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July 21, 2021

**By Email**

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

**Attention: Patrick Wruck, Commission Secretary**

Dear Sirs:

**Re: Parkland Corporation Request for Advance Ruling on Confidentiality for  
*Fuel Price Transparency Act Reporting (the “Application”)*  
BCUC Order G-214-21 and Workshops**

We are counsel for Husky Energy (“Husky”).

We write in response to the letter of the BCUC dated July 13, 2021, and Order G-214-21, issued the same date.

Order G-214-21 amends the regulatory timetable established by Order G-159-21. Order G-214-21 only provides that “Workshop 1” will be held on August 5, 2021, and “Workshop 2” will be held on August 12, 2021 (collectively, the “Workshops”). No further details are provided in Order G-214-21.

In its letter, dated July 13, 2021, the BCUC sets out that “further process” is warranted to allow the BCUC to continue to examine the issues in the Application. Accordingly, the BCUC has established the Workshops, and sets out that certain parties to the Application, including Husky, are “requested” to attend the Workshops. The letter goes on to set out that the BCUC proposes to hold the Workshops in person, the Workshops will involve the BCUC Panel and BCUC staff, and that the BCUC Panel and BCUC staff will question the parties on the Application issues and past submissions. Further, the letter sets out that the Panel intends to investigate the “specific harm” to responsible persons that would result from the BCUC publishing certain fuel data, and that the Panel “strongly encourages” attendance at the Workshops by technical and subject matter experts from the parties.

Husky is very concerned about the Workshops set out in Order G-214-21 and detailed in the BCUC’s letter, for a number of reasons.

Due to the ongoing Covid-19 pandemic, Husky's employees continue to be working remotely, and all Husky's offices remain closed. It is Husky corporate policy that no meetings be conducted in person, and that everything be conducted remotely. These policies will remain in place until at least September 2021. As a result, a representative or representatives of Husky will be unable to attend the Workshops in person. We note that there remain restrictions in place in British Columbia, and that nearly all court and administrative hearings continue to be conducted remotely. Further, there was no issue with Husky attending the BCUC Inquiry into Oil and Gas Prices remotely, prior to the Covid-19 pandemic. The BCUC's seeming insistence on the Workshops being in person is surprising. Should the Workshops proceed, Husky must attend remotely.

The first of the Workshops is two weeks away, and the parties were given only a little over three weeks notice of the Workshops. Due to this very short notice, as well as planned vacations and the need to involve Husky personnel across multiple departments, Husky is unable to participate in a meaningful way in the Workshops should they proceed as scheduled. Husky will certainly be unable to arrange for "technical and subject matter experts" to attend the Workshops (remotely), and be prepared to answer an unknown amount and range of questions from the BCUC Panel and BCUC staff in the short timeframe required.

To allow for meaningful participation by responsible persons, and a complete understanding of the process and goal of the Workshops, the Workshops should be postponed until at least the fall of 2021.

The purpose and the reason for the BCUC scheduling the Workshops is not clear. The parties, including Husky, have submitted multiple rounds of detailed submissions in the Application. It is unclear why the BCUC requires the parties to attend in person to be questioned by the BCUC Panel and BCUC staff. It is particularly concerning that these questions will not be provided in advance, and unclear why such questions could not be answered in writing. Further, it is not clear what rules of procedure govern the proposed Workshops. It is unknown whether the Workshops should be considered a hearing of the BCUC, whether the BCUC's Rules of Practice and Procedure will apply, and how the answers to questions and potential opening statements of parties will be treated or published. More clarity on these issues is necessary before the Workshops can proceed.

Husky looks forward to continued engagement with the BCUC on these issues.

Yours truly,

**BORDEN LADNER GERVAIS LLP**



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