



July 13, 2021

Sent via email/eFile

<b>PARKLAND – ADVANCE RULING ON CONFIDENTIALITY FOR FPTA REPORTING</b>	<b>EXHIBIT A-10</b>
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To: Affected Parties, Fuel Price Transparency Act Responsible Persons, Stakeholders and Members of the Public

**Re: British Columbia Utilities Commission – Framework for the Determination of Confidentiality and Treatment of Protected Information collected pursuant to the Fuel Price Transparency Act – Project No. 1599130 – Workshop Information and Further Regulatory Timetable**

### **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 submit Fuel Data in relation to a reportable activity. The British Columbia Utilities Commission (BCUC), as the Administrator of the FPT Act, is responsible for collecting Fuel Data to promote the competitiveness of the market for reportable fuels and public confidence in the competitiveness of that 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 submitted pursuant to the FPT Act (Framework).

On May 25, 2021, the BCUC issued Framework Draft No. 2 and requested submissions on a number of important considerations including, but not limited to, the specific harm and/or public interest associated with the publication of certain Fuel Data; the proposed aggregation and anonymization process; and the proposed declaration and undertaking form.

### **Feedback on Framework Draft No. 2 and Regulatory Next Steps**

By June 15, 2021, the BCUC received submissions on Framework Draft No. 2 from eight parties. The submissions received were generally supportive of clarifications made in Framework Draft No. 2, the inclusion of an automatic stay on the publication of confidential Protected Information during the course of a reconsideration, and the proposed revisions to the aggregation and anonymization process.

Submissions on Framework Draft No. 2 included concerns regarding the process for determining which groups of Fuel Data constitute confidential Protected Information, the potential harm to Responsible Persons and/or the competitiveness of the fuel market should certain Fuel Data be published, and whether the proposed declaration and undertaking form provided sufficient protections.

Some submissions requested further process, including (i) an opportunity to reply to submissions made by other parties and (ii) BCUC guidance respective of its proposal in Framework Draft No. 2 to share confidential Protected Information with the Minister and selected Ministry staff in its capacity as Administrator under and pursuant to the provisions of the FPT Act, prior to any further party submissions.

The BCUC appreciates the constructive input provided on Framework Draft No. 2. After careful review of the submissions received, the Panel has determined that further process is warranted to allow for continued examination of the important issues under consideration in this proceeding.

By Order G-214-21, attached, the BCUC establishes a further regulatory timetable for the proceeding that includes two oral workshops to be held on **Thursday, August 5, 2021 and Thursday, August 12, 2021, from 8:30 a.m., to 4:30 p.m., Pacific Time.**

Parties are encouraged to attend both workshops but may provide opening statements at only one of the two sessions.

### **Workshop Purpose and Scope**

The purpose of the workshops is to provide parties with an opportunity to further explain their position with respect to Framework Draft No. 2, and for the Panel and BCUC staff to ask questions regarding certain aspects of the submissions received to date. Parties may also be provided an opportunity to ask questions.

Specifically, the Panel intends to explore the following issues at the workshops:

- The public interest in publishing Fuel Data;
- The specific harm to Responsible Persons and/or the competitiveness of the market for reportable fuels that would result from the BCUC publishing certain Fuel Data;
- The proposed declaration and undertaking process for confidential Protected Information; and
- The proposal in Framework Draft No. 2 to permit the BCUC to share confidential Protected Information with the Minister and selected staff in the Ministry.

More detailed questions will be distributed in advance of the workshops.

The Panel would welcome, and strongly encourages, attendance at the workshops by technical and subject matter experts from the parties, as this is likely to facilitate responses to the Panel's questions and to support an efficient regulatory process.

### **Workshop Information**

The BCUC will conduct the workshops in-person and will commence at 8:30 a.m. each day. The workshops will take place at AllWest Reporting, 12th Floor, 1125 Howe Street, Vancouver, BC. The BCUC encourages parties to participate in-person for the efficiency of the workshop. The general public and interested parties may live stream the web broadcast at: <https://www.allwestbc.com/webcast.html>

For the health and safety of participants, the room seating will be configured similar to a BCUC oral hearing room to allow physical distancing. Please note that the provincial government continues to recommend masks in indoor public settings for all people aged 12 and older who are not yet fully vaccinated.

If parties wish to participate remotely for personal reasons, they must submit a written request by **Wednesday, July 21, 2021**, to the BCUC with an explanation supporting such request, including on a confidential basis if required. Parties who are granted permission to participate remotely must test their connections prior to the commencement of the workshops. Web-based participation will be facilitated via Microsoft Teams.

The following parties are requested to participate in the workshops:

1. Parkland Corporation (Parkland);
2. Suncor Energy Inc. (Suncor);
3. 7-Eleven Canada, Inc. (7-Eleven);
4. Husky Energy;
5. Imperial Oil (Imperial);
6. Tidewater Midstream and Infrastructure Ltd. (Tidewater);
7. Shell Canada Limited (Shell Canada);
8. Federated Co-Operatives Limited (FCL);
9. G&B Fuels Inc. (G & B Fuels);
10. Powell River Living Magazine (PRLM);
11. British Columbia Old Age Pensioners' Organization, Council of Senior Citizens' Organizations of BC, Active Support against Poverty, Disability Alliance BC, and Tenant Resource & Advisory Centre (BCOAPO); and
12. AFD Petroleum Ltd. (AFD).

Parties are required to confirm their attendance by emailing the Commission Secretary at [Commission.Secretary@bcuc.com](mailto:Commission.Secretary@bcuc.com) by **Tuesday, August 3, 2021**. Please clearly identify the workshop date(s) being registered for and include a list of attendees.

The workshops will be transcribed and form part of the evidentiary record of this proceeding.

The workshops will proceed as follows:

1. The Panel Chair will make an opening statement and comment on procedural matters for the session.
2. Introductions and order of appearance.
3. Opening statements by parties, up to 15 minutes in length, providing a summary of the aspects of Framework Draft No. 2 that they support and areas of concern. Questions of clarification may be asked, as necessary, however interveners will not be permitted to cross-examine one another. Before asking any questions, participants should first identify themselves for the transcription record.
4. Panel and BCUC staff questions to parties regarding their presentations and prior submissions on the draft Framework.
5. BCUC staff presentation on the proposed provision in Framework Draft No. 2 to permit the BCUC, in its role as Administrator of the FPT Act, to share confidential Protected Information with the Minister and selected Ministry staff.
6. A question and answer period will follow BCUC staff's presentation.

Any part of the process outlined above may be modified by the Panel to suit the participants, or to allow for a better understanding of the issues. If required in order to respond to any confidential questions posed, there will be arrangements made for an in-camera session.

If you have any questions or concerns about the Workshop process, please contact Commission Secretary at [Commission.Secretary@bcuc.com](mailto:Commission.Secretary@bcuc.com), 604-660-4700 or BC Toll Free: 1-800-663-1385.

Sincerely,

*Original signed by:*

Patrick Wruck  
Commission Secretary

CD/cm  
Enclosure



**ORDER NUMBER  
G-214-21**

IN THE MATTER OF  
the *Utilities Commission Act*, RSBC 1996, Chapter 473

and

the *Fuel Price Transparency Act*, SBC 2019, Chapter 46

and

Framework for the Determination of Confidentiality and Treatment of Protected Information  
Collected under the *Fuel Price Transparency Act*

**BEFORE:**

D. M. Morton, Panel Chair  
W. M. Everett, QC, Commissioner  
B. A. Magnan, Commissioner

on July 13, 2021

**ORDER**

**WHEREAS:**

- A. On September 16, 2020, Parkland Corporation (Parkland) filed an application with the British Columbia Utilities Commission (BCUC) for an advance ruling on confidentiality for certain commercial information that Parkland is required to file under the *Fuel Price Transparency Act* (FPT Act) and Regulations;
- B. By Order G-275-20, dated October 30, 2020, the BCUC provided advanced approval of confidential status to fuel data submitted by Responsible Persons pursuant to the FPT Act that the Responsible Persons identify as Protected Information, until the completion of a hearing process to establish a framework for the determination of confidentiality and treatment of Protected Information (Framework);
- C. By Orders G-303-20, G-68-21, and G-159-21, the BCUC established and further amended the regulatory timetable for development of the Framework;
- D. On May 25, 2021, the BCUC issued the Framework for Determination of Confidentiality and Treatment of Protected Information – Draft No. 2 (Framework Draft No. 2);
- E. Comments on Framework Draft No. 2 were filed with the BCUC by June 15, 2021; and
- F. The Panel has reviewed the comments filed on Framework Draft No. 2 and considers that a further amendment to the regulatory timetable is warranted.

**NOW THEREFORE** the BCUC orders that the regulatory timetable established by Order G-159-21 is further amended, as set out in Appendix A to this order.

**DATED** at the City of Vancouver, in the Province of British Columbia, this 13<sup>th</sup> day of July 2021.

BY ORDER

*Original signed by:*

D. M. Morton  
Commissioner

Attachment

British Columbia Utilities Commission  
Framework for the Determination of Confidentiality and Treatment of Protected Information  
Collected under the *Fuel Price Transparency Act*

**REGULATORY TIMETABLE**

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Action	Date (2021)
Workshop No. 1	8:30 a.m., to 4:30 p.m., Thursday, August 5
Workshop No. 2	8:30 a.m., to 4:30 p.m., Thursday, August 12
Further Process	To be determined