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**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER A-13-12**

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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 August 30, 2012
A.A. Rhodes, Commissioner

O R D E R

WHEREAS:

- A. The British Columbia Utilities Commission (Commission) by Order A-5-12 dated March 8, 2012 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. By Order A-11-12 dated July 25, 2012, the Commission requested that Active Energy, by August 14, 2012, provide comments on the Report and suggestions on process to review the Report and for the Compliance Inquiry as a whole;
- E. Active Energy submitted a letter dated July 27, 2012 stating its intention to file an application with the Commission to:
 - expunge the Report from the Record;
 - postpone the further process contemplated in Order A-11-12 until the Commission has ruled on the application;
 - postpone the Commission's request for comments from Active Energy.

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- F. By Order A-12-12 dated August 14, 2012, the Commission requested Active Energy provide:
- 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;
 - 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;
 - whether the hearing should be conducted in two phases, proceeding first with determinations on liability and then proceeding to a penalty phase, if necessary.
- G. On August 23, 2012, Active Energy requested the deadline of August 27, 2012 be adjourned for items ii) and iii) in Recital F because it would be premature for Active Energy to make comments on these matters until the Commission has made its decision on whether to expunge the Report from the record;
- H. The Commission has considered Active Energy's request and finds it reasonable.

NOW THEREFORE the Commission orders that the deadline set out in Order A-12-12 for Active Energy's comments on items ii) and iii) listed in Recital F of this Order is adjourned and will be re-established, if necessary, after the Commission has reviewed Active Energy's Application to have the Report removed from the Record.

DATED at the City of Vancouver, in the Province of British Columbia, this 30th day of August 2012.

BY ORDER

Original signed by:

L. F. Kelsey
Commissioner