

BRITISH COLUMBIA
UTILITIES COMMISSION

ORDER

**NUMBER** A-17-13

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

and

An Application by Access Gas Services Inc. for the Assignment of Active Energy Corp.'s Contracts under the Customer Choice Program

**BEFORE:** C.A. Brown, Commissioner

N.E. MacMurchy, Commissioner B.A. Magnan, Commissioner

D.M. Morton, Commissioner R.D. Revel, Commissioner

C. van Wermeskerken, Commissioner

November 28, 2013

## ORDER

## WHEREAS:

- A. On November 25, 2013, Access Gas Services Inc. (Access Gas) applied to the British Columbia Utilities Commission (Commission) for approval to complete the assignment (Application) of all of Active Energy Corp., carrying on business as Active Renewable Marketing Ltd. (Active Energy)'s, Commodity Unbundling Service Consumer Agreements to Access Gas (Customer Contracts);
- B. On November 25, 2013, Active Energy submitted a letter in support of the Application;
- C. Commission Order A-7-13, dated October 7, 2013, renewed Access Gas' Gas Marketer Licence with an expiry date of October 31, 2014;
- D. On January 30, 2013, by Order A-1-13, the Commission approved the Settlement to the Active Energy 2012 Compliance Inquiry;
- E. Article 30 of the Code of Conduct for Gas Marketers, Transfer of Agreements, states, in part, that "A Gas Marketer shall not assign, sell or otherwise transfer the Consumer Agreements to another person who is not a licensed Gas Marketer." This article also requires that the assignment, sale or transfer of a Gas Marketer's Consumer Agreements to another Gas Marketer must be approved in advance by the Commission;
- F. In the Application, Access Gas requests that the Commission hold Section 5 of the Application confidential on the basis that the information is commercially sensitive;

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G. The Commission has reviewed Access Gas' Application and considers approval is warranted.

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

- 1. Access Gas is permitted to acquire all of Active Energy's Customer Contracts under the Customer Choice Program.
- 2. Within 30 days of the assignment of the Customer Contracts, Access Gas must notify all affected Consumers of the assignment in writing. The notification must include Access Gas' address for service, telephone number and complaints process.
- 3. Section 5 of Access Gas' Application will be held confidential, as requested by Access Gas, to protect commercially sensitive information.
- 4. The following conditions are added to Access Gas' Gas Marketer and will come into effect the date of the assignment of the Customer Contracts:
  - a. Access Gas must follow the Forgery and Unauthorized Signature Complaint Protocols set out in Schedule H to the Active Energy 2012 Compliance Inquiry Settlement dated January 11, 2013 (Settlement) and approved by Order A-1-13.
  - b. Access Gas must submit the BC Utilities Commission Report as required by the Settlement for all relevant complaints and disputes to the Commission and the customer within 2 weeks of receipt of the completed forgery and/or unauthorized signor package.
  - c. Access Gas must initiate an investigation relating to all future complaints of unauthorized signature or allegations of forgery within 48 hours from receipt of the complaint. If the complaint is received directly by Active Energy or Access Gas, Access Gas must notify the Commission within 2 business days with the details of the complaint.
  - d. Access Gas is responsible for the costs of the Active Energy 2012 Compliance Inquiry proceeding incurred by the Commission.

**DATED** at the City of Vancouver, in the Province of British Columbia, this 28th day of November, 2013.

**BY ORDER** 

Original Signed By:

D.M. Morton Commissioner