



**ORDER NUMBER  
G-136-21**

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

and

(Shell) Flying J Travel Plaza  
Apparent Non-Compliance of the *Fuel Price Transparency Act*

**BEFORE:**

B. A. Magnan, Commissioner

on May 6, 2021

**ORDER**

**WHEREAS:**

- A. On November 28, 2019, the Government of British Columbia (BC) enacted the *Fuel Price Transparency Act* (FPT Act). The FPT Act requires a responsible person engaged in a reportable activity to submit reportable fuel data to the Administrator;
- B. By Order in Council (OIC) No. 123/20 dated March 9, 2020, the Lieutenant Governor in Council (LGIC) designated the British Columbia Utilities Commission (BCUC) as the Administrator of the FPT Act. The BCUC is responsible for collecting data to promote competitiveness and public confidence in the competitiveness of the fuel market in BC;
- C. By OIC No. 474/20 dated August 13, 2020, the LGIC, established the Fuel Price Transparency Regulations (FPT Regulations) under the FPT Act, which requires fuel importers, wholesalers, terminal owners/operators and those who supply fuel to retail dealers, to make periodic submissions to the BCUC effective November 1, 2020. The BCUC is responsible for ensuring compliance with these regulations as the Administrator of the FPT Act;
- D. By Letter dated November 23, 2020, the BCUC notified (Shell) Flying J Travel Plaza that it may potentially be a Reporting Person and is required to report under the FPT Act and Regulation. The letter required (Shell) Flying J Travel Plaza to submit the required reporting documents or complete an exemption declaration form to ensure compliance;
- E. By letters dated December 18, 2020 and March 31, 2021, the BCUC followed up with your organization requesting required information to ensure compliance with the FPT Act;
- F. To date, the BCUC has not received the required information from your organization to ensure (Shell) Flying J Travel Plaza is in compliance with the FPT Act and Regulation;

- G. When eligible reporting persons do not submit prescribed fuel data as required by section 5 of the FPT Act, the BCUC may impose administrative penalties in accordance with Part 4, Division 2 of the FPT Act where the BCUC is satisfied on a balance of probabilities that the person has contravened section 5(1) of the FPT Act; and
- H. The BCUC seeks comments from (Shell) Flying J Travel Plaza on its apparent non-compliance with the FPT Act in order to assess whether the apparent non-compliance represents a contravention of the FPT Act.

**NOW THEREFORE** the BCUC requests (Shell) Flying J Travel Plaza to provide comments on the apparent non-compliance with the FPT Act within 14 days of the date of this order.

**DATED** at the City of Vancouver, in the Province of British Columbia, this 6<sup>th</sup> day of May 2021.

BY ORDER

*Original signed by:*

B.A. Magnan  
Commissioner