



SIXTH FLOOR, 900 HOWE STREET, BOX 250
VANCOUVER, BC V6Z 2N3 CANADA
web site: <http://www.bcuc.com>

**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER A-26-12**

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 Smart Energy (BC) Ltd.
for Renewal of its Gas Marketer Licence
under the Customer Choice Program**

BEFORE: L.F. Kelsey, Commissioner
N.E. MacMurchy, Commissioner October 18, 2012
B.A. Magnan, Commissioner
R.D. Revel, Commissioner

O R D E R

WHEREAS:

- A. On August 20, 2012 Smart Energy (BC) Ltd (Smart Energy), applied to the British Columbia Utilities Commission (Commission) for renewal of its Gas Marketer Licence. The Application for renewal of its Licence to Market Natural Gas (Application) included the payment of the \$1,000 Application Fee and a \$250,000 proof of security, pursuant to Sections 2 and 4 respectively, of the Licence Requirements;
- B. The Commission has reviewed Smart Energy's Application and relying upon the information and representations made by Smart Energy finds that renewal of its Gas Marketer Licence, subject to conditions, is warranted.

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

1. The Commission issues to Smart Energy a Gas Marketer Licence for the period of November 1, 2012 to October 31, 2013.
2. The licence is subject to the following conditions:
 - a. Smart Energy will carry out the undertakings as provided in its Application for a Gas Marketer Licence and as set out in the Rules for Gas Marketers established by Order A-11-11.
 - b. Smart Energy will comply with the Code of Conduct for Gas Marketers and Rate Schedule 36 of FortisBC Energy Inc. Smart Energy shall ensure that its employees, salespersons or other

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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 Smart Energy shall be responsible for any non-compliance of its employees, salespersons or other representatives of its products and services.

- c. Smart Energy will maintain a \$500,000 performance security in full force and effect for the duration of the Licence.
- d. Smart Energy will file with the Commission, pursuant to item 10.0 of the Rules for Gas Marketers, the following information:
 - i. Unaudited quarterly financial statements, no later than 45 days after the end of each quarter;
 - ii. The most recent version of the documents submitted to satisfy Section 7, Financial Qualifications, of the Licence Requirements;
 - iii. The most recent version of the documents submitted under Sections (8), (9), (10), (11) and (12) of the Licence Requirements, for the Commission's comment and approval, prior to commercial distribution and/or use.
- e. Smart Energy is licensed to engage in gas marketing only to Commercial Consumers currently enrolled under FortisBC Energy's Rate Schedules 2, 3, and 23.
- f. Smart Energy is licensed to renew its existing customers.
- g. Smart Energy is not permitted to market to and/or enrol new Residential Consumers currently enrolled under FortisBC Energy's Rate Schedule 1.
- h. The Commission may, at any time and without prior notice to Smart Energy, 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.
- i. The Gas Marketer Licence and all copies of it shall remain the property of the Commission. Smart Energy will return these documents forthwith upon written request from the Commission.

DATED at the City of Vancouver, in the Province of British Columbia, this 19th day of October 2012.

BY ORDER

Original Signed by:

L.F. Kelsey
Commissioner

Attachment



LICENCE No. A-26-12

GAS MARKETER LICENCE

SMART ENERGY (BC) LTD.

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-26-12, which are set out in the reverse of the Licence.

BRITISH COLUMBIA UTILITIES COMMISSION

____ Original Signed by: _____

L.F. Kelsey, Commissioner

ISSUED: November 1, 2012

EXPIRES: October 31, 2013

(1) As described in the Rules for Gas Marketers

This Gas Marketer Licence is subject to the following conditions:

- a. Smart Energy will carry out the undertakings as provided in its Application for a Gas Marketer Licence and as set out in the Rules for Gas Marketers established by Order A-11-11.
- b. Smart Energy will comply with the Code of Conduct for Gas Marketers and Rate Schedule 36 of FortisBC Energy Inc. Smart Energy 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 Smart Energy shall be responsible for any non-compliance of its employees, salespersons or other representatives of its products and services.
- c. Smart Energy will maintain a \$500,000 performance security in full force and effect for the duration of the Licence.
- d. Smart Energy will file with the Commission, pursuant to item 10.0 of the Rules for Gas Marketers, the following information:
 - i. Unaudited quarterly financial statements, no later than 45 days after the end of each quarter;
 - ii. The most recent version of the documents submitted to satisfy Section 7, Financial Qualifications, of the Licence Requirements;
 - iii. The most recent version of the documents submitted under Sections (8), (9), (10), (11) and (12) of the Licence Requirements, for the Commission's comment and approval, prior to commercial distribution and/or use.
- e. Smart Energy is licensed to engage in gas marketing only to Commercial Consumers currently enrolled under FortisBC Energy's Rate Schedules 2, 3, and 23.
- f. Smart Energy is licensed to renew its existing customers.
- g. Smart Energy is not permitted to market to and/or enrol new Residential Consumers currently enrolled under FortisBC Energy's Rate Schedule 1.
- h. The Commission may, at any time and without prior notice to Smart Energy, 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.
- i. The Gas Marketer Licence and all copies of it shall remain the property of the Commission. Smart Energy will return these documents forthwith upon written request from the Commission.