



**bcuc**  
British Columbia  
Utilities Commission

Suite 410, 900 Howe Street  
Vancouver, BC Canada V6Z 2N3  
**bcuc.com**

**P:** 604.660.4700  
**TF:** 1.800.663.1385  
**F:** 604.660.1102

## British Columbia Utilities Commission

### Review of Aggregate-Anonymized Fuel Data Proposed for Publication

---

#### Decision and Order G-354-22

December 8, 2022

Before:

E. B. Lockhart, Panel Chair  
B. A. Magnan, Commissioner  
A. Pape-Salmon, Commissioner

## TABLE OF CONTENTS

Page no.

Executive Summary.....	i
1.0 Introduction and Background .....	1
2.0 Summary of Submissions .....	2
3.0 Panel Discussion and Determinations .....	3

### BCUC ORDER G-354-22

#### APPENDICES

APPENDIX A	List of Acronyms
APPENDIX B	Exhibit List

## Executive Summary

In accordance with section 9 of the *Fuel Price Transparency Act* (FPT Act) and the BCUC's Framework for Determination of Confidentiality and Treatment of Protected Information<sup>1</sup>, the BCUC may publish Fuel Data collected pursuant to the FPT Act, that would otherwise be held confidential, on an aggregate and/or anonymized basis in instances where the BCUC has determined that such publication is not likely to reveal the confidential Protected Information of any Responsible Person.

On May 24, 2022, the BCUC established a hearing process regarding its proposal to publish certain aggregate and anonymized import-related Fuel Data (Proposal). The Proposal was subsequently revised on September 26, 2022, in response to the resubmission of certain historical Fuel Data (Revised Proposal).

If approved, the methodologies set out in the Revised Proposal would allow the BCUC to publish, among other things, information on the total number of Responsible Persons who imported fuel into the province in a calendar year; whether the imported fuel originated from Alberta or elsewhere in Canada and the United States; and the annual volume of fuel imports.

By October 26, 2022, the BCUC received submissions on the Revised Proposal from Federated Co-op Limited, Tidewater Midstream and Infrastructure Ltd., and Imperial Oil.

The Panel has reviewed the submissions of these Responsible Persons and finds that with the addition of a requirement that data from no fewer than five Responsible Persons be included in all aggregate values, publication of import-related Fuel Data using the methodologies set out in the Revised Proposal will not disclose the confidential Protected Information of any Responsible Person.

Effective immediately, the BCUC may publish import-related Fuel Data using the approved aggregation and anonymization methodologies set out in Appendix A to Order G-354-22.

---

<sup>1</sup> Order G-14-22, Appendix A, pp. 5–7.

## 1.0 Introduction and Background

The British Columbia Utilities Commission (BCUC) issued its Framework for Determination of Confidentiality and Treatment of Protected Information (Confidentiality Framework) by Order G-14-22 on January 20, 2022. Section 5.0 of the Confidentiality Framework outlines the tools the BCUC may use to publish Fuel Data that Responsible Persons submit to the BCUC pursuant to the *Fuel Price Transparency Act* (FPT Act) that would otherwise be held confidential. Section 5.0 provides that “[t]he BCUC may publish aggregate confidential Protected Information, on an anonymized or non-anonymized basis, in instances where the BCUC has determined that such publication is not likely to reveal the confidential Protected Information of any Responsible Person.”<sup>2</sup>

By letter L-17-22 dated May 24, 2022, the BCUC established a hearing process regarding its proposal to publish certain import-related Fuel Data on an aggregate and anonymized basis (Proposal). By Order G-147-22, the BCUC established a regulatory timetable for Responsible Persons to file written submissions and evidence on the Proposal by July 22, 2022.

On July 21, 2022, the BCUC adjourned the proceeding pending the resubmission of certain historical Fuel Data, and to provide the BCUC with an opportunity to evaluate whether any modifications to the proposed aggregation methodologies would be appropriate.

On September 26, 2022, the BCUC established an amended regulatory timetable for the proceeding, including deadlines for the issuance of a revised Proposal (Revised Proposal) and for the filing of written submissions and evidence thereon.

In the Revised Proposal, the BCUC proposed publishing import-related Fuel Data using the following methodologies:

1. Number of Responsible Persons who filed an Importer Report in the previous full calendar year (i.e., 2021) on an aggregate and anonymized basis:
  - Total number (count) of Responsible Persons who filed an Importer Report for all fuel types/grades and for each of the fuel types/grades listed in Appendix A.
2. Origin of Imports into British Columbia (BC) for the previous full calendar year (i.e., 2021) by each of the fuel types/grades listed in Appendix A on an aggregate and anonymized basis.
3. Volume of imports into BC by origin for all fuel types/grades and for each of the fuel types/grades listed in Appendix A in the previous full calendar year (i.e., 2021) on an aggregate and anonymized basis:
  - Total volume of fuel reported as imports into BC from all origins;
  - Total volume of fuel reported as imports into BC from Alberta;
  - Total volume of fuel reported as imports into BC from the rest of Canada and the United States with a list of applicable provinces and states;
  - Total volume of fuel reported as imports into BC from other countries with a list of applicable countries.
4. Volume of imports into BC by origin and by transaction type for all fuel types/grades and for each of the fuel types/grades listed in Appendix A in the previous full calendar year (i.e., 2021) on an aggregate and anonymized basis:

---

<sup>2</sup> Order G-14-22, Appendix A, pp. 5–7.

- Total volume of fuel reported as (i) third-party transaction and (ii) intra-company transfer imports into BC from all origins;
  - Total volume of fuel reported as (i) third-party transaction and (ii) intra-company transfer imports into BC from Alberta;
  - Total volume of fuel reported as (i) third-party transaction and (ii) intra-company transfer imports into BC from the rest of Canada and the United States with a list of applicable provinces and states;
  - Total volume of fuel reported as (i) third-party transaction and (ii) intra-company transfer imports into BC from other countries with a list of applicable countries.
5. Average purchase price per litre for third-party transactions for all fuel types/grades and for each of the fuel types/grades listed in Appendix A in the previous full calendar year (i.e., 2021) on an aggregate and anonymized basis:
- Volume-weighted average fuel price reported as third-party transaction imports into BC from all origins;
  - Volume-weighted average fuel price reported as third-party transaction imports into BC from Alberta;
  - Volume-weighted average fuel price reported as third-party transaction imports into BC from the rest of Canada and the United States with a list of applicable provinces and states;
  - Volume-weighted average fuel price reported as third-party transaction imports into BC from other countries with a list of applicable countries.

The following Responsible Persons filed submissions regarding the Revised Proposal by October 26, 2022:

- Federated Co-op Limited (FCL);
- Tidewater Midstream and Infrastructure Ltd. (Tidewater); and
- Imperial Oil (Imperial).

## 2.0 Summary of Submissions

FCL submits that the proposed aggregation methodologies disadvantage Responsible Persons who import fuel from jurisdictions other than Alberta and do not guarantee the confidentiality of this Fuel Data in subsequent reporting periods. FCL states that because the majority of gasoline and diesel imports into BC are sourced from Alberta, aggregated information on imports from the rest of Canada/the United States is uniquely susceptible to back-calculation and will be more sensitive to yearly anomalies. In FCL's view, all imports into BC, regardless of origin, should be aggregated together to protect the confidentiality of the Fuel Data.<sup>3</sup>

Tidewater and Imperial share FCL's concern over the potential for back-calculation. Tidewater states that its primary concern with the categories of aggregated confidential Protected Information contained in the Revised Proposal is with ensuring that there are a sufficient number of arms-length Responsible Persons who reported fuel imports to ensure that publication of the aggregate information will not result in indirect disclosure.<sup>4</sup> Tidewater and Imperial both submit that the BCUC should ensure aggregate import data includes information from no fewer than five Responsible Persons.<sup>5</sup>

---

<sup>3</sup> Exhibit C2-3, pp. 1–2.

<sup>4</sup> Exhibit C4-3, p. 2.

<sup>5</sup> Exhibit C4-3-1, p. 2; Exhibit C7-2, pp. 1–2.

Imperial further submits that no one party should be responsible for a majority of the data included in the aggregation in order to prevent an inappropriate level of transparency into a particular company's operations.<sup>6</sup> Imperial states that:

even if five or six Responsible Persons submit data relating to a specific line item, if one party is responsible for a significant portion of the data (on a volume basis, or otherwise) then aggregating the data may not provide meaningful protection of the confidential Protected Information.<sup>7</sup>

Finally, Imperial notes that many Responsible Persons have operations that extend beyond BC. Imperial considers that this is likely to create challenges both from a data disclosure and accounting perspective, and submits that the BCUC should ensure Fuel Data is aggregated in a fair manner (i.e., on an "apples" to "apples" basis) and disclosed with appropriate context.<sup>8</sup>

### **3.0 Panel Discussion and Determinations**

In the Revised Proposal, the BCUC proposed to publish aggregate and anonymized import-related Fuel Data using five methodologies, as described in section 1.0, above. Approval of these methodologies would allow the BCUC to publish, among other things, information on the total number of Responsible Persons who imported fuel into the province in a calendar year; whether the imported fuel originated from Alberta or elsewhere in Canada and the United States; and the annual volume of fuel imports.

FCL, Tidewater, and Imperial expressed concerns that the import-related Fuel Data that has been designated as confidential Protected Information may not be sufficiently aggregated using the methodologies set out in the Revised Proposal.

The Panel considers that the risk of a Responsible Person's confidential import-related Fuel Data could be deduced from an aggregate and anonymized value increases as the number of parties included in the aggregation decreases. For instance, if just two Responsible Persons imported fuel from jurisdictions other than Alberta in 2021, these Responsible Persons could determine the annual volume of fuel imported from outside of Alberta by the other party. The methodologies contained in the Revised Proposal protect against the risk that a company's import data could be determined through anonymization and by not disclosing the number of parties underlying any aggregate value presented at a sub-provincial level.

Nevertheless, the Panel is persuaded by Tidewater and Imperial's submissions that modification of the aggregation methodologies in the Revised Proposal is warranted such that any aggregate and anonymized import-related Fuel Data to be published contains data from no fewer than five Responsible Persons. Such a requirement further reduces the likelihood that the confidential Protected Information of any Responsible Person could be discerned, because a Responsible Person would need to have information on the private activities of several other Responsible Persons to determine the import-related confidential Protected Information of any other Responsible Person. While the appropriate number of reporting entities is subjective, the Panel notes that the majority of commenters recommended that import data be required from a minimum of five Responsible Persons. The Panel considers five data points to strike an appropriate balance between any potential harm to Responsible Persons and the promotion of transparency, consistent with the purposes of the FPT Act.

---

<sup>6</sup> Exhibit C7-2, pp. 1–2.

<sup>7</sup> Ibid, p. 1.

<sup>8</sup> Ibid.

This modification to the Revised Proposal would also address FCL’s concerns respecting the potential for yearly anomalies, without the need for all imports into BC to be aggregated together by default. Should the number of reporting entities in any aggregation (whether it is an aggregation of import-related Fuel Data from locations outside of Alberta or otherwise) drop to fewer than five in a subsequent reporting period, then the information would not be available for publication in that year.

The Panel is not persuaded that further modifications to the methodologies in the Revised Proposal are necessary. Imperial provided no evidence to support its supposition that the import-related Fuel Data of a Responsible Person could be discerned in a circumstance where data from five or more, unidentified, Responsible Persons are included in an aggregation and where one of the Responsible Persons represents “a majority” of the data. There is insufficient evidence that adding the additional restriction Imperial has proposed is warranted at this time. It is the Panel’s view that the methodologies contained in the Revised Proposal, when combined with a requirement that data from a minimum of five reporting entities are used, provide sufficient protection to the confidential import-related Fuel Data absent imposition of further restrictions.

**The Panel finds that with the addition of a requirement that data from no fewer than five Responsible Persons be included in all aggregate values, publication of import-related Fuel Data using the methodologies set out in the Revised Proposal will not disclose the confidential Protected Information of any Responsible Person.**

In accordance with section 9 of the FPT Act and the Confidentiality Framework, effective immediately, the BCUC may publish import-related Fuel Data using the approved aggregation and anonymization methodologies set out in Appendix A to Order G-354-22.

**DATED** at the City of Vancouver, in the Province of British Columbia, this      8th      day of December 2022.

*Original signed by:*

---

E. B. Lockhart  
Panel Chair / Commissioner

*Original signed by:*

---

B. A. Magnan  
Commissioner

*Original signed by:*

---

A. Pape-Salmon  
Commissioner



**ORDER NUMBER  
G-354-22**

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

and

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

and

BCUC Review of Aggregate/Anonymized Fuel Data Proposed for Publication

**BEFORE:**

E. B. Lockhart, Panel Chair  
B. A. Magnan, Commissioner  
A. Pape-Salmon, Commissioner

on December 8, 2022

**ORDER**

**WHEREAS:**

- A. By letter L-17-22A dated May 24, 2022, the British Columbia Utilities Commission (BCUC) established a hearing process regarding its proposal to publish certain anonymized aggregate fuel data collected pursuant to the *Fuel Price Transparency Act* (FPT Act) (Proceeding);
- B. By Order G-147-22 dated June 1, 2022, the BCUC established a regulatory timetable for the Proceeding, including an opportunity for Responsible Persons to file written submissions and evidence regarding the BCUC's proposal by July 22, 2022;
- C. By letter dated July 19, 2022, BCUC Staff stated that Responsible Persons had identified a need to resubmit certain historical fuel data through the FPT Act Reporting Portal and that such resubmissions could potentially impact the aggregate anonymized import-related fuel data proposed for publication. BCUC Staff requested an adjournment of the Proceeding to permit an evaluation by the BCUC of whether any modifications to the proposed aggregation methodologies would be appropriate;
- D. By Order G-204-22 dated July 21, 2022, the BCUC adjourned the Proceeding pending resubmission of certain historical fuel data and to provide the BCUC with an opportunity to evaluate whether any modifications to the proposed aggregation methodologies would be appropriate;
- E. By Order G-268-22 dated September 26, 2022, the BCUC established an amended regulatory timetable for the Proceeding. The regulatory timetable included a deadline for the BCUC to issue a Revised Proposal and an opportunity for Responsible Persons to file written submissions and evidence thereon;
- F. By Letter L-38-22 dated September 26, 2022, the BCUC issued the Revised Proposal;



- G. By October 26, 2022, the BCUC received submissions from Federated Co-op Limited, Tidewater Midstream and Infrastructure Ltd., and Imperial Oil with respect to the Revised Proposal; and
- H. The Panel has reviewed the submissions received and finds that with the addition of a requirement that data from no fewer than five Responsible Persons be included in all aggregate values, publication of import related Fuel Data using the methodologies set out in the Revised Proposal will not disclose the confidential Protected Information of any Responsible Person.

**NOW THEREFORE** for the reasons stated in the Decision issued concurrently with this order, effective immediately the BCUC may publish import-related fuel data using the approved methodologies attached as Appendix A.

**DATED** at the City of Vancouver, in the Province of British Columbia, this 8<sup>th</sup> day of December 2022.

BY ORDER

*Original signed by:*

E. B. Lockhart  
Commissioner

Attachment

BCUC Review of Aggregate/Anonymized Fuel Data Proposed for Publication

**Aggregate/Anonymized Fuel Data for Publication – Import-Related Fuel Data  
Approved Methodologies**

The BCUC may publish Fuel Data reported under the [FPT Regulation – British Columbia Monthly Importer Report](#) (Importer Report) using the following methodologies:

- 1. Number of Responsible Persons who filed an Importer Report in the previous full calendar year (i.e., 2021) on an aggregate and anonymized basis:**
  - Total number (count) of Responsible Persons who filed an Importer Report for all fuel types/grades and for each of the fuel types/grades listed in Appendix A1.
- 2. Origin of Imports into British Columbia (BC) for the previous full calendar year (i.e., 2021) by each of the fuel types/grades listed in Appendix A1 with data from a minimum of five Responsible Persons on an aggregate and anonymized basis.**
- 3. Volume of imports into BC by origin for all fuel types/grades and for each of the fuel types/grades listed in Appendix A1 in the previous full calendar year (i.e., 2021) with data from a minimum of five Responsible Persons on an aggregate and anonymized basis:**
  - Total volume of fuel reported as imports into BC from all origins;
  - Total volume of fuel reported as imports into BC from Alberta;
  - Total volume of fuel reported as imports into BC from the rest of Canada and the United States with a list of applicable provinces and states;
  - Total volume of fuel reported as imports into BC from other countries with a list of applicable countries.
- 4. Volume of imports into BC by origin and by transaction type for all fuel types/grades and for each of the fuel types/grades listed in Appendix A1 in the previous full calendar year (i.e., 2021) with data from a minimum of five Responsible Persons on an aggregate and anonymized basis:**
  - Total volume of fuel reported as (i) third-party transaction and (ii) intra-company transfer imports into BC from all origins;
  - Total volume of fuel reported as (i) third-party transaction and (ii) intra-company transfer imports into BC from Alberta;
  - Total volume of fuel reported as (i) third-party transaction and (ii) intra-company transfer imports into BC from the rest of Canada and the United States with a list of applicable provinces and states;
  - Total volume of fuel reported as (i) third-party transaction and (ii) intra-company transfer imports into BC from other countries with a list of applicable countries.
- 5. Average purchase price per litre for third-party transactions for all fuel types/grades and for each of the fuel types/grades listed in Appendix A1 in the previous full calendar year (i.e., 2021) with data from a minimum of five Responsible Persons on an aggregate and anonymized basis:**
  - Volume-weighted average fuel price reported as third-party transaction imports into BC from all origins;
  - Volume-weighted average fuel price reported as third-party transaction imports into BC from Alberta;
  - Volume-weighted average fuel price reported as third-party transaction imports into BC from the rest of Canada and the United States with a list of applicable provinces and states;
  - Volume-weighted average fuel price reported as third-party transaction imports into BC from other countries with a list of applicable countries.

BCUC Review of Aggregate/Anonymized Fuel Data Proposed for Publication

The BCUC may publish aggregate/anonymized import data for (i) gasoline; (ii) diesel; and (iii) the three combined fuel grade categories presented below.

Importer Report		Combined Fuel Grade Categories
Fuel Type	Fuel Grade	
Gasoline	CBOB 87	Regular Gasoline
	RBOB 87	
	RUL 87	
	RUL 87-E10	
	RUL E15	
	RUL E85	
	CBOB 89	
	RBOB 89	
	MUL 89	
	MUL 89-E5	
	CBOB 91	Premium Gasoline
	RBOB 91	
	PUL 91	
	CBOB 94	
	RBOB 94	
	SPUL 94	
Diesel	ULSD	Diesel
	ULS Diesel Bio	

British Columbia Utilities Commission  
Review of Aggregate-Anonymized Fuel Data Proposed for Publication

**Glossary of Terms**

Acronym	Description
BCUC	British Columbia Utilities Commission
FCL	Federated Co-op Limited
Tidewater	Tidewater Midstream and Infrastructure Ltd.
Imperial Oil	Imperial Oil

British Columbia Utilities Commission  
Review of Aggregate-Anonymized Fuel Data Proposed for Publication

**EXHIBIT LIST**

<b>Exhibit No.</b>	<b>Description</b>
<b>COMMISSION DOCUMENTS</b>	
A-1	Letter dated May 24, 2022 – BCUC Letter L-17-22 regarding the BCUC Review of Aggregate/Anonymized Fuel Data Proposed for Publication
A-1-1	Letter dated June 1, 2022 – BCUC Revised Letter L-17-22A regarding the BCUC Review of Aggregate/Anonymized Fuel Data Proposed for Publication
A-2	Letter dated May 25, 2022 – BCUC appointment of panel for Review of Aggregate-Anonymized Fuel Data Proposed for Publication
A-3	Letter dated June 1, 2022 – BCUC Order G-147-22 establishing a regulatory timetable
A-4	CONFIDENTIAL - Letter dated June 1, 2022 – BCUC confidential submission on Import Related Fuel Data
A-5	Letter dated July 21, 2022 – BCUC Order G-204-22 adjourning the review process
A-6	Letter dated September 26, 2022 – BCUC Order G-268-22 issuing a further timetable
A-7	Letter dated September 26, 2022 – BCUC Letter L-38-22 regarding the BCUC Review of Aggregate/Anonymized Fuel Data Proposed for Publication
A-8	CONFIDENTIAL - Letter dated September 27, 2022 – BCUC confidential submission on Import Related Fuel Data
Commission Staff documents	
A2-1	Letter dated July 19, 2022 – BCUC Staff Request for Adjournment
Intervener documents	
C1-1	Suncor Energy Inc. (Suncor) – Letter dated May 31, 2022 – Suncor submitting Confidentiality Declaration and Undertaking Form by C. Hustwick
C2-1	Federated Co-operatives Limited (Federated Co-op) – Letter dated June 3, 2022 – Federated Co-op submitting Confidentiality Declaration and Undertaking Form by J. Buhler and E. Klassen
C2-2	Letter dated October 3, 2022 – Federated Co-op submitting Confidentiality Declaration and Undertaking Forms
C2-3	Letter dated October 26, 2022 – Federated Co-op submitting response to BCUC Aggregation/Anonymization Proposal
C3-1	Shell Canada Limited (Shell) – Letter dated June 8, 2022 – Shell submitting Confidentiality Declaration and Undertaking Form by E. Dickinson
C3-2	Letter dated September 27, 2022 – Shell submitting Confidentiality Declaration and Undertaking Form
C4-1	Tidewater Midstream and Infrastructure Ltd. (Tidewater) – Letter dated June 9, 2022 – Tidewater submitting Confidentiality Declaration and Undertaking Form by A. Pressman and T. Urquhart

- C4-2 Letter dated October 11, 2022 – Tidewater submitting Confidentiality Declaration and Undertaking Forms
- C4-3 Confidential - Letter dated October 25, 2022 – Tidewater submitting confidential response to BCUC Aggregation/Anonymization Proposal
- C4-3-1 Letter dated October 28, 2022 – Tidewater submitting public response to BCUC Aggregation/Anonymization Proposal
- C5-1 Cenovus Energy (Cenovus) – Letter dated June 15, 2022 – Cenovus submitting Confidentiality Declaration and Undertaking Form by S.L. Dineley
- C5-2 Letter dated October 26, 2022 – Cenovus submitting confirmation of no further submissions
- C6-1 Parkland Corporation (Parkland) – Letter dated June 21, 2022 – Parkland submitting Confidentiality Declaration and Undertaking Form by T. Ahmed
- C6-2 Letter dated June 22, 2022 – Parkland submitting additional Confidentiality Declaration and Undertaking Form by M. Noel-Bentley
- C6-3 Letter dated September 28, 2022 – Parkland submitting additional Confidentiality Declaration and Undertaking Forms
- C7-1 Imperial Oil (Imperial) – Letter dated July 14, 2022 – Imperial submitting Confidentiality Declaration and Undertaking Form by Scott R. Gordon
- C7-2 Letter dated October 26, 2022 – Imperial submitting response to BCUC Aggregation/Anonymization Proposal