



ORDER NUMBER
G-263-22

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 September 20, 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 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. On July 5, 2022, the BCUC issued Order G-183-22 establishing a hearing for review of the Confidentiality Requests;
- G. By Orders G-205-22 and G-245-22 dated July 22 and August 29, 2022, respectively, the regulatory timetable was amended;
- H. On September 15, 2022, Tidewater Midstream and Infrastructure Ltd. (Tidewater) filed with the BCUC a request for an extension to the deadline for written submissions on the BCUC proposal to uniformly designate categories of fuel data as confidential Protected Information, as detailed Exhibit A-2 (Extension Request). Tidewater states in its request that its legal counsel did not receive the July 5th proposal and regulatory timetable establishing the public hearing, nor did it receive the subsequently issued hearing documents; and
- I. The BCUC has reviewed the Extension Request and considers an amendment to the regulatory timetable is warranted.

NOW THEREFORE pursuant to section 89 of the *Utilities Commission Act*, the BCUC orders that the regulatory timetable is amended as set out in Appendix A to this order.

DATED at the City of Vancouver, in the Province of British Columbia, this 20th day of September 2022.

BY ORDER

Original signed by:

E. B. Lockhart
Commissioner

British Columbia Utilities Commission
Review of Requests for Confidentiality
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REGULATORY TIMETABLE

Action	Date (2022)
Tidewater Written Submission	Monday, October 3
Further Process	To be determined