



ORDER NUMBER
G-169-21

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

and

Flying J Canada Inc.
Apparent Non-Compliance of the *Fuel Price Transparency Act*

BEFORE:

B. A. Magnan, Commissioner

on May 31, 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 Flying J Canada Inc. 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 Canada Inc. 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 Flying J Canada Inc. 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;
- H. By Order G-136-21 dated May 6, 2021, the BCUC requested comment from Flying J Canada Inc. 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. To date, no comments have been submitted to the BCUC by Flying J Canada Inc.; and
- I. The BCUC submits a final request seeking comments from Flying J Canada Inc. 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 Flying J Canada Inc. 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 31st day of May 2021.

BY ORDER

Original signed by:

B.A. Magnan
Commissioner