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**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER A-9-11**

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

and

**FortisBC Energy Inc.
Customer Choice – 2010 Program Summary and Recommendations**

BEFORE: L. F. Kelsey, Commissioner
C.A. Brown, Commissioner
N.E. MacMurchy, Commissioner
D. Morton, Commissioner

May 26, 2011

O R D E R

WHEREAS:

- A. This matter is an application made by Terasen Gas Inc., now known as FortisBC Energy Inc. (FEI). As the application refers to a matter before the British Columbia Utilities Commission (Commission) that was filed by Terasen Gas Inc., for readability and because submissions were received from Terasen Gas Inc., the name change is not reflected throughout the Decision issued concurrently with this Order;
- B. FEI obtained approval from the Commission in 2006 for a Certificate of Public Convenience and Necessity (CPCN) for the Commodity Unbundling Project for Residential Customers (Customer Choice) in accordance with the government's 2002 energy policy which would allow for unbundling of natural gas through gas marketing companies licenced by the Commission;
- C. Policy Action #19 stated, in part, that "The Utilities Commission Act will be amended in spring 2003 to allow direct natural gas sales to low-volume customers, and to require the licensing of marketers who serve those customers." As a result, the Utilities Commission Act was amended to empower the Commission under section 71 to make rules as well as licence terms and conditions that a gas marketing company must comply with. The Commission established Rules for Gas Marketers and a Code of Conduct, both of which have been modified from time to time as a result of program enhancements;
- D. On September 8, 2010, the third Customer Choice Annual General Meeting (AGM) was held to discuss the concerns and suggestions of interested parties. Participants of the AGM included representatives of FEI, the British Columbia Old Age Pensioners' Organization et al (BCOAPO), each gas marketing company, and Commission staff;

- E. Subsequent to the AGM, on November 23, 2010, FEI filed an application for Customer Choice 2010 Program Summary and Recommendations (the application);
- F. By Order G-191-10 the Commission established a written hearing process to review the application and invited participants of the AGM to participate in the proceeding. Submissions were received from British Columbia Old Age Pensioners Organization et al, Cascadia Energy Limited, Direct Energy (B.C.) Limited; Just Energy (B.C.) LP, and FEI;
- G. The Commission reviewed the information and submissions made by FEI and the Registered Interveners.

NOW THEREFORE pursuant section 71.1 of the *Utilities Commission Act*:

1. The Commission makes the determinations and directions set out in the Decision issued with this Order. The determinations include, but are not limited to:
 - Consolidation of certain business rules for residential and commercial customers;
 - Elimination of the Evergreen Provision;
 - Rules for renewed and extended contracts; and
 - Cancellation of contracts using the \$0 marketing strategy
2. Changes to the Code of Conduct for Gas Marketers are made as a result of the Decision issued with this Order and gas marketers must ensure full compliance with these changes effective July 1, 2011, unless otherwise stated within the Decision. The Eighth Revision of the Code of Conduct effective July 1, 2011 is attached as Appendix C to the Decision.

DATED at the City of Vancouver, in the Province of British Columbia, this 31st day of May 2011.

BY ORDER

Original signed by:

D. Morton
Commissioner