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**BRITISH COLUMBIA  
UTILITIES COMMISSION**

**ORDER  
NUMBER A-4-12**

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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:** N.E. MacMurchy, Commissioner/Panel Chair  
A.A. Rhodes, Commissioner February 15, 2012  
D.A. Cote, Commissioner

**O R D E R**

**WHEREAS:**

- A. By Order C-6-06 dated August 14, 2006, the British Columbia Utilities Commission (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. Subsection 71.1(3) of the *Utilities Commission Act* (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. Subsection 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. Subsection 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;
- I. On January 27, 2011, by Order A-4-11, the Commission granted Active Energy Corp., operating as Active Renewable Marketing Ltd. (Active Energy), a Gas Marketer Licence subject to conditions;
- J. On September 20, 2011, the Commission informed Active Energy that it was in receipt of two separate Code of Conduct complaints linked to an Agent from Active Energy and requested a response to the complaints;
- K. On September 23, 2011 and on September 26, 2011, in response to the Commission's request for comments, Active Energy identified the Agent who was the subject of the complaints as well as the disciplinary actions taken;
- L. On October 14, 2011, by Order A-22-11, the Commission retained the services of Business Practices and Consumer Protection Authority (Consumer Protection BC) to carry out a Compliance Inquiry of Active Energy's compliance with the Code of Conduct and the Rules, and upon completion to file a report with the Commission;
- M. Consumer Protection BC completed its Compliance Inquiry of Active Energy and filed a report titled Compliance Inquiry Report Active Energy Corp. (Report) with the Commission on November 18, 2011;
- N. On December 19, 2011, the Report and all relevant evidence were couriered to Active Energy;
- O. On December 19, 2011, by Order A-30-11, the Commission convened a hearing to make a determination on the findings of the Compliance Inquiry and requested submissions from Active Energy outlining its preference for the process for review of the Report;
- P. On January 6, 2012, the Commission received Active Energy's submissions in response to Order A-30-11;
- Q. On January 12, 2012, by Order A-1-12, the Commission ordered Active Energy to file its written submissions in response to the Report by January 30, 2012;
- R. On January 30, 2012, the Commission received Active Energy's submissions in response to Order A-1-12.

**NOW THEREFORE** the Commission orders as follows:

- 1. A written hearing is convened for:
  - a. making a determination on Active Energy's compliance with its licence conditions and the Rules and Code of Conduct;

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b. making a determination regarding the imposition of additional conditions, or cancellation of the gas marketing licence in the event a contravention is found.

2. The hearing will proceed in accordance with the Regulatory Timetable attached as Appendix A to this Order.

**DATED** at the City of Vancouver, in the Province of British Columbia, this 15<sup>th</sup> day of February, 2012.

BY ORDER

*Original signed by:*

N.E. MacMurchy  
Commissioner/Panel Chair

Attachment

**Active Energy Corp. – Compliance Inquiry  
Customer Choice Program**

**REGULATORY TIMETABLE**

<b>ACTION</b>	<b>DATE (2012)</b>
Commission Information Request to Active Energy	Wednesday, February 22
Active Energy Responses to Information Request	Friday, March 2
Active Energy Submissions on Contraventions of its licence conditions, the Rules and Code of Conduct	Friday, March 9
Commission Panel Determination on Compliance	TBD
Determination on Further Action (If applicable)	TBD