

**BRITISH COLUMBIA  
UTILITIES COMMISSION**

**ORDER  
NUMBER G-133-08**

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IN THE MATTER OF  
the Utilities Commission Act, R.S.B.C. 1996, Chapter 473  
  
and  
  
Universal Energy Corporation – Complaint Inquiry  
Customer Choice Program

**BEFORE:** A.A. Rhodes, Commissioner September 18, 2008

**O R D E R**

**WHEREAS:**

- A. By Order C-6-06 dated August 14, 2006, the British Columbia Utilities Commission (“Commission”) granted a Certificate of Public Convenience and Necessity for the Residential Commodity Unbundling Project for residential customers in all Terasen Gas Inc. service areas, excluding Fort Nelson and Revelstoke, effective November 1, 2007; and
- B. Section 71.1(3) of the *Utilities Commission Act* (“UCA” or “Act”) states that a Gas Marketer must comply with the Commission rules issued under subsection (10) and the terms and conditions, if any, attached to its Gas Marketer Licence; and
- C. On November 1, 2007 the Commission granted Universal Energy Corporation a Gas Marketer Licence, A-30-07.
- D. Commission Order G-90-03 established a Code of Conduct for Gas Marketers (“Code of Conduct”), which was amended most recently as set out in Appendix B to Commission Order A-9-08; and
- E. Commission Order G-90-03 also established Rules for Gas Marketers (“Rules”), which were revised and attached as Appendix C to Commission Order G-44-08; and
- F. Section 8.0 of the Rules states that all Gas Marketers must comply with the Rules and the Code of Conduct for Gas Marketers approved by the Commission; and

- G. On August 28, 2008 Mr. Bradley Kitchen logged a dispute/complaint concerning a contract with Universal Energy, signed by Jannicke Kitchen on July 24, 2008, noting a violation of “article(s) 9, 12, 15, 17, 18, & 31 of the Code of Conduct...”; and
- H. On September 5, 2008 Universal Energy replied to Mr. Kitchen’s dispute/complaint and stated that, “Universal’s position is that the agreement between Universal and Mr. Kitchen is binding.”
- I. Section 82(1) of the UCA states that the Commission may, on its own motion, inquire into, hear and determine a matter that under this Act it may inquire into, hear or determine on application or complaint; and
- J. Section 8 of the UCA states that the Commission may appoint or engage persons having special or technical knowledge necessary to assist the Commission in carrying out its functions; and
- K. Section 78(2) of the UCA states that an inquiry that the Commission considers necessary may be made by a member or officer or by a person appointed by the Commission to make the inquiry, and the Commission may act on that person’s report; and
- L. The Commission has retained the services of William J. Grant to conduct an Inquiry into the substance of the dispute of Mr. Brad Kitchen. Upon completion of the Inquiry Mr. Grant will file a report with the Commission; and
- M. Section 71.1(9) of the UCA states that Section 43 applies to each Gas Marketer as if that Gas Marketer were a public utility; and
- N. Section 43(1) states that a public utility must provide to the Commission information required by the Commission and, for the purposes of this Act, must answer specifically all questions of the Commission.

**NOW THEREFORE** pursuant to Section 71.1 of the *Utilities Commission Act* and the Rules and Code of Conduct for Gas Marketers, the Commission orders that:

- 1. Effective immediately, William J. Grant will conduct an Inquiry into the complaint made by Mr. Brad Kitchen with respect to Universal Energy Corporation.
- 2. William J. Grant will contact the complainant and Universal Energy Corporation as soon as possible following issuance of this Order and arrange for the Inquiry to be undertaken in an efficient and expeditious manner.
- 3. Mr. Grant will provide a report to the Commission on or before October 17, 2008.

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**DATED** at the City of Vancouver, in the Province of British Columbia, this 18<sup>th</sup> day of September 2008.

BY ORDER

*Original signed by:*

A.A. Rhodes  
Commissioner