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

and

Active Energy Corp. – Compliance Inquiry Customer Choice Program

BEFORE: L.F. Kelsey, Commissioner
D.A. Cote, Commissioner
A.A. Rhodes, Commissioner

August 14, 2012

ORDER

WHEREAS:

- A. On March 8, 2012, the British Columbia Utilities Commission (Commission) issued Order A-5-12 that established a Compliance Inquiry into 24 customer disputes against Active Renewable Marketing Ltd. (Active Energy). The Inquiry was established to investigate the disputes alleging forgery or unauthorized signatures, and the steps taken by Active Energy in dealing with these allegations. Business Practices and Consumer Protection Authority (Consumer Protection BC) was retained to complete an Inquiry report (Report);
- B. On June 18, 2012, the Commission received the Report from Consumer Protection BC;
- C. On June 27, 2012, the Report was sent to Active Energy with a letter stating the Commission would be in contact with further process in due course;
- D. On July 25, 2012, the Commission issued Order A-11-12 requesting comments from Active Energy by August 14, 2012 on the Report and suggestions on process to review the Report and for the Compliance Inquiry as a whole;
- E. On July 27, 2012, Active Energy submitted a letter which states, in part, "Active intends to make an application to the Commission to have the Report expunged from the Record ... the further process contemplated in [Order A-11-12] be postponed until the Commission has ruled on Active's application. Specifically, we ask that such postponement include the Commission's request for Active's comments by August 14, 2012." Active Energy does not suggest a date for a postponement in its letter; and
- F. The Commission has considered Active Energy's request and finds that an extension to Active Energy's comment period is warranted.

**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER** A-12-12

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NOW THEREFORE the Commission orders as follows:

1. Active Energy is to provide the following to the Commission, by Monday, August 27, 2012:
 - i. Its application to have the Report removed from the Record, if necessary;
 - ii. Comments on the specific sections and findings in the Report with which Active Energy agrees or disagrees; and
 - iii. Active Energy's suggested process for review of the disputed sections and findings in the Report and for the Compliance Inquiry as a whole, including:
 - a timetable for answering Commission Information Requests;
 - whether a public hearing should be held and Interveners allowed to participate; and
 - whether the hearing should be conducted in two phases proceeding first with determinations on liability and then proceeding to a penalty phase, if necessary.

DATED at the City of Vancouver, in the Province of British Columbia, this 14th day of August 2012.

BY ORDER

Original signed by:

L. F. Kelsey
Commissioner