

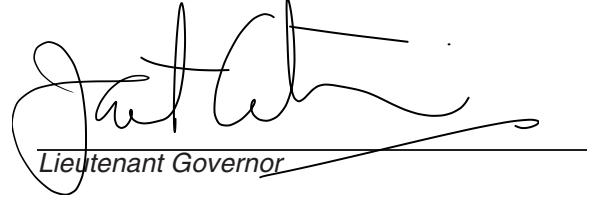
PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 474

, Approved and Ordered

August 13, 2020



Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that, effective November 1, 2020, the Fuel Price Transparency Regulation, B.C. Reg. 52/2020, is amended as set out in the attached Schedule.



Minister of Energy, Mines and Petroleum Resources



Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Fuel Price Transparency Act, S.B.C. 2019, c. 46, s. 23*

Other: *OIC 123/2020*

R10426561

SCHEDULE

- 1 *The Fuel Price Transparency Regulation, B.C. Reg. 52/2020, is amended by adding the following heading before section 1:*

PART 1 – INTERPRETATION .

- 2 *Section 1 is repealed and the following substituted:*

Definitions and interpretation

- 1 (1) In this regulation:
- “**Act**” means the *Fuel Price Transparency Act*;
 - “**retail dealer**” means a person who, within British Columbia, sells reportable fuel to a retail purchaser, unless the reportable fuel is
 - (a) sold at a cardlock, bulk storage terminal or terminal rack, or
 - (b) delivered to the retail purchaser in connection with an emergency roadside service;
 - “**retail purchaser**” means a person who, within British Columbia, purchases reportable fuel for use by that person or another person and not for resale;
 - “**supplier of reportable fuel**” means a person who, within British Columbia, is engaged in supplying reportable fuel to retail dealers.
- (2) For the purposes of paragraph (b) of the definition of “reportable activity” in section 1 (1) of the Act, importing reportable fuel is prescribed.
- (3) For the purposes of the definition of “reporting period” in section 1 (1) of the Act, the periods set out in sections 5 (3), 6 (3), 7 (3) and 8 (2) of this regulation are prescribed as reporting periods in relation to the matters set out in those sections, respectively.

- 3 *The following Part is added after section 2:*

PART 2 – SUBMISSION REQUIREMENTS

General information that must be submitted

- 3 For the purposes of section 5 (3) (a) of the Act, the following information must accompany a submission under section 5 (1) of the Act made by a responsible person:
- (a) the name of the responsible person;
 - (b) the following contact information for the responsible person:
 - (i) address;
 - (ii) phone number;
 - (iii) email address;
 - (c) the name and title of the individual making the submission on behalf of the responsible person.

Units in which information must be expressed

- 4** (1) If a provision of this regulation requires a responsible person to submit to the administrator information about a volume, the volume must be expressed in litres.
- (2) If a provision of this regulation requires a responsible person to submit to the administrator information about amounts of payments, prices or costs, the information must be expressed as follows:
- (a) in the case of an amount that is paid before the information is submitted to the administrator, in the currency in which the amount was paid;
 - (b) in the case of an amount that is not paid before the information is submitted to the administrator, in the currency in which the amount is invoiced.

Submission requirements for importers of reportable fuel

- 5** (1) In this section, “**importer of reportable fuel**” means a person who imports reportable fuel into British Columbia from another country or Canadian province for the purposes of that reportable fuel being supplied, directly or indirectly, to
- (a) retail dealers, or
 - (b) suppliers of reportable fuel.
- (2) Subject to subsection (6), for the purposes of section 5 (1) of the Act, a responsible person who, in all or part of a reporting period set out in subsection (3) of this section, is an importer of reportable fuel must submit to the administrator the following fuel data for the reporting period:
- (a) the volume of reportable fuel imported during the reporting period;
 - (b) the purchase price to the responsible person of the reportable fuel imported during the reporting period;
 - (c) the following information about the source of the reportable fuel imported during the reporting period:
 - (i) the country from which the reportable fuel originated;
 - (ii) if the reportable fuel originated from Canada, the province from which the reportable fuel originated;
 - (iii) if the reportable fuel originated from the United States of America, the state from which the reportable fuel originated;
 - (d) the costs incurred by the responsible person for transporting the reportable fuel imported during the reporting period from its source to the location in British Columbia at which it is delivered.
- (3) A calendar month is prescribed as the reporting period for the purposes of a responsible person and fuel data referred to in subsection (2).
- (4) For the purposes of section 5 (2) (a) of the Act, a submission by a responsible person referred to in subsection (2) of this section must be made as follows:
- (a) in the case of the fuel data referred to in subsection (2) (a) to (c), within 2 weeks after the end of the reporting period to which the submission relates;

- (b) in the case of the fuel data referred to in subsection (2) (d), within 2 weeks after the date on which the responsible person receives an invoice for the costs of transporting the imported reportable fuel.
- (5) A responsible person referred to in subsection (2) must, in a submission made under section 5 (1) of the Act, include separate information, as applicable,
 - (a) for each type of reportable fuel imported, and
 - (b) for each grade of reportable fuel imported.
- (6) This section does not apply to a responsible person in respect of a reporting period if the responsible person imports less than 2 000 litres of reportable fuel during the reporting period.

Submission requirements for wholesale purchasers of reportable fuel

- 6** (1) In this section, “**wholesale purchaser of reportable fuel**” means a person
- (a) who is the first purchaser of reportable fuel after the fuel is
 - (i) refined in a refinery located in British Columbia, or
 - (ii) imported into British Columbia, and
 - (b) who purchases the reportable fuel for the purposes of that reportable fuel being supplied, directly or indirectly, to
 - (i) retail dealers, or
 - (ii) suppliers of reportable fuel.
- (2) For the purposes of section 5 (1) of the Act, a responsible person who, in all or part of a reporting period set out in subsection (3) of this section, is a wholesale purchaser of reportable fuel must submit to the administrator the following fuel data for the reporting period:
- (a) the following information related to reportable fuel referred to in paragraph (a) of the definition of “wholesale purchaser of reportable fuel” that is purchased for the purpose referred to in paragraph (b) of that definition:
 - (i) the volume of reportable fuel purchased;
 - (ii) the purchase price to the responsible person of the reportable fuel;
 - (iii) the date on which the reportable fuel was purchased;
 - (iv) the name and address of the person from whom the reportable fuel was purchased;
 - (b) the purchase price to the responsible person for validated credits under section 8 of the *Greenhouse Gas Reduction (Renewable and Low Carbon Fuel Requirements) Act* that were purchased by the responsible person during the reporting period.
- (3) A calendar month is prescribed as the reporting period for the purposes of a responsible person and fuel data referred to in subsection (2).
- (4) For the purposes of section 5 (2) (a) of the Act, a submission by a responsible person referred to in subsection (2) of this section must be made within 2 weeks after the end of the reporting period to which the submission relates.

- (5) A responsible person referred to in subsection (2) must, in a submission made under section 5 (1) of the Act of the fuel data referred to in subsection (2) (a) of this section, include separate information, as applicable,
- (a) for each transaction in which reportable fuel is purchased,
 - (b) for each type of reportable fuel purchased, and
 - (c) for each grade of reportable fuel purchased.

Submission requirements of persons who store reportable fuel

- 7 (1) In this section:
- “fuel storage terminal”** means a fuel storage terminal in British Columbia at which reportable fuel is stored for the purposes of that reportable fuel being supplied, directly or indirectly, to
- (a) retail dealers, or
 - (b) suppliers of reportable fuel;
- “person who stores reportable fuel”** means a person who owns or operates a fuel storage terminal.
- (2) For the purposes of section 5 (1) of the Act, a responsible person who, in all or part of a reporting period, is a person who stores reportable fuel must submit to the administrator the following fuel data as at the end of the reporting period:
- (a) the following information about a fuel storage terminal, expressed in litres per hour:
 - (i) transloading capacity;
 - (ii) terminal loading capacity;
 - (iii) terminal unloading capacity;
 - (b) the following information about a storage tank at a fuel storage terminal:
 - (i) blending capacity, expressed in litres per hour;
 - (ii) physical maximum capacity;
 - (iii) tank heel volume;
 - (iv) net useable capacity.
- (3) A calendar year is prescribed as the reporting period for the purposes of a responsible person and fuel data referred to in subsection (2).
- (4) For the purposes of section 5 (2) (a) of the Act, a submission by a responsible person referred to in subsection (2) of this section must be made by January 31 of the year immediately following the reporting period to which the submission relates.
- (5) A responsible person referred to in subsection (2) must, in a submission made under section 5 (1) of the Act, include separate information, as applicable,
- (a) for each fuel storage terminal owned or operated by the responsible person, and
 - (b) for each storage tank at each fuel storage terminal owned or operated by the responsible person.

Submission requirements for suppliers of reportable fuel

- 8** (1) For the purposes of section 5 (1) of the Act, a responsible person who, in all or part of a reporting period set out in subsection (2) of this section, is a supplier of reportable fuel must submit to the administrator the following fuel data that relates to a shipment, made during the reporting period, of reportable fuel to one or more retail dealers:
- (a) the volume of reportable fuel supplied in the shipment;
 - (b) the date on which the shipment of reportable fuel left the facility at which the reportable fuel was stored for transportation to the retail dealers;
 - (c) the amounts paid and payable to the responsible person for the shipment of reportable fuel.
- (2) A calendar month is prescribed as the reporting period for the purposes of a responsible person and fuel data referred to in subsection (1).
- (3) For the purposes of section 5 (2) (a) of the Act, a submission by a responsible person referred to in subsection (1) of this section must be made within 2 weeks after the end of the reporting period to which the submission relates.
- (4) A responsible person referred to in subsection (1) must, in a submission made under section 5 (1) of the Act, include separate information, as applicable,
- (a) for each shipment of reportable fuel,
 - (b) for each type of reportable fuel transported in a shipment, and
 - (c) for each grade of reportable fuel transported in a shipment.