

ORDER NUMBER
G-329-23

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 4, 2023

ORDER

WHEREAS:

- A. On January 31 and March 28, 2023, the British Columbia Utilities Commission (BCUC) issued requests for fuel data (Fuel Data) and information 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 (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 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. The BCUC is in receipt of requests from several Responsible Persons for confidential Protected Information status to be granted to the Fuel Data and information submitted pursuant to the Fuel Data Requests (Confidentiality Requests);
- G. The BCUC notes that the Confidentiality Requests received 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;
- H. 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
- I. The BCUC has reviewed the Confidentiality Requests and considers that certain determinations are warranted.

NOW THEREFORE the BCUC orders as follows:

- 1. Advanced approval of confidential status is granted to the Fuel Data and information filed by Responsible Persons pursuant to the Fuel Data Requests, until the completion of this hearing process.
- 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, as detailed in the cover letter to this order, 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 4th day of December 2023.

BY ORDER

Original signed by:

M. Jaccard
Commissioner

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

REGULATORY TIMETABLE

Action	Date (2023)
Written Submissions	Monday, December 18
Panel Determination	To be determined