



**ORDER NUMBER
G-183-22**

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

and

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

British Columbia Utilities Commission
Review of Requests for Confidentiality
for *Fuel Price Transparency Act* Fuel Data Submissions

BEFORE:

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

on July 5, 2022

ORDER

WHEREAS:

- A. On March 11, 2022, the British Columbia Utilities Commission (BCUC) issued requests for fuel data and information to 1) wholesale marketers who supply British Columbia's retail fuel market and 2) select retail stations located in each of Powell River, Revelstoke, Squamish, Metro Vancouver, and nearby cities. On March 25, 2022, the BCUC issued an additional fuel data request to a sample of retail stations from all regions across the province for their fuel sales and margins for February and March 2021 and February and March 2022 (altogether, the Fuel Data Requests);
- B. Section 6 of the *Fuel Price Transparency Act* (FPT Act), provides, in part, that Responsible Persons must provide fuel data or any records referred to in section 8 (1) of the FPT Act, if requested by the BCUC as administrator of the FPT Act;
- C. By Decision and Order G-14-22 dated January 20, 2022, the BCUC found that the public interest in the publication of raw (i.e., unaggregated and non-anonymized) sales and operational volumes, price-related, low carbon fuel standard, invoice-related, importer identifier, comment, and retail data does not, at this time, outweigh any potential harm to Responsible Persons, and established the Framework for the Determination of Confidentiality and Treatment of Protected Information collected pursuant to the FPT Act (Confidentiality Framework);

- D. Section 4 of the Confidentiality Framework establishes that for any fuel data or other information or records submitted for the FPT Act that are not already designated as “confidential Protected Information” for which a Responsible Person is requesting confidential treatment, the process set out in Part IV of the BCUC’s Rules of Practice and Procedure (Rules) shall apply;
- E. By June 29, 2022, twenty (20) Responsible Persons had filed requests for confidential Protected Information status to be granted to the fuel data and information submitted pursuant to the Fuel Data Requests (Confidentiality Requests);
- F. The Panel notes that the Confidentiality Requests received to date have wider implications to all Responsible Persons who may seek similar relief for confidentiality of information they are required to file pursuant to the Fuel Data Requests. For regulatory efficiency, the Panel considers a public hearing is warranted to broadly review the matter regarding a ruling on confidential Protected Information status and requests Responsible Persons to make written submissions on their views regarding confidentiality;
- G. The Fuel Data Requests have been issued to a select subset of BC’s retail dealers. Based on the information currently available, the Panel considers publication of any information revealing the identity of these retail dealers to be unfair and a possible deterrent to participation; and
- H. The Panel considers that granting confidential status in respect to all fuel data and information filed by a Responsible Person pursuant to the Fuel Data Requests is warranted on an interim basis pending a further review process to consider the matters raised by participants in their submissions and this proceeding.

NOW THEREFORE pursuant to section 89 of the *Utilities Commission Act*, the BCUC orders as follows:

- 1. Information filed by Responsible Persons reporting fuel data and information pursuant to the Fuel Data Requests is confidential, until the BCUC determines otherwise.
- 2. A regulatory timetable for review of the Confidentiality Requests is established as set out in Appendix A to this order.
- 3. Responsible Persons and members of the public are invited to provide written submissions on the BCUC’s proposal for designating certain categories of fuel data as confidential Protected Information by the date established in the regulatory timetable, attached as Appendix A to this order.
- 4. Submissions made by retail dealers to whom the Fuel Data Requests have been issued will be anonymized to protect their identities.

DATED at the City of Vancouver, in the Province of British Columbia, this 5th day of July 2022.

BY ORDER

Original signed by:

E. B. Lockhart
Commissioner

British Columbia Utilities Commission
Review of Requests for Confidentiality
for *Fuel Price Transparency Act* Fuel Data Submissions

REGULATORY TIMETABLE

Action	Date (2022)
Written Submissions	Friday, July 29
Reply Submissions from Responsible Persons and Members of the Public	Friday, August 12
Further Process	To be determined