

BRITISH COLUMBIA
UTILITIES COMMISSION

ORDER

NUMBER A-26-09

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

and

An Application by Access Gas Inc. for the Assignment of Nexen Marketing's Contracts under the Customer Choice Program

**BEFORE:** L.F. Kelsey, Commissioner

D.A. Cote, Commissioner

P.E. Vivian, Commissioner

December 10, 2009

## ORDER

## WHEREAS:

- A. On November 26, 2009 Access Gas Inc. ("Access Gas") applied to the British Columbia Utilities Commission ("Commission") for approval to complete the assignment ("Application") of all of Nexen Marketing's Commodity Unbundling Service Consumer's Agreements to Access Gas ("Customer Contracts"); and
- B. Article 29 of the Code of Conduct for Gas Marketers, <u>Transfer of Agreements</u>, states, in part, that "A Gas Marketer shall not assign, sell or otherwise transfer the Consumer's Agreements to another person who is not a licensed Gas Marketer." This article also requires that the assignment, sale or transfer of a Gas Marketer's Consumer agreements to another Gas Marketer must be approved in advance by the Commission; and
- C. Commission Order A-8-09 dated August 6, 2009 renewed Access Gas' Gas Marketer Licence with an expiry date of July 10, 2010. This Licence was amended by Commission Order A-8-09A dated November 16, 2009, which extended the expiry date to October 31, 2010; and
- D. Commission Order A-25-09 dated October 29, 2009 renewed Nexen Marketing's Gas Marketer Licence with an expiry date of January 15, 2010; and
- E. In its Application, Access Gas advised that after the assignment of the Customer Contracts is complete from Nexen Marketing to Access Gas, Nexen Marketing will not have a secondary commitment to the customer if Access Gas were to default on the contract. Access Gas will be assuming all of the obligations and benefits of each Customer Contract; and
- F. By letter dated December 8, 2009 the Commission requested additional information relating to Access Gas' resources to carry out the terms of the Customer Contracts, specifically if it has the resources to arrange for

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gas supply for all of the Customer Contracts. The letter also inquired about the method by which customers will receive notification of the assignment; and

- G. On December 8, 2009 Access Gas provided the requested information to the Commission; and
- H. The Commission has reviewed Access Gas' application and considers approval is in the public interest.

**NOW THEREFORE** pursuant to section 71.1 of the *Utilities Commission Act* the Commission permits Access Gas to acquire all of Nexen Marketing's Customer Contracts under the Customer Choice Program subject to the following conditions:

- 1. The assignment of all of Nexen Marketing's Customer Contracts to Access Gas should be complete before the expiry of Nexen Marketing's Licence A-25-09 on January 15, 2010.
- 2. Within 30 days of the assignment Access Gas is to send a letter to all affected Consumers confirming that Access Gas will now be their natural gas supplier. The correspondence must provide the Consumer with all of Access Gas' current contact information.

**DATED** at the City of Vancouver, in the Province of British Columbia, this 10<sup>th</sup> day of December 2008.

BY ORDER

Original signed by:

D.A. Cote, Commissioner