

March 17, 2023

File No.: 582211-1

**Sent Via Email**British Columbia Farm Industry Review Board  
PO Box 9129 Stn Prov Govt  
Victoria, BC V8W 9B5Attention: Wanda Gorsuch, Manager of Issues and Planning

Dear Ms. Gorsuch:

**Re: MPL British Columbia Distributors Inc. ("MPL") Agency Prior Approval Process**

We write further to our letter dated March 10, 2023, and to Mr. Hrabinsky's letter dated March 16, 2023, both regarding non-disclosure orders over some of the documents the Commission will be producing pursuant to the directive that the documents it relied on in coming to its January 12, 2022 decision be filed with BCFIRB and circulated to eligible participants.

In response to the orders requested by the Commission in its March 16, 2023 letter, MPL takes the following positions:

1. MPL supports the Commission's request that portions of MPL's agency application, dated May 27, 2021, be protected by a non-disclosure order and also requests the application be protected by a non-disclosure order;
2. MPL takes no position on the Commission's request that the September 27, 2021 email from Andre Solymosi to the Commission Panel (with attachments) be protected by a non-disclosure order; and
3. MPL supports the Commission's request and likewise requests that the deadline for circulation of its Book of Documents be deferred until such time as MPL has had an opportunity to make submissions regarding the non-disclosure order it is seeking in relation to the following records:
  - a. 2021-10-08 – Agency Application Slide Deck;
  - b. 2021-10-08 – Document Entitled Category Expansion; and
  - c. 2021-11-15 – MPL Reply Submission.

With respect to item number 1 above, MPL further submits that the unredacted version of MPL's agency license application contains confidential and commercially sensitive information and it would seriously harm MPL's commercial interests if any of it were to become public. Chief among the information MPL seeks to protect are customer lists, template agreements, financial statements, forecasts and projections, production areas and results, and market shares, all of which is confidential and commercially sensitive and should not be distributed to eligible participants in the proceedings, many of which are MPL's competitors. The confidential information was redacted prior to the application being distributed to

Fernanda Lopes & Associados ► Guevara & Gutierrez ► Paz Horowitz Abogados ► Sirote ► Adepetun Caxton-Martins Agbor & Segun ► Davis Brown ► East African Law Chambers ► Eric Silwamba, Jalasi and Linyama ► Durham Jones & Pinegar ► LEAD Advogados ► Rattagan Macchiavello Arocena ► Jiménez de Aréchaga, Viana & Brause ► Lee International ► Kensington Swan ► Bingham Greenebaum ► Cohen & Grigsby ► Sayarh & Menjra ► For more information on the firms that have come together to form Dentons, go to [dentons.com/legacyfirms](https://www.dentons.com/legacyfirms)

industry stakeholders for consultation and feedback, precisely to protect its proprietary nature and MPL's commercial interests. BCFIRB should not, in the course of its supervisory review, compromise protection of this information.

With respect to item number 3, MPL requests a non-disclosure order over portions of these three documents, again in order to protect the confidential and commercially sensitive information they contain, which, if disclosed, would seriously harm MPL's commercial interests. These documents also contain customer lists and details regarding production results, and market shares, all of which is confidential and commercially sensitive and should not be distributed to eligible participants in the proceedings, some of whom are competitors.

Given MPL received the list of documents the Commission proposes to produce on March 16, MPL:

1. supports the Commission's request that the deadline for circulation of its Book of Documents be deferred; and
2. requests that it be granted until March 22 to identify the specific information that should be protected by a non-disclosure order and provide submissions regarding same.

For clarity, MPL is applying for a non-disclosure order over the three documents listed at item 3 above (in addition to the non-disclosure order over the document at item 1), but requests that it be granted an opportunity to determine precisely which information needs to be redacted.

We look forward to hearing from you regarding the above and with direction on BCFIRB's process for addressing the non-disclosure orders requested above, further to your email dated March 15, 2023.

Yours truly,

**Dentons Canada LLP**



Morgan L. Camley  
Partner