

**BRITISH COLUMBIA  
UTILITIES COMMISSION**

**ORDER  
NUMBER A-6-11**



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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 Services Inc.  
for late filing of its Audited Financial Statements  
under the Customer Choice Program**

**BEFORE:** L.F. Kelsey, Commissioner  
D.A. Cote, Commissioner  
D. Morton, Commissioner March 10, 2011  
N. E. MacMurchy, Commissioner  
C.A. Brown, Commissioner

**O R D E R**

**WHEREAS:**

- A. By Commission Order A-30-10, Access Gas Services Inc. (Access Gas) was issued a gas marketer licence with an expiry date of February 15, 2011. Condition (g) of the Licence required the filing of Access Gas's audited financial statements for the recently concluded year by February 2, 2011 due to Access Gas not filing these statements along with its original licence renewal application;
- B. On January 13, 2011 by Order A-2-11, the British Columbia Utilities Commission (Commission) extended Access Gas's licence to March 15, 2011 to provide it with additional time to prepare and file its audited financial statements on a stand-alone basis. In addition, Access Gas was restricted from enrolling new customers under the Customer Choice Program from February 2, 2011 for the remaining term of the licence;
- C. On February 14, 2011, Access Gas filed an application for renewal of its gas marketing licence. The licence application was complete, including the audited financial statements as required. The renewal application is substantially compliant, though the financial requirements as outlined in the licence requirements were not met. Analysis of the financial statements shows that short-term derivatives were removed from the current liabilities, both financial covenants would be met. Also, Access would be onside for both financial covenants if the current portion of the related party liability was removed from the current liabilities;
- D. On March 8, 2011, Access Gas replied to the Commission's assessment of the licence renewal application and provided certain additional information specifically concerning its parental guarantee as well as additional information related to complaint and dispute statistics.

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**ORDER  
NUMBER        A-6-11**

2

**NOW THEREFORE** pursuant to section 71.1(6) of the *Utilities Commission Act*, the Commission orders as follows:

1. Access Gas is granted a licence to market natural gas effective this date to October 31, 2011.
2. This licence is subject to the following conditions:
  - a. Access Gas will carry out the undertakings as set out in the Application for a Licence to Market Natural Gas dated August 31, 2010 and the Rules for Gas Marketers.
  - b. Access Gas will comply with the Code of Conduct for Gas Marketers and Rate Schedule 36 of FortisBC Energy Inc. Access Gas shall ensure that its employees, salespersons and other representatives of its products and services comply with the standards required of a Gas Marketer as set out in the Code of Conduct for Gas Marketers and Access Gas shall be responsible for any non-compliance of its employees, salespersons or other representatives of its products and services.
  - c. Access Gas will maintain a \$250,000 Letter of Credit or acceptable substitute in full force and effect for the duration of this licence.
  - d. Within 30 days of each financial quarter, Access Gas must file with the Commission unaudited quarterly financial statements, on a stand-alone basis, and any review of these statements may result in further direction or conditioning of this licence.
  - e. The Commission may, at any time and without prior notice to Access Gas, amend or impose new terms and conditions on, suspend, or cancel the gas marketer licence for reasons the Commission, in its sole discretion, deems and considers sufficient.
  - f. This Licence and all copies of it shall remain the property of the Commission and Access Gas will return these documents forthwith upon written request from the Commission.

**DATED** at the City of Vancouver, in the Province of British Columbia, this        10<sup>th</sup>        day of March 2011.

BY ORDER

*Original signed by:*

D. Morton  
Commissioner

Attachment

Orders/A-6-11-Access-NGM Licence Renewal



LICENCE No. A-6-11

# GAS MARKETER LICENCE

*Access Gas Services Inc.*

is granted a licence for the purpose of providing advice to, or acting on behalf of, a low volume consumer <sup>(1)</sup> purchasing gas directly in the Province of British Columbia subject to the terms and conditions contained in Commission Order A-6-11, which are set out in the reverse of the Licence.

**BRITISH COLUMBIA UTILITIES COMMISSION**

*Original signed by:*

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D. Morton, Commissioner

ISSUED: March 10, 2011

EXPIRES: October 31, 2011

(1) As described in the Rules for Gas Marketers

2. This licence is subject to the following conditions:

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- b. Access Gas will comply with the Code of Conduct for Gas Marketers and Rate Schedule 36 of FortisBC Energy Inc. Access Gas shall ensure that its employees, salespersons and other representatives of its products and services comply with the standards required of a Gas Marketer as set out in the Code of Conduct for Gas Marketers and Access Gas shall be responsible for any non-compliance of its employees, salespersons or other representatives of its products and services.
- c. Access Gas will maintain a \$250,000 Letter of Credit or acceptable substitute in full force and effect for the duration of this licence.
- d. Within 30 days of each financial quarter, Access Gas must file with the Commission unaudited quarterly financial statements, on a stand-alone basis, and any review of these statements may result in further direction or conditioning of this licence.
- e. The Commission may, at any time and without prior notice to Access Gas, amend or impose new terms and conditions on, suspend, or cancel the gas marketer licence for reasons the Commission, in its sole discretion, deems and considers sufficient.
- f. This Licence and all copies of it shall remain the property of the Commission and Access Gas will return these documents forthwith upon written request from the Commission.