



**ORDER NUMBER**  
**G-360-23**

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* 2023 Fuel Data Submissions

BEFORE:

M. Jaccard, Commissioner

on December 21, 2023

**ORDER**

**WHEREAS:**

- A. On January 31 and March 28, 2023, the British Columbia Utilities Commission (BCUC) issued requests for fuel data (Fuel Data) to retail stations located in select cities and regions across British Columbia. Further, on March 10, 2023, the BCUC issued requests for Fuel Data and information to refiner and primary terminal owners and operators in the province (together with the January 31 and March 28, 2023 requests, 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 Order G-351-22 dated December 5, 2022, the BCUC determined, amongst other things, to uniformly designate categories of fuel data collected pursuant to *ad hoc* Fuel Data requests in 2022 as confidential Protected Information, broadly aligned with the logic of Figure A1 in the Confidentiality Framework;

- F. Subsequent to issuing the Fuel Data Requests, the BCUC received requests from several Responsible Persons for confidential Protected Information status to be granted to the Fuel Data submitted pursuant to the Fuel Data Requests (Confidentiality Requests);
- G. The BCUC considered that the Confidentiality Requests received had 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. By Order G-329-23 dated December 4, 2023, the BCUC, for regulatory efficiency, established a public hearing to broadly review the matter regarding a ruling on confidential Protected Information status and the BCUC’s proposal for designating certain categories of fuel data as confidential Protected Information, as detailed in the cover letter to Order G-329-23 (Proposal);
- H. Federated Co-operatives Limited, Cenovus Energy Inc., Suncor Energy Products Partnership, Shell Canada Limited, Parkland Corporation and two retail dealers submitted written submissions broadly supporting the BCUC’s Proposal; and
- I. The BCUC has reviewed the written submissions and considers that the following determinations are warranted.

**NOW THEREFORE** the BCUC orders as follows:

- 1. The confidential Protected Information status of Fuel Data submitted pursuant to the Fuel Data Requests is adopted by the BCUC in accordance with the table attached as Appendix A to this order, effective immediately.
- 2. The BCUC will consider the status of the Fuel Data collected pursuant to the Fuel Data Requests and designated as confidential Protected Information in accordance with the table attached as Appendix A to this order in its two-year review, as detailed in section 5.3 of the Confidentiality Framework attached to Decision and Order G-14-22.

**DATED** at the City of Vancouver, in the Province of British Columbia, this 21<sup>st</sup> day of December 2023.

BY ORDER

*Original signed by:*

M. Jaccard  
Commissioner

Attachment

| <b>BCUC Determinations for Grouping Data/Information in Confidentiality Requests</b>         |  |
|--|--|
| <b>Confidential Protected Information</b>  | <b>NOT Confidential Protected Information</b>            |
| All Retail Fuel Data   | Reporting Year/Month                                     |
| All Refiner Fuel Data  | Name of Responsible Person (from March 10, 2023 request) |
| Volume-weighted average value of regular gasoline imported into BC                           | Fuel Distribution Terminal Name                          |
| Total volume of regular gasoline imported into BC  | City   |
| Total cost of compliance with BC Low Carbon Fuel Standard (LCFS)                             |  |
| Cost of BC LCFS credit(s) for compliance   |  |
| Average cost of ethanol imports  |  |
| Total volume of ethanol imported into BC   |  |
| Average transportation cost of ethanol imported/purchased                                    |  |
| Compliance with Federal Fuel Standard  |  |
| Compliance with the US Renewable Fuel Standard   |  |
| Gasoline blendstocks and additives cost (excluding ethanol)                                  |  |
| Other fuel-related costs excluding terminal & transportation costs                           |  |
| Wholesale fuel discounts   |  |
| Volume-weighted average wholesale finished regular gasoline fuel margin                      |  |
| Volume-weighted average price of the first sale of wholesale finished regular gasoline in BC |  |
| Volume of wholesale finished regular gasoline sold   |  |
| Volume of wholesale finished regular gasoline supplied to corporate-owned retail stations    |  |
| Comments/Explanation   |  |
| Average primary transportation costs   |  |
| Average secondary transportation costs   |  |
| Primary distribution terminal costs  |  |
| Primary distribution terminal revenue  |  |
| Additional overhead costs  |  |
| Other costs  |  |
| Additional Comments & Explanatory Notes  |  |