent via email/eFile

PARKLAND – ADVANCE RULING ON CONFIDENTIALITY FOR FPTA REPORTING EXHIBIT A-9

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* – Issuance of Framework Draft No. 2

Background

In November 2019, the Government of British Columbia (BC) enacted the *Fuel Price Transparency Act* (FPT Act). The FPT Act requires companies in the fuel (gasoline and diesel) industry in BC to report information and data on their activities. The British Columbia Utilities Commission (BCUC), as the Administrator of the FPT Act, is responsible for collecting Fuel Data to promote market competitiveness and public confidence in the competitiveness of the market.

On November 30, 2020, by Order G-303-20, the BCUC established a process for developing a framework for the determination of confidentiality and treatment of Protected Information collected pursuant to the FPT Act (Framework).

In accordance with the regulatory timetable, the BCUC issued Framework Draft No. 1 on February 8, 2021. This draft was intended to serve as a foundation for further dialogue and refinement. In support of this effort, BCUC staff hosted two informational workshops on February 18 and 22, 2021. Parties were invited to provide written comments on Framework Draft No. 1 by March 10, 2021.[1]

Feedback on Framework Draft No. 1 and Changes in Framework Draft No. 2

The BCUC received 10 submissions from parties in the proceeding and one letter of comment on Framework Draft No. 1. The Panel greatly appreciates the thoughtful and constructive input provided. After careful review of the submissions received, the Panel considers the issuance of a revised draft Framework (Framework Draft No. 2) to be the appropriate next step in the process. A copy of Framework Draft No. 2 is enclosed with this letter. A blackline version of Framework Draft No. 2 showing the changes made since Framework Draft No. 1 is included as Attachment 1 to Framework Draft No. 2.

Pursuant to Order G-159-21, parties who wish to provide written submissions on Framework Draft No. 2 may do so by <u>Tuesday, June 15, 2021</u>.

[1] Order G-68-21 dated March 9, 2021.

While Framework Draft No. 2 incorporates many of the recommendations made by parties, such as clarification of the declaration and undertaking process and modifications to the tools for publishing confidential Protected Information, not all of the recommendations have been adopted.

In Framework Draft No. 2, the Panel seeks to strike an appropriate balance between the, sometimes conflicting, goals of promoting transparency; promoting market competitiveness; and reducing regulatory burden. Further details on the specific aspects of Framework Draft No. 1 that the Panel currently considers ought to be maintained, and those that the Panel has revised in Framework Draft No. 2, are outlined below. The Panel looks forward to comments from parties regarding the proposed revisions in Framework Draft No. 2 and will consider this feedback when finalizing the Framework.

Scope and Purpose of the Framework

In its March 8, 2021 submission, Parkland Corporation states that the BCUC seeks to redefine Protected Information in Framework Draft No. 1.[2] The BCUC has attempted to clarify Framework Draft No. 2, with more precise language. As drafted, the purpose of the Framework is to identify what Protected Information collected by the BCUC in its role as Administrator will be held confidential and what Fuel Data is available for publication.

The BCUC requests that parties provide submissions explaining their rationale for supporting or objecting to the proposed clarification of the scope and purpose of the Framework in Framework Draft No. 2.

Fuel Data Fields Identified as Confidential Protected Information

Volume-related Fuel Data

In Framework Draft No. 1, the BCUC proposed that the volume-related Fuel Data in Table A1 would be held confidential. Parties, with the exception of Powell River Living Magazine (PRLM), supported this proposed treatment. PRLM argues that the parties representing large fuel companies have failed to show how exposing pricing and volume data will inhibit their competitiveness.

The evidence and submissions to date suggest that it may be appropriate for the BCUC to hold the majority of the volume-related Fuel Data listed in Table A1 confidential. For instance:[3]

- disclosing the volume of fuel imported by Responsible Persons on a monthly basis would provide competitors with the insights necessary to time price increases coincident with periods when a Responsible Person is short on fuel supplies from specific regions;
- disclosing the volume of wholesale fuel purchases would allow competitors to target lower-volume competitors, for instance by temporarily under-cutting their prices, to drive competition out of the market; and
- disclosing information on the operating characteristics of individual fuel storage terminals would provide competitors with insights into the flexibility, responsiveness, and operational limits of a Responsible Persons' storage facilities, which could harm commercial negotiations.

[2] Exhibit B-4, pp. 2–3.

[3] Exhibits B-4, pp. 4–5; Exhibit C5-4, p. 6; Exhibit C6-3, Appendix A, p. 3.

The Panel also notes that the public interest in publishing certain volume-related Fuel Data originally included in Table A1 may outweigh the potential harm to Responsible Persons and to the competitiveness of the fuel market. For instance, Framework Draft No. 2 proposes that:[4]

- the 2019 total gasoline and diesel sales volumes (litres) reported in response to the Special Direction – Retail Station Survey (Retail Station Survey) would not be held confidential, as this Fuel Data has been aggregated on a yearly basis and is available for purchase from private sources;[5]
- Fuel Data respecting the physical capacity of a Responsible Person's storage tanks[6] would not be held confidential, as this information is publicly available with respect to certain Responsible Persons and is reasonably discernable by observing the storage tanks themselves;[7] and
- the "shipment volume (L15)" Fuel Data field in the FPT Regulation – BC Monthly Retail Supplier Report (Retail Supplier Report) would not be confidential as this information reveals only that a shipment of fuel (e.g., one transport truck's worth of fuel) was delivered to an unidentified station somewhere in the province.

Finally, Shell Canada Limited argues that because there is limited variability in the size of shipments made to retail dealers the "shipment date" Fuel Data field in the Special Direction – BC Monthly Retail Purchases Report (Retail Purchases Report) should be identified as confidential Protected Information.[8] The Panel notes that any estimates of the volume of fuel shipped to a specific retail location made on the basis of the shipment date Fuel Data would be speculative and subject to significant uncertainty. The Panel requests further submissions to better understand the potential harm Responsible Persons believe could result from disclosing this information.

The BCUC requests that parties provide submissions to explain their rationale for supporting or objecting to the proposed revisions to Table A1 in their submissions on Framework Draft No. 2, including submissions clarifying the specific harm and/or public interest associated with the publication of the physical capacity of fuel storage tanks, the shipment volume, and shipment date Fuel Data fields.

Price-related Fuel Data

In Framework Draft No. 1, the BCUC also proposed the price-related Fuel Data in Table A2 be held as confidential Protected Information. Most parties supported this approach, again with the exception of PRLM.

Framework Draft No. 2 continues to propose that the price-related Fuel Data listed in Table A2 would be confidential Protected Information. The evidence to date suggests that publication of this Fuel Data has the potential to negatively impact commercial negotiations in both the wholesale and retail markets, and that the information could be used by Responsible Persons to time price increases to the detriment of competition (e.g., to facilitate predatory pricing or collusion).[9]

Framework Draft No. 2 also proposes that the "taxes per litre ($/L)" Fuel Data field from the Special Direction – BC Monthly Retail Sales Report (Retail Sales Report) in Table A2, be held as confidential Protected Information, as the evidence suggests that it could be used to calculate other confidential Protected Information (i.e., the volume-weighted selling price).[10]

[4] Exhibit C9-3, p. 1; Exhibit B-6, p. 6.
[5] https://www.kentgroupltd.com/data/petroleum-volume-data/
[6] This includes the physical maximum capacity (litres); tank heel volume (litres); and net useable capacity (litres) Fuel Data fields from the FPT Regulation – BC Annual Storage Report (Storage Report).
[7] https://www.kentgroupltd.com/report-canadas-downstream-logistical-infrastructure-refining-biofuel-plants-pipelines-terminals-bulk-plants-cardlocks/
[8] Exhibit C6-4, Schedule 1, p. 3.
[9] Exhibit B-4, p. 5; C4-4, pp. 2–3; C6-4, p. 3.
[10] Exhibit B-4, p. 7; Exhibit C6-3, Appendix B, p. 22.

Some Responsible Persons submit that the daily high and low retail prices, and the times thereof should also be confidential Protected Information, as disclosing this Fuel Data would allow competitors to gain insights into retail station pricing strategies.[11] The Panel notes that fuel prices are posted publicly at all retail stations, allowing anyone to discern the daily high and low price and the times they occur. Similar information is also available through online sources (e.g., GasBuddy and Oil Price Information Service). The Panel requests further submissions to better understand the potential for harm raised by some parties from publication of such Fuel Data.

The BCUC requests that parties provide submissions to explain their rationale for supporting or objecting to the proposed revisions to Table A2 in their submissions on Framework Draft No. 2, including submissions clarifying the specific harm and/or public interest associated with the publication of daily high/low price and the time of the daily high/low price Fuel Data fields.

Fuel Data not Identified as Confidential Protected Information

BC Low Carbon Fuel Standard (LCFS) Credit Fuel Data

Submissions were made by Responsible Persons that publication of LCFS-related Fuel Data[12] could provide insight into compliance strategies and the credit market, potentially driving up the cost of compliance.[13] The Panel notes that the publication of this information after commercial contracts have been executed would be consistent with the BCUC's practices respecting natural gas supply contracts. While LCFS-related Fuel Data have not been identified as confidential Protected Information in Framework Draft No. 2, the Panel is interested in gaining further insights into the harm certain parties have suggested may result from disclosing this LCFS-related Fuel Data.

The BCUC requests that parties provide submissions clarifying the specific harm and/or public interest associated with the publication of the LCFS-related Fuel Data fields.

Fuel Type and Fuel Grade

Certain Responsible Persons submit that the fuel type and fuel grade Fuel Data[14] should be held confidential because disclosing this information would result in substantial commercial harm.[15] It is not clear to the Panel how publishing this Fuel Data would be detrimental to Responsible Persons or the competitiveness of the market, since information on the types of fuel available for purchase in BC is public information. The Panel seeks a better understanding of the substantial commercial harm certain parties indicate could result from the BCUC not holding this information confidential.

The BCUC requests that parties provide submissions clarifying the specific harm and/or public interest associated with the publication of the fuel type and fuel grade Fuel Data fields.

[11] Exhibit C4-4, p. 5; Exhibit C6-4, Schedule 1, pp. 7–9.
[12] Specifically, the FPT Regulation – BC Monthly LCFS Credit Report currently includes the following Fuel Data fields: (i) total number of transfers; (ii) total credits; and (iii) average price per LCF credit.
[13] Exhibit C4-4, p. 5; Exhibit C6-4, Schedule 1, p. 2.
[14] The fuel type and fuel grade Fuel Data fields are included in each of the following reports: FPT Regulation – BC Monthly Importer (Importer Report), FPT Regulation – BC Monthly Wholesale Purchaser Report (Wholesale Report), Storage Report, Retail Supplier Report, Retail Purchases Report, and Retail Sales Report.
[15] Exhibit C3-4, p. 3; Exhibit C2-4, p. 5.

Internal ID and Comment Fields

Several parties submitted that the internal ID and comment Fuel Data fields[16] should be confidential Protected Information, as they may contain counterparty or other commercially sensitive information.[17]

The Panel notes that the internal ID Fuel Data field is intended for audit and data integrity purposes only. The provision of counterparty or commercially sensitive information is not required since Responsible Persons may submit any unique identifier they choose.

The Panel recognizes the potential for Responsible Persons to, at times, submit comments that contain confidential information. Rather than identifying the comment Fuel Data fields as confidential Protected Information, and thus limiting public access to all comment text unnecessarily, the process outlined in Section 4.0 of Framework Draft No. 2 could be used to address the confidentiality of specific comment text.

The BCUC requests that parties provide submissions clarifying the specific harm and/or public interest associated with the publication of the internal ID and comment Fuel Data fields.

Other Counterparty-related Fuel Data

Several Responsible Persons argue that other Fuel Data relating to counterparty relationships, including the seller name and address Fuel Data fields from the Wholesale Purchaser Report and the supply location from the Retail Purchases Report, should be confidential Protected Information.[18] The Panel notes that there are a limited number of fuel wholesalers in the market, and a similarly limited number of supply locations in the province, which suggests that the wholesaler name and address, and the supply location of retail fuel purchases may be general industry knowledge. Further, while certain counterparty agreements may include confidentiality provisions, the Panel understands that these provisions exclude disclosures required by law, as is the case with the FPT Act.

The BCUC requests that parties provide submissions clarifying the specific harm and/or public interest associated with the publication of the seller name and address, and supply location Fuel Data fields.

Other Import-related Fuel Data

Some Responsible Persons submit that Fuel Data respecting the origin of fuel imports[19] should be held confidential as disclosing this information would provide competitors with insights into a Responsible Person's supply sources and logistical arrangements, potentially undermining the Responsible Persons' competitive position.[20] Tidewater Midstream and Infrastructure Ltd. also expressed concerns that, in the case of refineries, even disclosing the fact that the Responsible Person imported fuel in a particular month could be commercially damaging.[21] Given the limited refining capacity in BC, it is public knowledge that fuel is being imported into the province to meet demand. Additionally, because Fuel Data is provided to the BCUC on a monthly basis, no real-time information on who is importing fuel into the province would be disclosed.

[16] The internal ID Fuel Data field is included in the Importer Report, Wholesale Purchaser Report, Retail Supplier Report, Retail Purchases Report, and Retail Station Survey. The Comment data field is included in the FPT Act Regulatory Reporting Portal (Portal) metadata and in the Retail Station Survey.
[17] Exhibit B-4, p. 6; Exhibit C1-4, p. 4; Exhibit C2-4, p. 5; Exhibit C6-3, Appendix A, p. 1; Exhibit C6-4, Schedule 1, pp. 7, 10; Exhibit C7-4, p. 3; Exhibit C9-3, p. 2.
[18] Exhibit B-4, p. 6; Exhibit C1-4, p. 4; Exhibit C4-4, p. 3; Exhibit C5-4, p. 4; Exhibit C6-4, Schedule 1, pp. 1, 6; Exhibit C7-4, p. 2.
[19] This includes the country of origin, province of origin, and state of origin Fuel Data fields in the Importer Report.
[20] Exhibit C1-4, p. 4; Exhibit C5-4, pp. 4–6.
[21] Exhibit C5-4, p. 6.

Federated Co-operatives Limited (FCL) also expressed concerns with the potential for disclosing the "transaction type" Fuel Data from the Importer Report. FCL submits that this Fuel Data could reveal FCL's fuel sources and its commercial relationships, to FCL's detriment. It is not clear to the Panel what specific harm disclosing how Reportable Fuel is transacted (i.e., whether fuel is transferred from a non-arms length entity or is supplied by an independent counterparty) poses to Responsible Persons.[22]

The BCUC requests that parties provide submissions clarifying the specific harm and/or public interest associated with the publication of the origin of fuel imports and the transaction type Fuel Data field.

Retail Fuel Data Collection Pilot (Retail Pilot)

Some Responsible Persons submit that all information collected for the Retail Pilot should be held confidential, either because the Fuel Data is confidential Protected Information or because it is generally commercially sensitive.[23]

In Framework Draft No. 2, only the volume- and price-related Fuel Data listed in Tables A1 and A2 collected through the Retail Purchase Report and Retail Sales Report are proposed as confidential Protected Information. The BCUC has previously committed, as part of the Retail Pilot, to hold any information that would reveal the identity of the retail stations selected for the Retail Pilot confidential. Given the unique nature of the Retail Pilot Fuel Data and its focused purpose of reporting data to the Government of BC, the final Retail Pilot report to the Minister may be the appropriate place to formalize commitments around the confidentiality of Retail Pilot Fuel Data that is not confidential Protected Information.

With respect to the other specific Fuel Data fields from the Retail Purchases and Retail Sales Reports, the Panel is unclear what harm to Responsible Persons or the competitiveness of the market would result from the publication of the currency used to pay for retail purchases and transportation costs. Similarly, it is not clear to the Panel what harm might result from disclosing whether a retail station has negotiated to include or exclude transportation costs in the price paid for fuel purchases, or that a retail sale was made on a particular date.[24]

The BCUC requests that parties provide submissions clarifying the specific harm and/or public interest associated with the publication of the currency, whether the purchase price includes transportation costs, and date of sale Fuel Data fields.

Retail Station Survey

Some parties argue that Fuel Data provided in response to the Retail Station Survey should also be held confidential in order to prevent non-participants from gaining an unfair advantage over selected competitors.[25] However, unlike the Retail Purchases and Retail Sales Reports, all retail dealers in BC are required to complete the Retail Station Survey. Further, the majority of the information collected in the Retail Station Survey is publicly available information (e.g., the retail station address and whether the station has a carwash).[26] The

[22] The same considerations apply to the transaction type Fuel Data field in the Wholesale Purchaser, Retail Supplier, and Retail Purchases Reports.
[23] Exhibit C2-4, p. 5; Exhibit C6-4 p. 8.
[24] The fuel type, fuel grade, shipment date, internal ID, supply location, and transaction type Fuel Data fields from the Retail Pilot are also discussed in the sections above.
[25] Exhibit C2-4, p. 5; Exhibit C6-4, p. 8.
[26] Publicly available Fuel Data fields includes, for example, the Responsible Person's name and address from the Retail Station Survey web form, and the following fields from the Retail Station Survey itself: Retail Station Address 1; Retail Station Address 2; Retail Station City; Retail Station Province; Retail Station Postal Code; Brand of Fuel; Pump Service; Regular Gasoline (Grade); Midgrade Gasoline (Grade); Premium Gasoline (Grade); Diesel; Premium Diesel; Open 24 Hours; Loyalty Program; Convenience Store; Restaurant / Quick-Service Restaurant; Supermarket / General Store; Automotive Repair Service Bay; Car Wash; Electric Vehicle Charging Station.

Panel also notes that information regarding the ownership structure of particular retail stations is available for purchase from private companies or through a land title search.[27]

With respect to the identity and contact information of the individual who completed the Retail Station Survey,[28] while Framework Draft No. 2 does not propose this information be treated as confidential Protected Information, the Panel notes the BCUC's treatment of personal details with appropriate protections.

The BCUC requests that parties provide submissions to explain their rationale for supporting or objecting to the proposed treatment of the Fuel Data not identified as confidential Protected Information in their submissions on Framework Draft No. 2.

Public Interest

Several parties indicate that the process proposed in Section 5.2 of Framework Draft No. 1 for determining whether the public interest in the publication of confidential Protected Information outweighs any potential harm to Responsible Persons is an unnecessary reopener of this proceeding and that references to the potential for wrongdoing made in this section send the wrong message about the fuel market in BC.[29]

Circumstances may arise in which the BCUC, in its role as Administrator, may seek to reconsider the confidential status granted to certain Protected Information. Framework Draft No. 2 includes a process whereby the BCUC would initiate such a reconsideration to consider whether the public interest in publishing the confidential Protected Information outweighs the potential harm to Responsible Persons and the competitiveness of the market.

Potential public interest considerations relating to the potential for harm to individual or public safety or to the environment were removed in Framework Draft No. 2, as they are not germane to the confidentiality of Protected Information.

The BCUC requests that parties, provide submissions regarding the process and circumstances where the BCUC in its role as Administrator seeks to reconsider the confidential status granted to certain Protected Information.

Aggregation and Anonymization

Many Responsible Persons submit that the tools proposed for permitting the publication of confidential Protected Information in Framework Draft No. 1 were insufficient.[30,31] It may not be practicable to anticipate all of the potential combinations of aggregate or anonymized Fuel Data that the BCUC may consider publishing and the risks associated. As such, Framework Draft No. 2 includes a comment process involving the external counsel of Responsible Persons prior to the publication of aggregate and/or anonymized confidential Protected Information. This process would ensure confidential Protected Information is not shared with Responsible Persons, while simultaneously allowing the BCUC to benefit from the specialized knowledge of industry experts prior to publishing sensitive Fuel Data.

The BCUC requests that parties provide submissions on the proposed revisions to the aggregation and anonymization process.

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[27] http://www.kentgroupltd.com/analytics/retail-site-census/; https://landtransparency.ca/
[28] This includes the representative name, responsible person phone, and responsible person email Fuel Data fields.
[29] Exhibit C1-4, pp. 9–10; Exhibit C4-4, p. 5; Exhibit C6-4, pp. 4–5.
[30] Exhibit B-4, pp. 11–12, 14; Exhibit C1-4, pp. 11–12; Exhibit C2-4, p. 7; Exhibit C3-4, pp. 5–6; Exhibit C4-4, pp. 6–7; Exhibit C5-4, pp. 10–11; Exhibit C6-4, pp. 5–7.
[31] The Panel notes that in its March 8, 2021 letter of comment (Exhibit E-8-1), the Competition Bureau did not object to the proposed use of these tools.

Periodic Review of Status of Confidential Protected Information

Framework Draft No. 2 includes a proposed commitment by the BCUC to undertake a review of the status of confidential Protected Information two years after the finalization of the Framework. This review would be subject to notice and process.

The BCUC requests that parties provide submissions on the proposal to review the status of confidential Protected Information in two years time.

Declaration and Undertaking Process

Numerous concerns were expressed regarding the purpose and enforceability of the proposed declaration and undertaking process.[32] Framework Draft No. 2 attempts to clarify that requests for access to confidential Protected Information would only be granted in circumstances where the BCUC determines or is considering whether the public interest in granting access outweighs the potential harm to Responsible Persons and/or the competitiveness of the fuel market. Framework Draft No. 2 outlines two potential scenarios where such access may be warranted:

- when the BCUC provides the external counsel of Responsible Persons with an opportunity to review aggregate and/or anonymized confidential Protected Information the BCUC intends to publish; and
- a request made to further market research on Reportable Fuels in BC.

Any confidential Protected Information disclosed pursuant to the declaration and undertaking process would remain confidential. Framework Draft No. 2 includes a proposed declaration and undertaking form, as requested by certain Responsible Persons.

The BCUC requests that parties review the proposed declaration and undertaking form and provide comments, including any suggested modifications in their submissions on Framework Draft No. 2.

Other Modifications

Framework Draft No. 2 includes several changes to streamline and clarify the language used. These changes include, among others:

- errata corrections and references to the BCUC Reporting Guidelines for the submission process for confidential Protected Information; and
- an automatic stay on the release of confidential Protected Information during the course of a reconsideration.

The BCUC requests parties provide submissions on the proposed changes in Framework Draft No. 2.

In addition, Section 3.2 of Framework Draft No. 2 has been updated to note that in its role as Administrator, the BCUC may provide confidential Protected Information to the Minister and selected staff in their Ministry. The Panel is interested in understanding parties' views on this addition in light of the BCUC's duties as Administrator of the FPT Act on behalf of the BC government.

The BCUC requests that parties provide submissions explaining their rationale for supporting or objecting to the proposed language in Framework Draft No. 2 respecting the BCUC's ability to share confidential Protected Information with the Minister and selected staff in their Ministry in light of the BCUC's responsibilities as Administrator.

[32] Exhibit C1-4, pp. 8–9; Exhibit C2-4, pp. 10–11; Exhibit C3-4, p. 4; Exhibit C4-4, p. 4; Exhibit C5-4, pp. 8–9; Exhibit C6-4, pp. 4–5.

Summary of Submissions Requested

The submission requested by the BCUC in the sections above are as follows:

1. The BCUC requests that parties provide submissions explaining their rationale for supporting or objecting to the proposed clarification of the scope and purpose of the Framework in Framework Draft No. 2.
2. The BCUC requests that parties provide submissions to explain their rationale for supporting or objecting to the proposed revisions to Table A1 in their submissions on Framework Draft No. 2, including submissions clarifying the specific harm and/or public interest associated with the publication of the physical capacity of fuel storage tanks, and of the shipment volume, and shipment date Fuel Data fields.
3. The BCUC requests that parties provide submissions to explain their rationale for supporting or objecting to the proposed revisions to Table A2 in their submissions on Framework Draft No. 2, including submissions clarifying the specific harm and/or public interest associated with the publication of daily high/low price and the time of the daily high/low price Fuel Data fields.
4. The BCUC requests that parties provide submissions clarifying the specific harm and/or public interest associated with the publication of the LCFS-related Fuel Data fields.
5. The BCUC requests that parties provide submissions clarifying the specific harm and/or public interest associated with the publication of the fuel type and fuel grade Fuel Data fields.
6. The BCUC requests that parties provide submissions clarifying the specific harm and/or public interest associated with the publication of the internal ID and comment Fuel Data fields.
7. The BCUC requests that parties provide submissions clarifying the specific harm and/or public interest associated with the publication of the seller name and address, and supply location Fuel Data fields.
8. The BCUC requests that parties provide submissions clarifying the specific harm and/or public interest associated with the publication of the origin of fuel imports and the transaction type Fuel Data field.
9. The BCUC requests that parties provide submissions clarifying the specific harm and/or public interest associated with the publication of the currency, whether the purchase price includes transportation costs, and date of sale Fuel Data fields.
10. The BCUC requests that parties provide submissions to explain their rationale for supporting or objecting to the proposed treatment of the Fuel Data not identified as confidential Protected Information in their submissions on Framework Draft No. 2.
11. The BCUC requests that parties, provide submissions regarding the process and circumstances where the BCUC in its role as Administrator seeks to reconsider the confidential status granted to certain Protected Information.
12. The BCUC requests that parties provide submissions on the proposed revisions to the aggregation and anonymization process.
13. The BCUC requests that parties provide submissions on the proposal to review the status of confidential Protected Information in two years time.
14. The BCUC requests that parties review the proposed declaration and undertaking form and provide comments, including any suggested modifications in their submissions on Framework Draft No. 2.
15. The BCUC requests parties provide submissions on the proposed changes in Framework Draft No. 2.
16. The BCUC requests that parties provide submissions explaining their rationale for supporting or objecting to the proposed language in Framework Draft No. 2 respecting the BCUC's ability to share confidential Fuel Protected Information Data with the Minister and selected staff in their Ministry in light of the BCUC's responsibilities as Administrator.

Other BCUC FPT Act Activities

The Panel notes that on March 5, 2021, BCUC staff published its first Fuel Market Report,[33] which provided observations about fuel pricing behaviour in certain regions of the province. In the Fuel Market Report, BCUC staff identified several areas warranting further exploration to enhance transparency and customer understanding of the fuel market in BC.

The Panel understands that this is an ongoing effort and that additional staff reports may be issued in the future. Section 3.1.2 of Framework Draft No. 2 provides that Appendix A to the Framework may be revised from time to time subject to notice and process. Should the BCUC begin collecting any Fuel Data not currently contemplated in Framework Draft No. 2, for instance as the result of staff's efforts related to the Fuel Market Report, revisions to the final Framework can be made to capture this Fuel Data consistent with Section 3.1.2.

Sincerely,

Original signed by:

Patrick Wruck
Commission Secretary

CD/ae
Enclosure

[33] https://www.bcuc.com/Documents/Reports/2021/2021-03_BCUC%20Fuel%20Market%20Report.pdf

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British Columbia Utilities Commission

Fuel Price Transparency Act

Framework for Determination of Confidentiality and Treatment of Protected Information Draft No. 2

May 25, 2021

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Attachment 1 – Backline Framework Draft No. 2

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1.0 General

This Framework sets out the process pursuant to which the British Columbia Utilities Commission (BCUC) will determine what Fuel Data collected pursuant to the *Fuel Price Transparency Act* (FPT Act) constitutes Protected Information and the confidentiality thereof (Framework). Protected Information is defined under section 9 of the FPT Act.

This Framework is intended to efficiently address confidentiality requests respecting Fuel Data collected pursuant to the FPT Act and to provide clarity on the process the BCUC will follow for disclosing Fuel Data in order to meet the objectives of the FPT Act.

This Framework may, subject to notice and process, be revised or updated from time to time in order to adjust for evolving circumstances and/or changes to the FPT Act including any regulations, directions, or requests.

Notwithstanding the procedures provided for in this Framework, the BCUC may do whatever is appropriate and permitted by law to enable it to effectively and completely perform its duties as Administrator. In accordance with the *Administrative Tribunals Act*, the BCUC may waive or modify one or more of the provisions of the Framework in exceptional circumstances.

Capitalized terms not otherwise defined have the same meaning as in the FPT Act.

1.1 Application of the Framework

This Framework applies to all Responsible Persons required to submit Fuel Data to the BCUC pursuant to the FPT Act or Regulations and any persons interested in accessing such information.

1.2 Role of the BCUC

By Order in Council (OIC) No. 123/20, and pursuant to Part 2 section 3 of the FPT Act, the BCUC is designated the Administrator of the FPT Act. As the Administrator, the BCUC is responsible for collecting Fuel Data to promote market competitiveness and public confidence in the competitiveness of the market, and for publishing Fuel Data pursuant to Part 3 section 9(2) of the FPT Act. The BCUC does not regulate fuel prices in British Columbia (BC).

1.2.1 BCUC Accountability under the FPT Act

Part 2 section 3 of the FPT Act provides that the Lieutenant Governor in Council may, under the FPT Act, by regulation, restrict or impose conditions on the exercise of powers, or the performance of duties, by the Administrator. Further, under section 4 of the FPT Act, the Administrator must report to the Minister as the Minister requires and must administer the FPT Act in accordance with any general or special directions of the Minister.

Application of this Framework is subject to the FPT Act, as well as the BCUC's compliance with all other applicable legislation, including privacy laws applicable to public bodies. Should there be any inconsistency between the Framework and the FPT Act, the legislation governs.

1.3 Determination of Confidentiality and Treatment of Protected Information Framework

In accordance with sections 2.1 and 4(1) of the *Utilities Commission Act* (UCA), and sections 11(1) and (2) of the *Administrative Tribunals Act*, the BCUC adopts this Framework for determining the confidentiality and treatment of Protected Information provided to the BCUC in accordance with its role as the Administrator of the FPT Act.

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2.0 Background

2.1 Fuel Price Transparency Act

On November 28, 2019, the Government of BC enacted the FPT Act. The FPT Act requires Responsible Persons engaged in a Reportable Activity to report on Fuel Data. The BCUC has been designated the Administrator of the FPT Act.

By OIC No. 474/20[34], the Lieutenant Governor in Council established the Fuel Price Transparency Regulations (FPT Regulations). The FPT Regulations require fuel importers, wholesalers, terminal owners/operators, and those who supply retail dealers to submit regular reports to the BCUC starting in November 2020.

On August 14, 2020, the Government of BC issued a Special Direction to the BCUC,[35] as the Administrator of the FPT Act, requiring retail dealers of Reportable Fuels to submit Fuel Data to the BCUC as part of a retail Fuel Data collection pilot (Retail Pilot). The Retail Pilot will be used to inform the development of regulations for fuel retailers by the Government of BC.

Pursuant to section 6 of the FPT Act, Responsible Persons are required to submit any Fuel Data and/or records required by the BCUC in its capacity as Administrator.

2.1.1 Protected Information

Section 9 of the FPT Act defines "protected information" as information that would reveal:

(a) Trade Secrets of a Responsible Person, or

(b) commercial, financial, labour relations, scientific or technical information of or about a Responsible Person.

Trade Secret is defined in Schedule 1 of the *Freedom of Information and Protection of Privacy Act* (FOIPPA) and means information, including a formula, pattern, compilation, program, device, product, method, technique or process, that:

(a) is used, or may be used, in business or for any commercial advantage,

(b) derives independent economic value, actual or potential, from not being generally known to the public or to other persons who can obtain economic value from its disclosure or use,

(c) is the subject of reasonable efforts to prevent it from becoming generally known, and

(d) the disclosure of which would result in harm or improper benefit.

Under section 9(2) of the FPT Act, the Administrator may publish Fuel Data, or other information or records, acquired pursuant to the FPT Act if it is satisfied that:

(a) Protected Information will not be disclosed, or

[34] https://www.bclaws.gov.bc.ca/civix/document/id/oic/oic_cur/0474_2020
[35] https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/natural-gas-oil/responsible-oil-gas-development/special_direction_to_bcuc_retail111787_v3_mbrsig08132020.pdf

(b) 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.

3.0 Protected Information

In its role as Administrator, the BCUC collects a wide range of Fuel Data from Responsible Persons. Subject to the following, and to other related statutory provisions and exceptions or exclusions by law, including the FPT Act, the FOIPPA, the UCA, and the *Administrative Tribunals Act*, Fuel Data or other information and records filed by Responsible Persons pursuant to the FPT Act may be made publicly available.

For greater certainty, nothing in this Framework is intended to limit the operation of any statutory provision that protects the confidentiality of Fuel Data or other information and records filed by Responsible Persons pursuant to the FPT Act.

3.1 Identification of Confidential Protected Information

3.1.1 Principles

In developing this Framework, the BCUC considered whether all Fuel Data should, by default, be kept confidential. However, in the BCUC's view, it is important to set out the key principles that will guide what Protected Information remains confidential.

In determining whether Fuel Data will be held confidential, the BCUC shall be guided by the following key principles:

1. Promotion of transparency – where possible, Fuel Data or other information and records collected pursuant to the FPT Act should be publicly available.

2. Promotion of market competitiveness – balancing the restriction of disclosure of Fuel Data or other information and records collected pursuant to the FPT Act or regulations when such disclosure could be reasonably expected to (i) undermine the competitiveness of the BC fuel industry or the public confidence in that market's competitiveness, or (ii) cause significant harm to a Responsible Person against the public interest in such disclosure.

3. Reducing regulatory burden – the BCUC's process should be administratively efficient to limit the administrative burden placed on Responsible Persons and others. Determinations of confidentiality should be consistent for the Fuel Data or other information and records collected pursuant to the FPT Act.

3.1.2 Grouping Fuel Data Collected Pursuant to the FPT Act and FPT Regulation

The BCUC will organize the Fuel Data collected pursuant to the FPT Act into groups based on the nature of such data (e.g., detailed price information). The BCUC will then review the groups in light of the key principles described in Section 3.1.1 above and will determine which groups of Fuel Data constitute confidential Protected Information.

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The BCUC will maintain a list, attached as Appendix A, documenting: (i) the universe of Fuel Data the BCUC collects pursuant to the FPT Act and FPT Regulations; (ii) the groupings of Fuel Data; and (iii) which groups constitute confidential Protected Information.

The BCUC may revise Appendix A from time to time, including, for example, if Fuel Data of a different nature is collected. Any proposed revisions to Appendix A will be subject to notice and process.

3.2 Confidentiality of Protected Information

All Fuel Data identified as confidential Protected Information in Appendix A attached hereto shall be accorded confidential treatment by the BCUC. For additional clarity, specific requests by Responsible Persons for confidentiality over the groups of Fuel Data designated as confidential Protected Information in Appendix A (and the individual categories of Fuel Data contained therein) are not required.

In its role as Administrator, the BCUC may provide confidential Protected Information to the Minister and selected staff in their Ministry.

3.3 Protocols for Submission of Protected Information

Please refer to the BCUC's FPT Regulation Reporting Guidelines, available on the BCUC webpage, for the protocols for submitting Protected Information.

4.0 Requests for Confidential Treatment of Fuel Data that is not Confidential Protected Information

The BCUC may publish any Fuel Data not determined to be confidential Protected Information.

Should a Responsible Person request the BCUC to maintain confidentiality of any Fuel Data or other information and records submitted to the BCUC pursuant to the FPT Act that have not already been identified as confidential Protected Information in Appendix A, the BCUC's process for confidentiality for such requests as set out in Part IV of the BCUC's Rules of Practice and Procedure shall apply.

The process set out in Part IV of the BCUC's Rules of Practice and Procedure is appropriate in certain limited circumstances, such as when comments made as part of a Responsible Person's submission contain commercially sensitive material not previously contemplated in Appendix A or where new reporting requirements have been implemented but revisions to the list of Protected Information provided in Appendix A have yet to be determined.

Any Fuel Data that a Responsible Person requests confidentiality over pursuant to Section 4.0 of this Framework will be kept confidential on an interim basis until the BCUC renders a final determination.

5.0 Publication of Confidential Protected Information and Other Confidential Materials

5.1 Public Interest

In accordance with the process and principles described in Section 3 above, the BCUC has identified certain Fuel Data as confidential Protected Information, as listed in Appendix A below. The BCUC may publish the confidential Protected Information listed in Appendix A pursuant to section 9(2)(b) of the FPT Act. This section describes the process the BCUC will undertake prior to publishing confidential Protected Information.

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Pursuant to section 9(2)(b) of the FPT Act, the BCUC, in its role as Administrator, may publish confidential Protected Information if the BCUC is satisfied, following a process in which the Responsible Person may participate, that the public interest in the confidential 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.

When making the case for publication of confidential Protected Information, parties may make submissions regarding factors they consider to be relevant. Some examples of factors that might be relevant include, but are not limited to, the following:

(a) whether the information relates to matters that the public would have a strong interest in knowing; or

(b) whether the information indicates there is a reasonable likelihood of wrongdoing.

The BCUC in making any determination will:

(a) balance the public interest in publishing confidential Protected Information against the potential harm to a Responsible Person, the competitiveness of the market for Reportable Fuels and public confidence in the competitive of that market, and

(b) consider other relevant legislation and regulations, including the *Competition Act*.

5.2 Aggregation, Anonymization, and Passage of Time

5.2.1 Purpose

As the Administrator, the BCUC is responsible for collecting and publishing Fuel Data regarding a Reportable Activity in BC in an effort to promote competitiveness and public confidence in the competitiveness of the fuel market. To achieve this objective and to provide transparency into Fuel Data regarding a Reportable Activity in BC, the BCUC may aggregate, anonymize, or make other alterations to confidential Protected Information to permit publication of Fuel Data the BCUC collects pursuant to the FPT Act and FPT Regulations. The BCUC is cognizant of the importance of maintaining an appropriate balance between transparency and publication of confidential Protected Information in the execution of its mandate.

5.2.2 Aggregation and Anonymization

The BCUC may publish aggregate confidential Protected Information, on an anonymized or non-anonymized basis, in instances where the BCUC has determined that such publication will not reveal the confidential Protected Information of any Responsible Person.

Further, the BCUC may publish non-aggregate, anonymized, confidential Protected Information on a standalone basis in instances where the BCUC has determined that the identity of the Responsible Person associated is not likely to be directly or indirectly disclosed and therefore the public interest in transparency outweighs the potential harm to the Responsible Person and/or the competitiveness of the market.

Prior to publication of (i) anonymized or non-anonymized aggregate confidential Protected Information; and/or (ii) non-aggregate anonymized confidential Protected Information, the BCUC will:

1. Provide a copy of any anonymized or non-anonymized aggregate Protected Information and/or any non-aggregate anonymized Protected Information proposed for publication (Proposal) to the external counsel of all Responsible Persons who have executed a Declaration and Undertaking form in accordance with Section 6.0, below;

2. Allow the Responsible Persons' external counsel 30 days to review the Proposal and to provide written submissions and evidence to the BCUC regarding:
    a. whether publication of any aggregate information included in the Proposal is likely to result in the direct or indirect disclosure of the confidential Protected Information of any one Responsible Person, and if so why;
    b. adjustments to any aggregate information included in the Proposal that would make direct or indirect disclosure of the confidential Protected Information of any one Responsible Person unlikely;
    c. whether publication of any proposed non-aggregate anonymized information included in the Proposal is likely to result in the direct or indirect disclosure of the identity of the Responsible Person associated, and if so why;
    d. adjustments to any proposed non-aggregate anonymized information included in the Proposal that would make direct or indirect disclosure of the identity of the Responsible Person associated unlikely; and
    e. any other submissions regarding the Proposal.
3. Determine whether: (i) publication of any anonymized or non-anonymized aggregate confidential Protected Information included in the Proposal is not likely to result in the direct or indirect disclosure of the confidential Protected Information of any one Responsible Person; and/or (ii) publication of any non-aggregate anonymized confidential Protected Information included in the Proposal is not likely to result in the direct or indirect disclosure of the identity of the Responsible Person associated.

The BCUC may, at its discretion, allow additional submissions and evidence on a Proposal prior to making a final determination.

If the BCUC determines that publication of any anonymized or non-anonymized aggregate confidential Protected Information is not likely to result in the direct or indirect disclosure of the confidential Protected Information of any one Responsible Person, the aggregation will no longer be treated confidential as the public interest in disclosing this information outweighs the potential harm to Responsible Persons and the competitiveness of the market.

Similarly, if the BCUC determines that publication of any non-aggregate anonymized confidential Protected Information is not likely to result in the direct or indirect disclosure of the identity of the Responsible Person associated, the anonymized Fuel Data will no longer be treated confidential as the public interest in disclosing this information outweighs the potential harm to Responsible Persons and the competitiveness of the market.

The BCUC will not repeat the above process for any aggregate or anonymized confidential Protected Information proposed for publication if a final determination has been made previously for that specific aggregation or anonymization method and only the vintage of the Fuel Data included has changed. For example, if, after following the process outlined above, the BCUC has determined that publication of the average purchase price per litre of all gasoline imports into BC in January 2021 is not likely to result in the direct or indirect disclosure of the confidential Protected Information of any one Responsible Person and the direct or indirect disclosure of the identity of the Responsible Person associated, a separate BCUC determination is not necessary to allow publication of the average purchase price per litre of all gasoline imports into BC in February 2021.

5.2.3 Passage of Time

The BCUC recognizes the potential for changes to the public interest in the confidential Protected Information over time due to the dynamic nature of the fuel market. Two years after the finalization of this Framework, the BCUC will conduct a review of the Fuel Data collected to determine whether there has been a change to the

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public interest in the confidential Protected Information under 9(2)(b) of the FPT Act such that confidential treatment is no longer warranted (i.e., to determine whether the potential harm to Responsible Persons or the competitiveness of the market no longer outweighs the public interest in publishing that information). The BCUC's review will be subject to notice and process.

6.0 Declaration and Undertaking Regarding Confidentiality of Protected Information

Access to confidential Protected Information may be granted by the BCUC, subject to the process outlined below, when the BCUC has determined or is considering whether the public interest in granting access outweighs the potential harm to Responsible Persons and/or the competitiveness of the fuel market.

For instance, the BCUC may grant access to confidential Protected Information in order to facilitate a review of aggregate confidential Protected Information prior to publication, as discussed in Section 5.2.2, above, or to further market research of Reportable Fuels in BC.

Anyone requesting access to confidential Protected Information must submit a request electronically to the BCUC that sets out the reason(s) for the request and the period of time for which access is required, including a statement describing why access to confidential Protected Information is essential, and how allowing the request is in accordance with the provisions of the FPT Act. The BCUC shall notify Responsible Person(s) of any access requests received respecting the Responsible Person's confidential Protected Information. A Responsible Person may object to a request for access to confidential Protected Information by filing an objection setting out its reasons within 30 days of being notified by the BCUC.

The BCUC will render the final determination as to whether access to the confidential Protected Information will be approved and any terms and conditions of such approval.

If a request for access to confidential Protected Information is approved, the BCUC will notify the requestor, copying affected Responsible Person(s). Such approval will include a description of the confidential Protected Information to be disclosed and the deadline after which the requestor must return the confidential Protected Information to the BCUC or destroy the confidential Protected Information.

The requestor must sign and file with the BCUC a declaration and undertaking form, attached as Appendix B hereto, in respect of the use of the confidential Protected Information, before receiving access to the confidential Protected Information from the BCUC. The declaration and undertaking form is a binding commitment by the requestor: (i) to use the confidential Protected Information disclosed exclusively for purposes described in the access request; (ii) to hold the confidential Protected Information in confidence; (iii) to not reproduce the confidential Protected Information disclosed; not to disclose the information contained in the confidential Protected Information and (iv) to return the confidential Protected Information to the BCUC or destroy the confidential Protected Information within fourteen (14) days of the deadline established in the BCUC's grant of access to such confidential Protected Information or of an order of the BCUC. The BCUC may impose any other terms, conditions or safeguards as it considers appropriate in the circumstances. In accordance with Part 8.1 of the UCA, if a requestor fails to comply with the conditions of the declaration and undertaking form and/or the BCUC's approval, the BCUC may impose Administrative Penalties.

7.0 Reconsideration of a BCUC Decision

For the purposes of this Framework, any reference to a decision means a decision related to the determination of confidential Protected Information, the grant of access to confidential Protected Information, or the publication of confidential Protected Information.

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Any decision related to the determination of confidential Protected Information, the grant of access to confidential Protected Information, or the publication of confidential Protected Information under this Framework may be reconsidered pursuant to section 99 of the UCA and Part V of the BCUC's Rules of Practice and Procedure.

During a reconsideration process, there will be an automatic stay on the granting of access to or publication of confidential Protected Information.

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

A1. Background

The British Columbia Utilities Commission (BCUC) reporting forms allow Responsible Persons to submit required Fuel Data to the BCUC pursuant to the *Fuel Price Transparency* Act (FPT Act). The BCUC has the following reporting forms available:

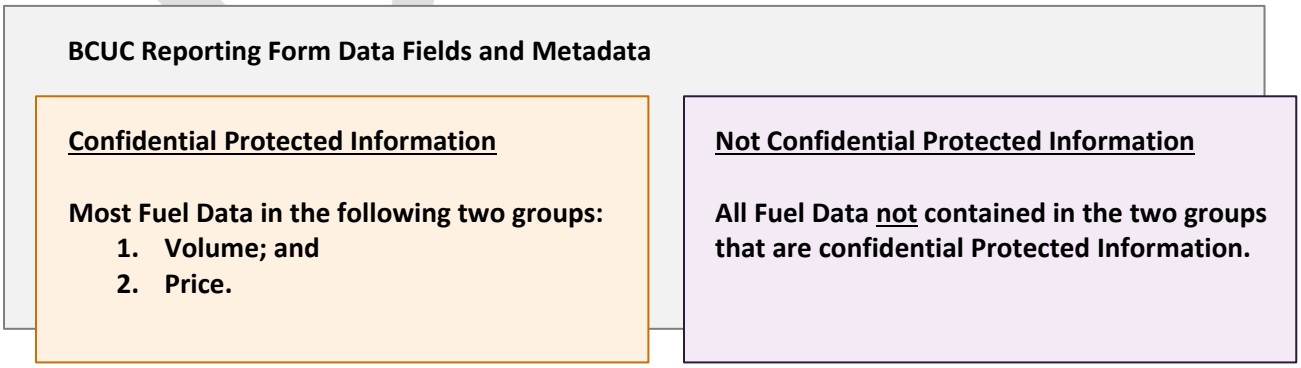
1. FPT Regulation – British Columbia Monthly Importer Report;
2. FPT Regulation – British Columbia Monthly Wholesale Purchaser Report;
3. FPT Regulation – British Columbia Monthly Low Carbon Fuel Standards (LCFS) Credit Report;
4. FPT Regulation – British Columbia Annual Storage Report;
5. FPT Regulation – British Columbia Monthly Retail Supplier Report;
6. Special Direction – British Columbia Monthly Retail Purchases Report;
7. Special Direction – British Columbia Monthly Retail Sales Report; and
8. Special Direction – Retail Station Survey.

In addition, when a Responsible Person submits a BCUC reporting form through the BCUC FPT Act Regulatory Reporting Portal (Portal), data is generated in association with the submission (i.e., metadata). Metadata, such as the submission timestamp, is also considered in this Framework.

A2. Grouping of Fuel Data

The BCUC has grouped together the individual data fields contained in the above BCUC reporting forms and all metadata based on the nature of the Fuel Data collected. In accordance with the process and principles described in Section 3, above, the BCUC has identified two groups of Fuel Data as confidential Protected Information. These groups are: (1) Volume; and (2) Price, as shown in Figure A1 below. The specific reporting fields included in these groups are presented in Tables A1 to A2, below. All other Fuel Data collected by the BCUC pursuant to the FPT Act is presented in Table A3, below, and does not constitute confidential Protected Information.

Figure A1 – Grouping of BCUC Reporting Form Fields and Metadata



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A3. Data Fields Contained in BCUC Groups

The data fields contained in each of the groups discussed in **Section A2** are presented in **Tables A1–A3**.

Table A1 – Volume Fuel Data Treated as Confidential Protected Information

BCUC Reporting Form	Fuel Data Field	Confidential 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**
Special Direction – BC Monthly Retail Purchases Report	Shipment Volume (L15)	**Yes**
Special Direction – BC Monthly Retail Sales Report	Daily Volume Sold (L15)	**Yes**

Table A2 – Price Fuel Data Treated as Confidential Protected Information

BCUC Reporting Form	Fuel Data Field	Confidential Protected Information
FPT Regulation – BC Monthly Importer Report	Purchase Price per Litre (i.e., $/L15)	**Yes**
FPT Regulation – BC Monthly Importer Report	Transportation Costs per Litre (i.e., $/L15)	**Yes**
FPT Regulation – BC Monthly Wholesale Purchaser Report	Purchased Price per Litre (i.e., $/L15)	**Yes**
FPT Regulation – BC Monthly Retail Supplier Report	Amounts Paid/Payable by Purchaser per Litre ($/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 ($/L)	**Yes**
Special Direction – BC Monthly Retail Sales Report	Taxes per Litre ($/L)	**Yes**

Table A3 – All Fuel Data not Treated as Confidential Protected Information

BCUC Reporting Form	Fuel Data Field	Not Confidential 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	Name of Importer	**No**
FPT Regulation – BC Monthly Importer Report	Currency (for Import Purchase)	**No**
FPT Regulation – BC Monthly Importer Report	Transaction Type	**No**
FPT Regulation – BC Monthly Importer Report	Reporting Period (mm/yyyy)	**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 (for Transportation Costs)	**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**

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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 (mm/dd/yyyy)	**No**
FPT Regulation – BC Monthly Wholesale Purchaser Report	Seller Name	**No**
FPT Regulation – BC Monthly Wholesale Purchaser Report	Seller Address	**No**
FPT Regulation – BC Monthly LCFS Credit Report	Total Number of Transfers	**No**
FPT Regulation – BC Monthly LCFS Credit Report	Total Credits	**No**
FPT Regulation – BC Monthly LCFS Credit Report	Average Price per LCFS Credit	**No**
FPT Regulation – BC Annual Storage Report (Terminal)	BCUC Terminal ID	**No**
FPT Regulation – BC Annual Storage Report (Terminal)	Terminal Name	**No**
FPT Regulation – BC Annual Storage Report (Terminal)	Name of Owner/Operator	**No**
FPT Regulation – BC Annual Storage Report (Terminal)	Terminal Address	**No**
FPT Regulation – BC Annual Storage Report (Tank)	BCUC Terminal ID	**No**
FPT Regulation – BC Annual Storage Report (Tank)	Terminal Name	**No**
FPT Regulation – BC Annual Storage Report (Tank)	BCUC Tank ID	**No**
FPT Regulation – BC Annual Storage Report (Tank)	Tank Name	**No**
FPT Regulation – BC Annual Storage Report (Tank)	Fuel Type	**No**
FPT Regulation – BC Annual Storage Report (Tank)	Fuel Grade	**No**
FPT Regulation – BC Annual Storage Report (Tank)	Physical Maximum Capacity (Litres)	**No**
FPT Regulation – BC Annual Storage Report (Tank)	Tank Heel Volume (Litres)	**No**
FPT Regulation – BC Annual Storage Report (Tank)	Net Useable Capacity (Litres)	**No**
FPT Regulation – BC Monthly Retail Supplier Report	Internal ID	**No**
FPT Regulation – BC Monthly Retail Supplier Report	Fuel Type	**No**
FPT Regulation – BC Monthly Retail Supplier Report	Fuel Grade	**No**
FPT Regulation – BC Monthly Retail Supplier Report	Supplier of Reportable Fuel	**No**
FPT Regulation – BC Monthly Retail Supplier Report	Shipment Volume (Litres)	**No**
FPT Regulation – BC Monthly Retail Supplier Report	Shipment Date (mm/dd/yyyy)	**No**
FPT Regulation – BC Monthly Retail Supplier Report	Currency	**No**
FPT Regulation – BC Monthly Retail Supplier Report	Transaction Type	**No**
Special Direction – BC Monthly Retail Purchases Report	BCUC Retail Station ID	**No**
Special Direction – BC Monthly Retail Purchases Report	Retail Station Name	**No**
Special Direction – BC Monthly Retail Purchases Report	Retail Station Address	**No**
Special Direction – BC Monthly Retail Purchases Report	Internal ID	**No**
Special Direction – BC Monthly Retail Purchases Report	Fuel Type	**No**
Special Direction – BC Monthly Retail Purchases Report	Fuel Grade	**No**
Special Direction – BC Monthly Retail Purchases Report	Shipment Date	**No**
Special Direction – BC Monthly Retail Purchases Report	Currency (for Purchase Price)	**No**
Special Direction – BC Monthly Retail Purchases Report	Transaction Type	**No**
Special Direction – BC Monthly Retail Purchases Report	Purchase Price includes Transportation Costs	**No**
Special Direction – BC Monthly Retail Purchases Report	Currency (for Transportation Costs)	**No**
Special Direction – BC Monthly Retail Purchases Report	Seller Name	**No**
Special Direction – BC Monthly Retail Purchases Report	Seller Address	**No**
Special Direction – BC Monthly Retail Purchases Report	Supply Location	**No**
Special Direction – BC Monthly Retail Sales Report	BCUC Retail Station ID	**No**
Special Direction – BC Monthly Retail Sales Report	Fuel Type	**No**
Special Direction – BC Monthly Retail Sales Report	Fuel Grade	**No**
Special Direction – BC Monthly Retail Sales Report	Retail Station Name	**No**
Special Direction – BC Monthly Retail Sales Report	Retail Station Address	**No**
Special Direction – BC Monthly Retail Sales Report	Date of Sale	**No**
Special Direction – BC Monthly Retail Sales Report	Daily High Price ($/L)	**No**
Special Direction – BC Monthly Retail Sales Report	Daily Low Price ($/L)	**No**
Special Direction – BC Monthly Retail Sales Report	Time of Daily High Price (hh:mm)	**No**
Special Direction – BC Monthly Retail Sales Report	Time of Daily Low Price (hh:mm)	**No**
Special Direction – Retail Station Survey (Web Form)	Responsible Person Name	**No**

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Special Direction – Retail Station Survey (Web Form)	Responsible Person Address	**No**
Special Direction – Retail Station Survey (Web Form)	Responsible Person Phone	**No**
Special Direction – Retail Station Survey (Web Form)	Responsible Person Email	**No**
Special Direction – Retail Station Survey (Web Form)	Representative Name	**No**
Special Direction – Retail Station Survey (Web Form)	Representative Position	**No**
Special Direction – Retail Station Survey	Retail Station Internal ID / Name	**No**
Special Direction – Retail Station Survey	Retail Station Address 1	**No**
Special Direction – Retail Station Survey	Retail Station Address 2	**No**
Special Direction – Retail Station Survey	Retail Station City	**No**
Special Direction – Retail Station Survey	Retail Station Province	**No**
Special Direction – Retail Station Survey	Retail Station Postal Code	**No**
Special Direction – Retail Station Survey	Brand of Fuel	**No**
Special Direction – Retail Station Survey	Ownership Structure	**No**
Special Direction – Retail Station Survey	Pump Service	**No**
Special Direction – Retail Station Survey	Regular Gasoline (Grade)	**No**
Special Direction – Retail Station Survey	Midgrade Gasoline (Grade)	**No**
Special Direction – Retail Station Survey	Premium Gasoline (Grade)	**No**
Special Direction – Retail Station Survey	Diesel	**No**
Special Direction – Retail Station Survey	Premium Diesel	**No**
Special Direction – Retail Station Survey	2019 Total Gasoline Sales Volume (Litres)	**No**
Special Direction – Retail Station Survey	2019 Total Diesel Sales Volume (Litres)	**No**
Special Direction – Retail Station Survey	Open 24 Hours	**No**
Special Direction – Retail Station Survey	Loyalty Program	**No**
Special Direction – Retail Station Survey	Convenience Store	**No**
Special Direction – Retail Station Survey	Restaurant / Quick-Service Restaurant	**No**
Special Direction – Retail Station Survey	Supermarket / General Store	**No**
Special Direction – Retail Station Survey	Automotive Repair Service Bay	**No**
Special Direction – Retail Station Survey	Car Wash	**No**
Special Direction – Retail Station Survey	Electric Vehicle Charging Station	**No**
Special Direction – Retail Station Survey	Other (Comments)	**No**
FPT Act Regulatory Reporting Portal - Metadata	Title – file description selected by Responsible Person	**No**
FPT Act Regulatory Reporting Portal - Metadata	Report Type – reporting form type selected by Responsible Person	**No**
FPT Act Regulatory Reporting Portal - Metadata	Month – reporting period selected by Responsible Person	**No**
FPT Act Regulatory Reporting Portal - Metadata	Year – reporting period year selected by Responsible Person	**No**
FPT Act Regulatory Reporting Portal - Metadata	Report Category – redacted, unredacted, confidentiality request etc., selected by Responsible Person	**No**
FPT Act Regulatory Reporting Portal - Metadata	Comments – comment text input by Responsible Person	**No**
FPT Act Regulatory Reporting Portal - Metadata	Submission ID – unique numeric submission ID generated by Portal	**No**
FPT Act Regulatory Reporting Portal - Metadata	Original Submission ID – unique numeric submission ID generated by Portal	**No**
FPT Act Regulatory Reporting Portal - Metadata	Submission Type – new submission, resubmission etc., generated by Portal	**No**
FPT Act Regulatory Reporting Portal - Metadata	Company – name of Responsible Person generated by Portal	**No**
FPT Act Regulatory Reporting Portal - Metadata	Archived File URL – internal file path generated by Portal	**No**
FPT Act Regulatory Reporting Portal - Metadata	Submission Time – submission timestamp generated by Portal	**No**

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FPT Act Regulatory Reporting Portal - Metadata	Report Status – internal tracking for accepted, under review etc., generated by Portal	**No**
FPT Act Regulatory Reporting Portal - Metadata	Item Type – internal data organization to create an item list of submissions, generated by Portal	**No**
FPT Act Regulatory Reporting Portal - Metadata	Path – internal file path generated by Portal	**No**

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Appendix B – FPT Act Confidentiality Declaration and Undertaking Form

FPT Act Confidentiality Declaration and Undertaking Form

In accordance with the British Columbia Utilities Commission (BCUC) Framework for the Determination of Confidentiality and Treatment of Protected Information, please provide a completed form to the Commission Secretary at commission.secretary@bcuc.com.

Undertaking

I, _____, in my role as _____ request access to certain confidential Protected Information collected by the BCUC pursuant to the *Fuel Price Transparency Act* (FPT Act) and the Fuel Price Transparency Regulations. A description of the confidential Protected Information I am requesting access to, the reason(s) for my request, including why access to confidential Protected Information is essential, and how allowing my request is in accordance with the provisions of the FPT Act are outlined below.

Description of requested confidential Protected Information:	
Reason(s) for the request and why access to confidential Protected Information is essential:	
How my request is in accordance with the provisions of the FPT Act:	

I request that I be granted access to the above confidential Protected Information between _____ , 20__ and _____, 20__.

I understand that the execution of this undertaking is a condition of an Order of the BCUC, and the BCUC may enforce this Undertaking pursuant to the provisions of the *Administrative Tribunal Act* and the *Utilities Commission Act* (UCA). I understand that any breaches of this Undertaking may constitute a contravention under the UCA and may be subject to Administrative Penalties pursuant to Part 8.1 of the UCA.

I hereby undertake:

(a) to use the information disclosed under the conditions of this Undertaking exclusively for the purposes described in the access request, above;

(b) not to divulge, directly, indirectly or in any manner, information disclosed under the conditions of this Undertaking except to a person granted access to such information or to staff of the BCUC;

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(c) not to reproduce, in any manner, information disclosed under the conditions of this Undertaking except for purposes of my request above;

(d) to keep confidential and to protect the information disclosed under the conditions of this Undertaking;

(e) to return to the BCUC all documents and materials containing information disclosed under the conditions of this Undertaking, including notes and memoranda based on such information, or to destroy such documents and materials within fourteen (14) days of the deadline established in the BCUC's approval of my access request;

(f) to abide by any further conditions imposed by the BCUC in its approval of my access request; and

(g) to report promptly to the BCUC any violation of this Undertaking.

Signed at _____ this _____.

Signature: _____

Name (please print): _____

Representing (if applicable): _____

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British Columbia Utilities Commission

Fuel Price Transparency Act

Framework for Determination of Confidentiality and Treatment of Protected Information Draft No. ~~1~~2

~~February 8~~May 25, 2021

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1.0 General

This Framework sets out the process pursuant to which the British Columbia Utilities Commission (BCUC) will determine what Fuel Data collected pursuant to the *Fuel Price Transparency Act* (FPT Act) constitutes Protected Information and the confidentiality thereof (Framework). Protected Information is defined under section 9 of the FPT Act.

This Framework is intended to efficiently address confidentiality requests respecting Fuel Data collected pursuant to the FPT Act and to provide clarity on the process the BCUC will follow for disclosing Fuel Data in order to meet the objectives of the FPT Act.

This Framework may, subject to notice and process, be revised or updated from time to time in order to adjust for evolving circumstances and/or changes to the FPT Act including any regulations, directions, or requests.

Notwithstanding the procedures provided for in this Framework, the BCUC may do whatever is appropriate and permitted by law to enable it to effectively and completely perform its duties as Administrator. In accordance with the *Administrative Tribunals Act*, the BCUC may waive or modify one or more of the provisions of the Framework in exceptional circumstances.

Capitalized terms not otherwise defined have the same meaning as in the FPT Act.

1.1 Application of the Framework

This Framework applies to all Responsible Persons required to submit Fuel Data to the BCUC pursuant to the FPT Act or Regulations and any persons interested in accessing such information.

1.2 Role of the BCUC

By Order in Council (OIC) No. 123/20, and pursuant to Part 2 section 3 of the FPT Act, the BCUC is designated the Administrator of the FPT Act. As the Administrator, the BCUC is responsible for collecting Fuel Data to promote market competitiveness and public confidence in the competitiveness of the market, and for publishing Fuel Data pursuant to Part 3 section 9(2) of the FPT Act. The BCUC does not regulate fuel prices in ~~BC.~~British Columbia (BC).

1.2.1 BCUC Accountability under the FPT Act

Part 2 section 3 of the FPT Act provides that the Lieutenant Governor in Council may, under the FPT Act, by regulation, restrict or impose conditions on the exercise of powers, or the performance of duties, by the Administrator. Further, under section 4 of the FPT Act, the Administrator must report to the Minister as the Minister requires and must administer the FPT Act in accordance with any general or special directions of the Minister.

Application of this Framework is subject to the FPT Act, as well as the BCUC's compliance with all other applicable legislation, including privacy laws applicable to public bodies. Should there be any inconsistency between the Framework and the FPT Act, the legislation governs.

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1.3 Determination of Confidentiality and Treatment of Protected Information Framework

In accordance with sections 2.1 and 4(1) of the *Utilities Commission Act* (UCA), and sections 11(1) and (2) of the *Administrative Tribunals Act*, the BCUC adopts this Framework for determining the confidentiality and treatment of Protected Information provided to the BCUC in accordance with its role as the Administrator of the FPT Act.

2.0 Background

2.1 Fuel Price Transparency Act

~~In~~On November 28, 2019, the Government of BC ~~established~~enacted the FPT Act. The FPT Act requires Responsible Persons engaged in a Reportable Activity to report on Fuel Data. The BCUC has been designated the Administrator of the FPT Act.

By OIC No. 474/20[1], the Lieutenant Governor in Council established the Fuel Price Transparency Regulations (FPT Regulations). The FPT Regulations require fuel importers, wholesalers, terminal owners/operators, and those who supply retail dealers to submit regular reports to the BCUC starting in November 2020.

~~In~~On August 14, 2020, the Government of BC issued a Special Direction to the BCUC,[2]~~,~~ as the Administrator of the FPT Act, requiring retail dealers of ~~reportable fuels~~Reportable Fuels to submit Fuel Data to the BCUC as part of a retail Fuel Data collection pilot (Retail Pilot). The Retail Pilot will be used to inform the development of regulations for fuel retailers by the Government of BC.

Pursuant to section 6 of the FPT Act, Responsible Persons are required to submit any Fuel Data and/or records required by the BCUC in its capacity as Administrator.

2.1.1 Protected Information

Section 9 of the FPT Act defines "protected information" as information that would reveal:

(a) Trade Secrets of a Responsible Person, or

(b) commercial, financial, labour relations, scientific or technical information of or about a ~~responsible person~~Responsible Person.

~~Under section 9(2) of the FPT Act, the Administrator may publish Fuel Data, or other information or records, acquired pursuant to the FPT Act if it is satisfied that:~~

~~(a) Protected Information will not be disclosed, or~~

~~(b) 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.~~

[1] https://www.bclaws.gov.bc.ca/civix/document/id/oic/oic_cur/0474_2020
[2] https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/natural-gas-oil/responsible-oil-gas-development/special_direction_to_bcuc_retail111787_v3_mbrsig08132020.pdf

Trade Secret is defined in Schedule 1 of the Freedom of Information and Protection of Privacy Act (FOIPPA) and means information, including a formula, pattern, compilation, program, device, product, method, technique or process, that:

(a) is used, or may be used, in business or for any commercial advantage,

(b) derives independent economic value, actual or potential, from not being generally known to the public or to other persons who can obtain economic value from its disclosure or use,

(c) is the subject of reasonable efforts to prevent it from becoming generally known, and

(d) the disclosure of which would result in harm or improper benefit.

Under section 9(2) of the FPT Act, the Administrator may publish Fuel Data, or other information or records, acquired pursuant to the FPT Act if it is satisfied that:

(a) Protected Information will not be disclosed, or

(b) 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.

3.0 Protected Information

In its role as Administrator, the BCUC collects a wide range of Fuel Data from Responsible Persons. Subject to the following, and to other related statutory provisions and exceptions or exclusions by law, including the FPT Act, the FOIPPA, the UCA, and the *Administrative Tribunals Act*, Fuel Data or other information and records filed by Responsible Persons pursuant to the FPT Act may be made publicly available.

For greater certainty, nothing in this Framework is intended to limit the operation of any statutory provision that protects the confidentiality of Fuel Data or other information and records filed by Responsible Persons pursuant to the FPT Act.

3.1 Identification of Confidential Protected Information

3.1.1 Principles

In developing this Framework, the BCUC considered whether all Fuel Data should, by default, be kept confidential. However, in the BCUC's view, it is important to set out the key principles ~~guiding the determination of~~that will guide what Protected Information ~~and then to categorize Fuel Data based on the level of commercial sensitivity~~remains confidential.

In determining ~~what~~whether Fuel Data ~~constitutes Protected Information~~will be held confidential, the BCUC shall be guided by the following key principles:

1. Promotion of transparency – where possible, Fuel Data or other information and records collected pursuant to the FPT Act should be publicly available.

2. Promotion of market competitiveness – balancing the restriction of disclosure of Fuel Data or other information and records collected pursuant to the FPT Act or regulations when such disclosure could be reasonably expected to (i) undermine the competitiveness of the BC fuel industry or the public confidence in that market's competitiveness, or (ii) cause significant harm to a Responsible Person against the public interest in such disclosure.

3. Reducing regulatory burden – the BCUC's process should be administratively efficient to limit the administrative burden placed on Responsible Persons and others. Determinations of confidentiality should be consistent for the Fuel Data or other information and records collected pursuant to the FPT Act.

3.1.2 Grouping Fuel Data Collected Pursuant to the FPT Act and FPT Regulation

The BCUC will organize the Fuel Data collected pursuant to the FPT Act into groups based on the nature of such data (e.g., detailed price ~~specific data fields~~information). The BCUC will then review the groups in light of the key principles described in Section 3.1.1 above and will determine which groups of Fuel Data constitute confidential Protected Information.

The BCUC will maintain a list, attached as Appendix A, documenting: (i) the universe of Fuel Data the BCUC collects pursuant to the FPT Act and FPT Regulations; (ii) the groupings of Fuel Data; and (iii) which groups constitute confidential Protected Information.

The BCUC may revise Appendix A from time to time, including, for example, if Fuel Data of a different nature is collected. Any proposed revisions to Appendix A will be subject to notice and process.

3.2 Confidentiality of Protected Information

All Fuel Data ~~determined~~identified as confidential Protected Information in Appendix A attached hereto ~~is confidential and~~ shall be accorded confidential treatment by the BCUC. For additional clarity, specific requests by Responsible Persons for confidentiality over the groups of Fuel Data designated as confidential Protected Information in Appendix A (and the individual categories of Fuel Data contained therein) are not required. ~~Submission Protocols for~~
In its role as Administrator, the BCUC may provide confidential Protected Information to the Minister and selected staff in their Ministry.

3.3 ~~If a submission contains~~ Protocols for Submission of Protected Information ~~as identified in Appendix A, a Responsible Person must submit: (i) a copy of the required BCUC form wherein any and all~~

Please refer to the BCUC's FPT Regulation Reporting Guidelines, available on the BCUC webpage, for the protocols for submitting Protected Information ~~is redacted; and (ii) an unredacted copy of the required BCUC form.~~

~~To submit a redacted form, "Redacted" must be inserted in all cells on the form that would otherwise contain Protected Information. An illustrative example of how to make such a redaction is shown below:~~

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~~**Figure 1: Unredacted Submission**~~

British Columbia Monthly Retail Supplier Report								
Internal ID	Fuel Type	Fuel Grade	Supplier of Reportable Fuel	Shipment Volume (litres)	Shipment Date	Amounts Paid/Payable by Purchaser per Litre ($/L)	Currency	Transaction
INT44522	Gasoline	PUL	ABC	10,000	10/2/2020	1.01	CAD	Third-Party
INT44523	Diesel	ULSD BC6	ABC	6,000	10/2/2020	1.01	CAD	Third-Party

~~**Figure 2: Redacted Submission**~~

British Columbia Monthly Retail Supplier Report								
Internal ID	Fuel Type	Fuel Grade	Supplier of Reportable Fuel	Shipment Volume (litres)	Shipment Date	Amounts Paid/Payable by Purchaser per Litre ($/L)	Currency	Transaction
INT44522	Gasoline	PUL	ABC	Redacted	10/2/2020	Redacted	CAD	Third-Party
INT44523	Diesel	ULSD BC6	ABC	Redacted	10/2/2020	Redacted	CAD	Third-Party

4.0 Requests for Confidential Treatment of ~~Non-~~Fuel Data that is not Confidential Protected Information

The BCUC may publish any Fuel Data not determined to be confidential Protected Information.

Should a Responsible Person ~~wish to keep confidential~~request the BCUC to maintain confidentiality of any Fuel Data or other information and records submitted to the BCUC pursuant to the FPT Act that ~~has~~have not already been ~~determined~~identified as confidential Protected Information in Appendix A, the BCUC's process for confidentiality for such requests as set out in Part IV of the BCUC's Rules of Practice and Procedure shall apply.

The ~~BCUC expects that such requests will be infrequent, but may be~~process set out in Part IV of the BCUC's Rules of Practice and Procedure is appropriate in certain limited circumstances, such as when comments made as part of a Responsible Person's submission contain commercially sensitive material not previously contemplated in Appendix A or where new reporting requirements have been implemented but revisions to the list of Protected Information provided in Appendix A have yet to be determined.

Any Fuel Data that a Responsible Person requests confidentiality over pursuant to Section 4.0 of this Framework will be kept confidential on an interim basis until the BCUC renders a final determination.

5.0 ~~Disclosure~~Publication of Confidential Protected Information and Other Confidential Materials

~~5.1 Undertaking and Declaration Regarding Confidentiality of Protected Information~~

~~Access to Protected Information may be granted by the BCUC subject to the process outlined below.~~

~~Parties requesting access to Protected Information must submit a request electronically to the BCUC that sets out the reason(s) for the request and the period of time for which access is required, and includes a statement describing how access to the Protected Information will further the goals of the FPT Act. The BCUC shall notify~~

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~~Responsible Person(s) of any access requests received respecting the Responsible Person's Protected Information. A Responsible Person may object to a request for access to Protected Information by filing an objection setting out its reasons within 14 days of being notified by the BCUC.~~

~~The BCUC will render the final determination as to whether access to the Protected Information will be approved and any conditions on such approval.~~

~~If a request for access to Protected Information is approved, the BCUC will notify the requestor, copying affected Responsible Person(s). Such approval will include a description of the Protected Information to be disclosed and the deadline after which the requestor must return the Protected Information to the BCUC or destroy the Protected Information.~~

~~The requestor must sign and file with the BCUC a Declaration and Undertaking form in respect of the use of the Protected Information before receiving a copy of the Protected Information from the BCUC. The Declaration and Undertaking form is a binding commitment by the requestor: (i) to use the Protected Information disclosed exclusively for purposes described in the access request; (ii) to hold the Protected Information in confidence; (iii) to not reproduce the Protected Information disclosed; and (iv) to return the Protected Information to the BCUC or destroy the Protected Information within fourteen (14) days of the deadline established in the BCUC's approval. The BCUC may impose any other additional conditions or safeguards as it considers appropriate in the circumstances.~~

~~5.2~~5.1 Public Interest

In accordance with the process and principles described in Section 3 above, the BCUC has identified certain Fuel Data as confidential Protected Information, as listed in Appendix A below. The BCUC may publish the confidential Protected Information listed in Appendix A pursuant to section 9(2)(b) of the FPT Act. This section describes the process the BCUC will undertake prior to publishing confidential Protected Information.

Pursuant to section 9(2)(b) of the FPT Act, the BCUC, in its role as Administrator, may publish confidential Protected Information if the BCUC is satisfied, following a process in which the Responsible Person may participate, that the public interest in the confidential 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~~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.

When making the case for publication of confidential Protected Information, parties may make submissions regarding factors they consider to be relevant~~, including~~. Some examples of factors that might be relevant include, but are not limited to, the following:

(a) whether the information relates to matters that the public would have a strong interest in knowing; or

(b) whether the information indicates there is a reasonable likelihood of wrongdoing~~; or~~.

~~(c) whether the information poses a risk of harm to individual or public safety or to the environment.~~

The BCUC in making any determination will~~-~~:

(a) balance the public interest in publishing confidential Protected Information against the potential harm to a Responsible Person~~-~~, the competitiveness of the market for Reportable Fuels and public confidence in the competitive of that ~~can be reasonably anticipated. The BCUC will have regard to matters that it considers~~market, and

~~(a)~~(b) consider other relevant legislation and regulations, including ~~whether disclosure could reasonably be expected to result in any of the following:~~the *Competition Act*.

~~(a) Undue material financial loss or gain to a Responsible Person;~~

~~(b) significant harm or prejudice to that Responsible Person's competitive or negotiating position; or~~

~~(c) harm to individual or public safety or to the environment.~~[3]

~~6.0 Approaches for Making Protected Information Non-Confidential~~

5.2 Aggregation, Anonymization, and Passage of Time

~~6.1.0~~5.2.1 Purpose

As the Administrator, the BCUC is responsible for collecting and publishing Fuel Data regarding a Reportable Activity in BC in an effort to promote competitiveness and public confidence in the competitiveness of the fuel market. To achieve this objective and to provide transparency into Fuel Data regarding a Reportable Activity in BC, the BCUC may aggregate, anonymize, or make other alterations to confidential Protected Information to permit ~~disclosure~~publication of Fuel Data the BCUC collects pursuant to the FPT Act and FPT Regulations. The BCUC is cognizant of the importance of maintaining an appropriate balance between transparency and ~~the protection of~~publication of confidential Protected Information in the execution of its mandate.

~~The processes described below are intended to serve as a starting point to support the BCUC's Fuel Data collection and publication efforts. The BCUC expects that further refinements may be necessary as Fuel Data continues to be collected and publication plans evolve. The BCUC will seek input from Responsible Persons and other interested parties in a public process prior to implementing any alternative methods to those proposed in this Framework.~~

~~6.2.0~~5.2.2 Aggregation and Anonymization

The BCUC may publish aggregate confidential Protected Information, ~~for instance average values~~on an anonymized or ~~total counts~~non-anonymized basis, in instances where the BCUC has determined that ~~aggregation~~such publication will not reveal the confidential Protected Information of any Responsible Person.

Further, the BCUC may publish non-aggregate, anonymized, confidential Protected Information on a standalone basis in instances where the BCUC has determined that the identity of the Responsible Person associated is not likely to be directly or indirectly disclosed and therefore the public interest in transparency outweighs the potential harm to the Responsible Person and/or the competitiveness of the market.

Prior to publication of (i) anonymized or non-anonymized aggregate confidential Protected Information; and/or (ii) non-aggregate anonymized confidential Protected Information, the BCUC will ~~not~~:

1. Provide a copy of any anonymized or non-anonymized aggregate Protected Information and/or any non-aggregate anonymized Protected Information proposed for publication (Proposal) to the external counsel of all Responsible Persons who have executed a Declaration and Undertaking form in accordance with Section 6.0, below;

~~[3] These considerations are similar to those outlined in Rule 20.01 of the BCUC's Rules of Practice and Procedures.~~

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2. Allow the Responsible Persons' external counsel 30 days to review the Proposal and to provide written submissions and evidence to the BCUC regarding:

    a. whether publication of any aggregate information included in the Proposal is likely to result in the direct or indirect disclosure of the confidential Protected Information of any one Responsible Person~~.~~, and if so why;

~~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). For example, the BCUC may publish total monthly wholesale fuel volumes transacted on a regional basis, so long as each reporting region contains data from at least five Responsible Persons in that month.~~

~~Such an aggregation of Protected Information is not Protected Information and cannot be provided confidential treatment.~~

~~6.3 Anonymization~~

b. ~~The BCUC may publish anonymized Protected Information in instances where the BCUC has determined that such anonymization will not~~adjustments to any aggregate information included in the Proposal that would make direct or indirect disclosure of the confidential Protected Information of any one Responsible Person unlikely;

~~b.~~c. whether publication of any proposed non-aggregate anonymized information included in the Proposal is likely to result in the direct or indirect disclosure of the identity of the Responsible Person associated~~.~~, and if so why;

d. ~~The BCUC considers~~adjustments to any proposed non-aggregate anonymized information included in the Proposal that ~~publishing individual Fuel Data fields on a standalone basis is sufficient to ensure that~~ would make direct or indirect disclosure of the identity of the Responsible Person associated unlikely; and

e. any other submissions regarding the Proposal.

3. Determine whether: (i) publication of any anonymized or non-anonymized aggregate confidential Protected Information included in the Proposal is not likely to result in the direct or indirect disclosure of the confidential Protected Information of any one Responsible Person ~~cannot be discerned.~~; and/or (ii) publication of any non-aggregate anonymized confidential Protected Information included in the Proposal is not likely to result in the direct or indirect disclosure of the identity of the Responsible Person associated.

The BCUC may, at its discretion, allow additional submissions and evidence on a Proposal prior to making a final determination.

If the BCUC determines that publication of any anonymized or non-anonymized aggregate confidential Protected Information is not likely to result in the direct or indirect disclosure of the confidential Protected Information of any one Responsible Person, the aggregation will no longer be treated confidential as the public interest in disclosing this information outweighs the potential harm to Responsible Persons and the competitiveness of the market.

Similarly, if the BCUC determines that publication of any non-aggregate anonymized confidential Protected Information is not likely to result in the direct or indirect disclosure of the identity of the Responsible Person

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associated, the anonymized Fuel Data will no longer be treated confidential as the public interest in disclosing this information outweighs the potential harm to Responsible Persons and the competitiveness of the market.

The BCUC will not repeat the above process for any aggregate or anonymized confidential Protected Information proposed for publication if a final determination has been made previously for that specific aggregation or anonymization method and only the vintage of the Fuel Data included has changed. For example, ~~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~~if, after following the process outlined above, the BCUC has determined that publication of the average purchase price per litre of all gasoline imports into BC in January 2021 is not likely to result in the direct or indirect disclosure of the confidential Protected Information of any one Responsible Person and the direct or indirect disclosure of the identity of the Responsible Person associated, a separate BCUC determination is not necessary to allow publication of the average purchase price per litre of all gasoline imports into BC in February 2021.

~~Such anonymized Fuel Data does not constitute Protected Information and cannot be provided confidential treatment.~~

~~6.4.0~~5.2.3 Passage of Time

The BCUC recognizes the potential for ~~a reduction~~changes to the public interest in the ~~sensitivity of~~ confidential Protected Information over time due to the dynamic nature of the fuel market. ~~The BCUC considers that after a period of two~~Two years ~~from the date of submission~~ after the ~~sensitivity of~~ finalization of this Framework, the BCUC will conduct a review of the Fuel Data collected to determine whether there has been a change to the public interest in the confidential Protected Information ~~will have diminished~~under 9(2)(b) of the FPT Act such that confidential treatment is no longer warranted (i.e., to determine whether the potential harm to Responsible Persons or the competitiveness of the market no longer outweighs the public interest in publishing that information). The BCUC's review will be subject to notice and process.

6.0 ~~Should the BCUC consider the sensitivity~~Declaration and Undertaking Regarding Confidentiality of ~~certain~~ Protected Information

Access 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. Any objections must~~ may be ~~provided~~granted by the BCUC, subject to the process outlined below, when the BCUC has determined or is considering whether the public interest in granting access outweighs the potential harm to Responsible Persons and/or the competitiveness of the fuel market.

For instance, the BCUC ~~in writing within 30 days. The BCUC will consider any timely objections prior to removal of any~~ may grant access to confidential Protected Information ~~designations pursuant~~in order to ~~this section~~facilitate a review of aggregate confidential Protected Information prior to publication, as discussed in Section 5.2.2, above, or to further market research of Reportable Fuels in BC.

Anyone requesting access to confidential Protected Information must submit a request electronically to the BCUC that sets out the reason(s) for the request and the period of time for which access is required, including a statement describing why access to confidential Protected Information is essential, and how allowing the request is in accordance with the provisions of the FPT Act. The BCUC shall notify Responsible Person(s) of any access requests received respecting the Responsible Person's confidential Protected Information. A Responsible

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Person may object to a request for access to confidential Protected Information by filing an objection setting out its reasons within 30 days of being notified by the BCUC.

The BCUC will render the final determination as to whether access to the confidential Protected Information will be approved and any terms and conditions of such approval.

If a request for access to confidential Protected Information is approved, the BCUC will notify the requestor, copying affected Responsible Person(s). Such approval will include a description of the confidential Protected Information to be disclosed and the deadline after which the requestor must return the confidential Protected Information to the BCUC or destroy the confidential Protected Information.

The requestor must sign and file with the BCUC a declaration and undertaking form, attached as Appendix B hereto, in respect of the use of the confidential Protected Information, before receiving access to the confidential Protected Information from the BCUC. The declaration and undertaking form is a binding commitment by the requestor: (i) to use the confidential Protected Information disclosed exclusively for purposes described in the access request; (ii) to hold the confidential Protected Information in confidence; (iii) to not reproduce the confidential Protected Information disclosed; not to disclose the information contained in the confidential Protected Information and (iv) to return the confidential Protected Information to the BCUC or destroy the confidential Protected Information within fourteen (14) days of the deadline established in the BCUC's grant of access to such confidential Protected Information or of an order of the BCUC. The BCUC may impose any other terms, conditions or safeguards as it considers appropriate in the circumstances. In accordance with Part 8.1 of the UCA, if a requestor fails to comply with the conditions of the declaration and undertaking form and/or the BCUC's approval, the BCUC may impose Administrative Penalties.

7.0 Reconsideration of a BCUC Decision

For the purposes of this Framework, any reference to a decision means a decision related to the determination of confidential Protected Information, the grant of access to confidential Protected Information, or the publication of confidential Protected Information.

Any decision related to the determination of confidential Protected Information, the grant of access to confidential Protected Information, or the publication of confidential Protected Information under this Framework may be reconsidered pursuant to section 99 of the UCA and Part V of the BCUC's Rules of Practice and Procedure.

During a reconsideration process, there will be an automatic stay on the granting of access to or publication of confidential Protected information.

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

A1. Background

The British Columbia Utilities Commission (BCUC) reporting forms allow Responsible Persons to submit required Fuel Data to the BCUC pursuant to the *Fuel Price Transparency* Act (FPT Act). The BCUC has the following reporting forms available:

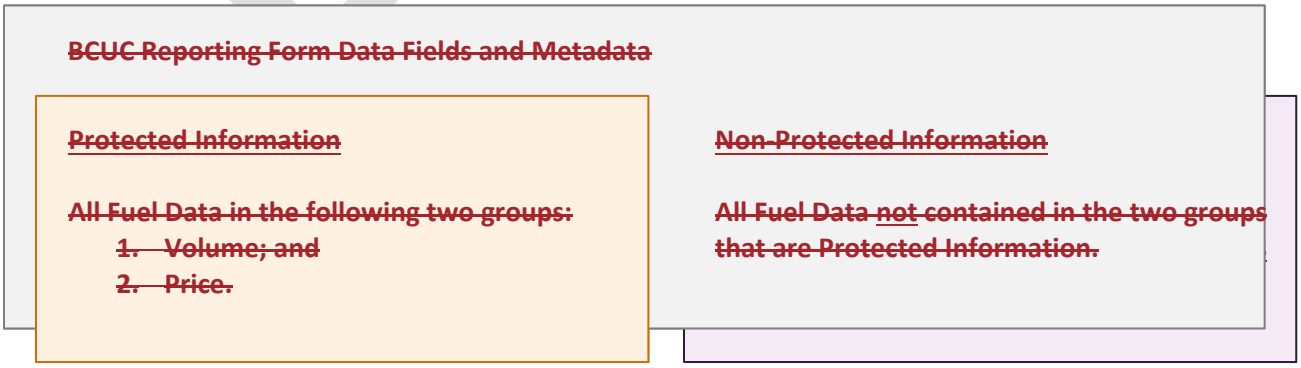
1. FPT Regulation – British Columbia Monthly Importer Report;
2. FPT Regulation – British Columbia Monthly Wholesale Purchaser Report;
3. FPT Regulation – British Columbia Monthly Low Carbon Fuel Standards (LCFS) Credit Report;
4. FPT Regulation – British Columbia Annual Storage Report;
5. FPT Regulation – British Columbia Monthly Retail Supplier Report;
6. Special Direction – British Columbia Monthly Retail Purchases Report;
7. Special Direction – British Columbia Monthly Retail Sales Report; and
8. Special Direction – Retail Station Survey.

In addition, when a Responsible Person submits a BCUC reporting form through the BCUC FPT Act Regulatory Reporting Portal (Portal), data is generated in association with the submission (i.e., metadata). Metadata, such as the submission timestamp, is also considered in this Framework.

A2. Grouping of Fuel Data

The BCUC has grouped together the individual data fields contained in the above BCUC reporting forms and all metadata based on the nature of the Fuel Data collected. In accordance with the process and principles described in ~~section~~Section 3, above, the BCUC has identified two groups of Fuel Data as confidential Protected Information. These groups are: (1) ~~volume~~Volume; and (2) ~~price~~Price, as shown in Figure A1 below. The specific reporting fields included in these groups are presented in Tables A1 to A2, below. All other Fuel Data collected by the BCUC pursuant to the FPT Act is presented in Table A3, below, and does not constitute confidential Protected Information.

Figure A1 – Grouping of BCUC Reporting Form Fields and Metadata



A3. Data Fields Contained in BCUC Groups

The data fields contained in each of the groups discussed in **Section A2** are presented in **Tables A1–A3**.

Table A1 – Volume Fuel Data Treated as Confidential Protected Information

BCUC Reporting Form	Fuel Data Field	Confidential 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**~~

Table A2 – Price Fuel Data Treated as Confidential Protected Information

BCUC Reporting Form	Fuel Data Field	Confidential Protected Information
FPT Regulation – BC Monthly Importer Report	Purchase Price per Litre (i.e., $/L15)	**Yes**
FPT Regulation – BC Monthly Importer Report	Transportation Costs per Litre (i.e., $/L15)	**Yes**
FPT Regulation – BC Monthly Wholesale Purchaser Report	Purchased Price per Litre (i.e., $/L15)	**Yes**
FPT Regulation – BC Monthly Retail Supplier Report	Amounts Paid/Payable by Purchaser per Litre ($/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 ($/L)	**Yes**
Special Direction – BC Monthly Retail Sales Report	Taxes per Litre ($/L)	**Yes**

Table A3 – All Fuel Data not Treated as ~~Non-~~Confidential Protected Information

BCUC Reporting Form	Fuel Data Field	Not Confidential 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	Name of Importer	**No**
FPT Regulation – BC Monthly Importer Report	Currency (for Import Purchase)	**No**
FPT Regulation – BC Monthly Importer Report	Transaction Type	**No**
FPT Regulation – BC Monthly Importer Report	Reporting Period (mm/yyyy)	**No**

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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 (for Transportation Costs)	**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 (mm/dd/yyyy)	**No**
FPT Regulation – BC Monthly Wholesale Purchaser Report	Seller Name	**No**
FPT Regulation – BC Monthly Wholesale Purchaser Report	Seller Address	**No**
FPT Regulation – BC Monthly LCFS Credit Report	Total Number of Transfers	**No**
FPT Regulation – BC Monthly LCFS Credit Report	Total Credits	**No**
FPT Regulation – BC Monthly LCFS Credit Report	Average Price per LCFS Credit	**No**
FPT Regulation – BC Annual Storage Report (Terminal)	BCUC Terminal ID	**No**
FPT Regulation – BC Annual Storage Report (Terminal)	Terminal Name	**No**
FPT Regulation – BC Annual Storage Report (Terminal)	Name of Owner/Operator	**No**
FPT Regulation – BC Annual Storage Report (Terminal)	Terminal Address	**No**
FPT Regulation – BC Annual Storage Report (Tank)	BCUC Terminal ID	**No**
FPT Regulation – BC Annual Storage Report (Tank)	Terminal Name	**No**
FPT Regulation – BC Annual Storage Report (Tank)	BCUC Tank ID	**No**
FPT Regulation – BC Annual Storage Report (Tank)	Tank Name	**No**
FPT Regulation – BC Annual Storage Report (Tank)	Fuel Type	**No**
FPT Regulation – BC Annual Storage Report (Tank)	Fuel Grade	**No**
FPT Regulation – BC Annual Storage Report (Tank)	Physical Maximum Capacity (Litres)	**No**
FPT Regulation – BC Annual Storage Report (Tank)	Tank Heel Volume (Litres)	**No**
FPT Regulation – BC Annual Storage Report (Tank)	Net Useable Capacity (Litres)	**No**
FPT Regulation – BC Monthly Retail Supplier Report	Internal ID	**No**
FPT Regulation – BC Monthly Retail Supplier Report	Fuel Type	**No**
FPT Regulation – BC Monthly Retail Supplier Report	Fuel Grade	**No**
FPT Regulation – BC Monthly Retail Supplier Report	Supplier of Reportable Fuel	**No**
FPT Regulation – BC Monthly Retail Supplier Report	Shipment Volume (Litres)	**No**
FPT Regulation – BC Monthly Retail Supplier Report	Shipment Date (mm/dd/yyyy)	**No**
FPT Regulation – BC Monthly Retail Supplier Report	Currency	**No**
FPT Regulation – BC Monthly Retail Supplier Report	Transaction Type	**No**
Special Direction – BC Monthly Retail Purchases Report	BCUC Retail Station ID	**No**
Special Direction – BC Monthly Retail Purchases Report	Retail Station Name	**No**
Special Direction – BC Monthly Retail Purchases Report	Retail Station Address	**No**
Special Direction – BC Monthly Retail Purchases Report	Internal ID	**No**
Special Direction – BC Monthly Retail Purchases Report	Fuel Type	**No**
Special Direction – BC Monthly Retail Purchases Report	Fuel Grade	**No**
Special Direction – BC Monthly Retail Purchases Report	Shipment Date	**No**
Special Direction – BC Monthly Retail Purchases Report	Currency (for Purchase Price)	**No**
Special Direction – BC Monthly Retail Purchases Report	Transaction Type	**No**
Special Direction – BC Monthly Retail Purchases Report	Purchase Price includes Transportation Costs	**No**
Special Direction – BC Monthly Retail Purchases Report	Currency (for Transportation Costs)	**No**
Special Direction – BC Monthly Retail Purchases Report	Seller Name	**No**
Special Direction – BC Monthly Retail Purchases Report	Seller Address	**No**
Special Direction – BC Monthly Retail Purchases Report	Supply Location	**No**
Special Direction – BC Monthly Retail Sales Report	BCUC Retail Station ID	**No**

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Special Direction – BC Monthly Retail Sales Report	Fuel Type	**No**
Special Direction – BC Monthly Retail Sales Report	Fuel Grade	**No**
Special Direction – BC Monthly Retail Sales Report	Retail Station Name	**No**
Special Direction – BC Monthly Retail Sales Report	Retail Station Address	**No**
Special Direction – BC Monthly Retail Sales Report	Date of Sale	**No**
~~Special Direction – BC Monthly Retail Sales Report~~	~~Taxes per Litre ($/L)~~	~~**No**~~
Special Direction – BC Monthly Retail Sales Report	Daily High Price ($/L)	**No**
Special Direction – BC Monthly Retail Sales Report	Daily Low Price ($/L)	**No**
Special Direction – BC Monthly Retail Sales Report	Time of Daily High Price (hh:mm)	**No**
Special Direction – BC Monthly Retail Sales Report	Time of Daily Low Price (hh:mm)	**No**
Special Direction – Retail Station Survey (Web Form)	Responsible Person Name	**No**
Special Direction – Retail Station Survey (Web Form)	Responsible Person Address	**No**
Special Direction – Retail Station Survey (Web Form)	Responsible Person Phone	**No**
Special Direction – Retail Station Survey (Web Form)	Responsible Person Email	**No**
Special Direction – Retail Station Survey (Web Form)	Representative Name	**No**
Special Direction – Retail Station Survey (Web Form)	Representative Position	**No**
Special Direction – Retail Station Survey	Retail Station Internal ID / Name	**No**
Special Direction – Retail Station Survey	Retail Station Address 1	**No**
Special Direction – Retail Station Survey	Retail Station Address 2	**No**
Special Direction – Retail Station Survey	Retail Station City	**No**
Special Direction – Retail Station Survey	Retail Station Province	**No**
Special Direction – Retail Station Survey	Retail Station Postal Code	**No**
Special Direction – Retail Station Survey	Brand of Fuel	**No**
Special Direction – Retail Station Survey	Ownership Structure	**No**
Special Direction – Retail Station Survey	Pump Service	**No**
Special Direction – Retail Station Survey	Regular Gasoline (Grade)	**No**
Special Direction – Retail Station Survey	Midgrade Gasoline (Grade)	**No**
Special Direction – Retail Station Survey	Premium Gasoline (Grade)	**No**
Special Direction – Retail Station Survey	Diesel	**No**
Special Direction – Retail Station Survey	Premium Diesel	**No**
Special Direction – Retail Station Survey	2019 Total Gasoline Sales Volume (Litres)	**No**
Special Direction – Retail Station Survey	2019 Total Diesel Sales Volume (Litres)	**No**
Special Direction – Retail Station Survey	Open 24 Hours	**No**
Special Direction – Retail Station Survey	Loyalty Program	**No**
Special Direction – Retail Station Survey	Convenience Store	**No**
Special Direction – Retail Station Survey	Restaurant / Quick-Service Restaurant	**No**
Special Direction – Retail Station Survey	Supermarket / General Store	**No**
Special Direction – Retail Station Survey	Automotive Repair Service Bay	**No**
Special Direction – Retail Station Survey	Car Wash	**No**
Special Direction – Retail Station Survey	Electric Vehicle Charging Station	**No**
Special Direction – Retail Station Survey	Other (Comments)	**No**
FPT Act Regulatory Reporting Portal - Metadata	Title – file description selected by Responsible Person	**No**
FPT Act Regulatory Reporting Portal - Metadata	Report Type – reporting form type selected by Responsible Person	**No**
FPT Act Regulatory Reporting Portal - Metadata	Month – reporting period selected by Responsible Person	**No**
FPT Act Regulatory Reporting Portal - Metadata	Year – reporting period year selected by Responsible Person	**No**
FPT Act Regulatory Reporting Portal - Metadata	Report Category – redacted, unredacted, confidentiality request etc., selected by Responsible Person	**No**

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FPT Act Regulatory Reporting Portal - Metadata	Comments – comment text input by Responsible Person	**No**
FPT Act Regulatory Reporting Portal - Metadata	Submission ID – unique numeric submission ID generated by Portal	**No**
FPT Act Regulatory Reporting Portal - Metadata	Original Submission ID – unique numeric submission ID generated by Portal	**No**
FPT Act Regulatory Reporting Portal - Metadata	Submission Type – new submission, resubmission etc., generated by Portal	**No**
FPT Act Regulatory Reporting Portal - Metadata	Company – name of Responsible Person generated by Portal	**No**
FPT Act Regulatory Reporting Portal - Metadata	Archived File URL – internal file path generated by Portal	**No**
FPT Act Regulatory Reporting Portal - Metadata	Submission Time – submission timestamp generated by Portal	**No**
FPT Act Regulatory Reporting Portal - Metadata	Report Status – internal tracking for accepted, under review etc., generated by Portal	**No**
FPT Act Regulatory Reporting Portal - Metadata	Item Type – internal data organization to create an item list of submissions, generated by Portal	**No**
FPT Act Regulatory Reporting Portal - Metadata	Path – internal file path generated by Portal	**No**

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Appendix B – FPT Act Confidentiality Declaration and Undertaking Form

FPT Act Confidentiality Declaration and Undertaking Form

In accordance with the British Columbia Utilities Commission (BCUC) Framework for the Determination of Confidentiality and Treatment of Protected Information, please provide a completed form to the Commission Secretary at commission.secretary@bcuc.com.

Undertaking

I, _____, in my role as _____ request access to certain confidential Protected Information collected by the BCUC pursuant to the *Fuel Price Transparency Act* (FPT Act) and the Fuel Price Transparency Regulations. A description of the confidential Protected Information I am requesting access to, the reason(s) for my request, including why access to confidential Protected Information is essential, and how allowing my request is in accordance with the provisions of the FPT Act are outlined below.

Description of requested confidential Protected Information:	
Reason(s) for the request and why access to confidential Protected Information is essential:	
How my request is in accordance with the provisions of the FPT Act:	

I request that I be granted access to the above confidential Protected Information between _____, 20__ and _____, 20__.

I understand that the execution of this undertaking is a condition of an Order of the BCUC, and the BCUC may enforce this Undertaking pursuant to the provisions of the *Administrative Tribunal Act* and the *Utilities Commission Act* (UCA). I understand that any breaches of this Undertaking may constitute a contravention under the UCA and may be subject to Administrative Penalties pursuant to Part 8.1 of the UCA.

I hereby undertake:

(a) to use the information disclosed under the conditions of this Undertaking exclusively for the purposes described in the access request, above;

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(b) not to divulge, directly, indirectly or in any manner, information disclosed under the conditions of this Undertaking except to a person granted access to such information or to staff of the BCUC;

(c) not to reproduce, in any manner, information disclosed under the conditions of this Undertaking except for purposes of my request above;

(d) to keep confidential and to protect the information disclosed under the conditions of this Undertaking;

(e) to return to the BCUC all documents and materials containing information disclosed under the conditions of this Undertaking, including notes and memoranda based on such information, or to destroy such documents and materials within fourteen (14) days of the deadline established in the BCUC's approval of my access request;

(f) to abide by any further conditions imposed by the BCUC in its approval of my access request; and

(g) to report promptly to the BCUC any violation of this Undertaking.

Signed at _____ this _____.

Signature: _____

Name (please print): _____

Representing (if applicable): _____

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