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**BRITISH COLUMBIA  
UTILITIES COMMISSION**

**ORDER  
NUMBER** A-2-12

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

and

Smart Energy (BC) Ltd. – Compliance Inquiry  
Customer Choice Program

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

January 18, 2012

**O R D E R**

**WHEREAS:**

- A. By Order C-6-06 dated August 14, 2006, the British Columbia Utilities Commission (the 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;
- B. Section 71.1(3) of the *Utilities Commission Act* (the Act) states that a Gas Marketer must comply with Commission rules issued under subsection (10) and the terms and conditions, if any, attached to the Gas Marketer Licence held by the Gas Marketer;
- C. Commission Order G-90-03 established a Code of Conduct for Gas Marketers (Code of Conduct), which was amended as set out and revised by Commission Orders G-45-07, G-73-07, G-44-08, A-9-08, A-4-09, A-11-10 and A-9-11 establishing certain other requirements;
- D. Commission Order G-90-03 established Rules for Gas Marketers (Rules), which were revised by Commission Orders G-44-08, G-114-08, A-6-09 and A-11-11;
- E. 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;
- F. Section 82(1) of the Act 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;
- G. Section 8 of the Act states that the Commission may appoint or engage persons having special or technical knowledge necessary to assist the Commission in carrying out its functions;
- H. Section 78(2) of the Act 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;

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- I. On September 30, 2010, by Order A-21-10, the Commission granted Smart Energy (BC) Ltd. (Smart Energy), a Gas Marketer Licence subject to conditions;
- J. On August 18, 2011, Smart Energy applied to the Commission for renewal of its Gas Marketer Licence;
- K. The Commission retained the services of Business Practices and Consumer Protection Authority, (Consumer Protection BC) to carry out an Inquiry of Smart Energy's compliance with the Code of Conduct and the Rules, and upon completion to file a report with the Commission;
- L. Consumer Protection BC completed its Compliance Inquiry on Smart Energy and filed a report titled Compliance Inquiry of Smart Energy (BC) Inc. (Report) with the Commission on January 16, 2012;
- M. On January 18, 2012, the Report and supporting documentation were sent to Smart Energy.

**NOW THEREFORE** the Commission orders:

- 1. Smart Energy shall provide its written submissions on the findings in the Compliance Inquiry Report to the Commission by January 25, 2012.
- 2. Following receipt and consideration of Smart Energy's submissions, the Commission will make a determination on the process it will follow to dispose of the matter.

**DATED** at the City of Vancouver, in the Province of British Columbia, this        18<sup>th</sup>        day of January 2012.

BY ORDER

*Original signed by:*

L.F. Kelsey  
Commissioner