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**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER A-5-12**

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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

March 8, 2012

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. Section 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. 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 January 27, 2011, by Order A-24-11, the Commission granted Active Energy Corp., with an assumed name of Active Renewable Marketing Ltd. (Active Energy), a Gas Marketer Licence subject to conditions;
- J. Between November 17, 2011 and February 28, 2012, the Commission received 24 disputes against Active Energy alleging either forgery of signatures or unauthorized signatures on contracts;
- K. As a result of receipt of the disputes, Active Energy initiated cancellation, without penalties and without reimbursement, for most of these disputed contracts through the Gateway for Energy Marketers system (GEM). However, for most of these cancelled contracts, Active Energy did not provide information to the Commission regarding how it investigated the dispute, the results of the investigation, and/or further action taken by Active Energy as a result of the investigations;
- L. The Commission has retained the services of Business Practices and Consumer Protection Authority (Consumer Protection BC) to carry out an Inquiry to investigate the allegations of forgery and unauthorized signatures as it relates to Active Energy's compliance with the Code of Conduct and the Rules, and upon completion to file a report with the Commission;
- M. Section 71.1(9) of the Act states that section 43 applies to each gas marketer as if that gas marketer were a public utility;
- N. Section 43(1) of the Act states that a public utility must provide to the Commission information required by the Commission and, for the purposes of this Act, must answer specifically all questions of the Commission.

NOW THEREFORE pursuant to section 71.1 of the Act, the Rules and Code of Conduct, the Commission orders:

- 1. Effective immediately, Consumer Protection BC is to perform a Compliance Inquiry into the allegations of forgery and unauthorized signatures and the steps taken by Active in dealing with these allegations, and provide a report to the Commission concerning its investigation and findings. The Commission will then determine if any further process is warranted.
- 2. Consumer Protection BC will contact Active Energy as soon as possible following issuance of this Order and arrange for the Compliance Inquiry to be undertaken in an efficient and expeditious manner.

DATED at the City of Vancouver, in the Province of British Columbia, this 8th day of March 2012.

BY ORDER

Original signed by:

L.F. Kelsey
Commissioner