

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

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
N.E. MacMurchy, Commissioner

ORDER

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' 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. By letter dated December 6, 2010, Access Gas submitted an application to the British Columbia Utilities Commission (the Commission) for a licence extension to July 31, 2011. Access Gas noted that this extension would allow it adequate time to have its financial statements for fiscal year-ended March 31, 2011 audited and submitted to the Commission by May 31, 2011. This correspondence was revised and re-submitted to the Commission on December 16, 2010;
- C. By letter dated December 23, 2010, the Commission denied Access Gas' request to file its audited financial statements for fiscal year-ended March 31, 2011 and its request for a licence extension to July 31, 2011. It was determined that the request by Access Gas would effectively relieve it from complying with filing audited financial statements for the most recently concluded fiscal year (March 31, 2010), which is required by Item 5 of the Licence Requirements and included as condition (g) in Access Gas' Licence (A-30-10);
- D. On January 5, 2011, the Commission received a correspondence from Niska Gas Storage Partners LLC (Niska), Access Gas' ultimate parent company, which advised that it would provide the Commission with Access Gas' audited financial statements for the recently concluded fiscal year of March 31, 2010. Niska also noted that due to the volume of work and the testing required in producing Access Gas' initial audited financial statements on a stand-alone basis, it is requesting an extension of the filing date from February 2, 2011 to February 28, 2011;
- E. Niska's correspondence demonstrates that Access Gas will comply with the requirement of filing its audited financial statements for the recently concluded year;

- F. The Commission notes that if Access Gas submits its audited financial statements after the due date of February 2, 2011, it would not be in compliance with condition (g) of its current licence;
- G. The Commission has reviewed this request and finds that extending the filing deadline is warranted. Further, the Commission finds that it is also necessary to extend the expiry date of Access Gas' current Licence to enable it to continue serving its existing customers during the period provided to meet its filing undertakings.

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

- 1. The Commission amends Access Gas' Gas Marketer Licence (A-30-10), which is now valid to March 15, 2011. The amended Licence includes a new condition (i) prohibiting Access Gas from enrolling new customers after February 2, 2011 due to non-compliance with condition (g) of its current licence.
- 2. The Gas Marketer 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 Terasen Gas Inc. Access Gas shall ensure that its employees, salespersons or 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 the Licence.
 - d. Access Gas will maintain a Working Capital position of at least \$50,000 and a Current Ratio of current assets to current liabilities of at least 1.10.
 - 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. The Gas Marketer 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.

**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER A-2-11**

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- g. Access Gas must file with the Commission its audited financial statements for the recently concluded year as soon as available and no later than February 28, 2011.
- h. Access Gas must file with the Commission unaudited quarterly financial statements, on a stand-alone basis, no later than 45 days after the end of each quarter.
- i. Access Gas is not permitted to enrol new customers under the Customer Choice Program after February 2, 2011 for the remaining term of the Licence.

DATED at the City of Vancouver, in the Province of British Columbia, this 14th day of January 2011.

BY ORDER

Original signed by:

L.F. Kelsey
Commissioner

Attachment



LICENCE No. A-30-10A

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 ⁽¹⁾ purchasing gas directly in the Province of British Columbia subject to the terms and conditions contained in Commission Order A-2-11, which are set out in the reverse of the Licence.

BRITISH COLUMBIA UTILITIES COMMISSION

Original signed by:

L.F. Kelsey, Commissioner

ISSUED: January 13, 2011

EXPIRES: March 15, 2011

(1) As described in the Rules for Gas Marketers

The Gas Marketer 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 Terasen Gas Inc. Access Gas shall ensure that its employees, salespersons or 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 the Licence.
- d. Access Gas will maintain a Working Capital position of at least \$50,000 and a Current Ratio of current assets to current liabilities of at least 1.10.
- 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. The Gas Marketer 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.
- g. Access Gas must file with the Commission its audited financial statements for the recently concluded year as soon as available and no later than February 28, 2011.
- h. Access Gas must file with the Commission unaudited quarterly financial statements, on a stand-alone basis, no later than 45 days after the end of each quarter.
- i. Access Gas is not permitted to enrol new customers under the Customer Choice Program after February 2, 2011 for the remaining term of the Licence.