

SIXTH FLOOR, 900 HOWE STREET, BOX 250  
VANCOUVER, B.C. V6Z 2N3 CANADA  
web site: <http://www.bcuc.com>



**BRITISH COLUMBIA  
UTILITIES COMMISSION**

**ORDER  
NUMBER** G-164-07

TELEPHONE: (604) 660-4700  
BC TOLL FREE: 1-800-663-1385  
FACSIMILE: (604) 660-1102

**IN THE MATTER OF  
the Utilities Commission Act, R.S.B.C. 1996, Chapter 473**

**and**

**Smart Energy Corporation  
Breach of the Code of Conduct for Gas Marketers  
Third Party Verification Compliance**

**BEFORE:** L.F. Kelsey, Commissioner December 19, 2007

**O R D E R**

**WHEREAS:**

- A. Commission Order No. G-140-07 dated November 15, 2007 prohibited Smart Energy from signing additional customers to sales contracts under the Residential Commodity Unbundling Program until Smart Energy could demonstrate to the satisfaction of the Commission that it could provide digitally recorded TPV calls to comply with Order No. G-73-07; and
- B. On November 21, 2007 Smart Energy provided the Commission with a report which outlined the remedy that would allow Smart Energy to provide TPV calls within three days of recording in compliance with Order No. G-73-07, a memo to its sales agents confirming new procedures, and a TPV script; and
- C. The Commission reviewed the TPV script and found that it did not comply with Order No. G-73-07; and
- D. On November 27, 2007 Smart Energy provided the Commission with a revised TPV script; and
- E. By Commission Order No. G-144-07, the Commission permitted Smart Energy to sign customers to sales contracts under the Residential Commodity Unbundling Program provided that Smart Energy files, until further notice from the Commission, copies of all contracts submitted to Terasen Gas Inc. for registration in the Residential Commodity Unbundling Program, accompanied by a TPV recording for each contract, within three days of the date the contract is submitted; and
- F. By email dated December 12, 2007, the Commission received from Terasen Gas Inc. a list of Smart Energy's enrollments for December 7, 2007; and
- G. Smart Energy provided by mail on December 7, 2007 to the Commission copies of contracts and respective TPV recordings for five of the ten enrollments submitted to Terasen Gas Inc. on December 7, 2007; and

**BRITISH COLUMBIA  
UTILITIES COMMISSION**

**ORDER  
NUMBER** G-164-07

2

- H. By letter dated December 13, 2007, the Commission noted Smart Energy's apparent non-compliance with Commission Order No. G-144-07 and requested copies of certain contracts and respective TPV recordings, along with Smart Energy's comments on the apparent non-compliance with Commission Order No. G-144-07, before end of business day December 14, 2007; and
- I. The Commission has not received comments from Smart Energy regarding the apparent non-compliance; and
- J. The Commission found that Smart Energy has not been in compliance with Commission Order No. G-144-07, and further, Smart Energy is not in compliance with Commission Order No. G-73-07; and
- K. The Commission, by Order No. G-161-07 dated December 18, 2007, imposed certain restrictions on Smart Energy and required certain filings of Smart Energy; and
- L. Smart Energy has provided evidence that the requirement to provide comments on the apparent non-compliance has been met and has provided a copy of its December 14, 2007 letter to the Commission.

**NOW THEREFORE** pursuant to section 99 of the Utilities Commission Act the Commission rescinds Commission Order No. G-161-07.

**DATED** at the City of Vancouver, in the Province of British Columbia, this 19<sup>th</sup> day of December 2007.

BY ORDER

*Original signed by*

L. F. Kelsey  
Commissioner