



ORDER NUMBER

A-8-19

IN THE MATTER OF

the *Utilities Commission Act*, RSBC 1996, Chapter 473

and

Direct Energy (BC) Ltd.

Application for Renewal of its Gas Marketer Licence
under the Customer Choice Program

BEFORE:

W. M. Everett, QC, Commissioner

October 24, 2019

ORDER

WHEREAS:

- A. Section 71.1(1) of the *Utilities Commission Act* (UCA) requires a person who is not a public utility and who performs a gas marketing activity for low-volume consumers to hold a Gas Marketer Licence issued by the British Columbia Utilities Commission (BCUC);
- B. The BCUC established Rules for Gas Marketers pursuant to subsection 71.1(10) of the UCA to assist the administration of Gas Marketer licensing. The Commission reviews and updates the Rules for Gas Marketers from time to time, most recently on October 18, 2013 by Order A-12-13;
- C. On August 27, 2019, Direct Energy (BC) Ltd. (Direct Energy) applied to the BCUC for renewal of its Gas Marketer Licence for the period November 1, 2019 to October 31, 2020. The Application for renewal of its Gas Marketer Licence to Market Natural Gas (Application) included payment of the \$1,000 Application Fee and proof of security, pursuant to Sections 2 and 4 respectively, of the Gas Marketer Licence Requirements;
- D. In the Application, Direct Energy requests that the BCUC hold the Application confidential on the basis that the contents are commercially sensitive; and
- E. The BCUC has reviewed Direct Energy's Application and relying upon the information and representations made by Direct Energy finds that renewal of its Gas Marketer Licence, subject to certain conditions, is warranted.

NOW THEREFORE, pursuant to section 71.1 of the UCA and Order A-12-13, the BCUC orders as follows:

- 1. A Gas Marketer Licence is issued to Direct Energy for the period of November 1, 2019 to October 31, 2020.
- 2. Direct Energy's Application will be held confidential, as requested by Direct Energy, on the basis it contains commercially sensitive information.

3. This Gas Marketer Licence is subject to the following conditions:

- a. Direct Energy must carry out the undertakings as provided in its Application for a Gas Marketer Licence and as set out in the Rules for Gas Marketers established by Order A-12-13;
- b. Direct Energy must comply with the Code of Conduct for Gas Marketers and Rate Schedule 36 of FortisBC Energy Inc. Direct Energy shall ensure that its employees, salespersons or other representatives of its products and services comply with the standards required of a Gas Marketer as set out in the Code of Conduct for Gas Marketers. Direct Energy shall be responsible for any non-compliance of its employees, salespersons or other representatives of its products and services;
- c. Direct Energy must maintain the proof of security submitted to satisfy Section 4, Financial Qualifications, of the Gas Marketer Licence Requirements, in full force and effect for the duration of the Licence;
- d. Direct Energy must file with the BCUC, pursuant to item 10.0 of the Rules for Gas Marketers, the following information:
 - i. The most recent version of the documents submitted to satisfy Sections 6 and 7, Financial Qualifications, of the Gas Marketer Licence Requirements, for BCUC staff's review and acceptance, in a timely manner;
 - ii. The most recent version of the documents submitted under Sections 8, 9, 10, 11 and 12 of the Gas Marketer Licence Requirements for the BCUC's comment and approval, as necessary, prior to commercial distribution and/or use; and
 - iii. Unaudited half year financial statements, no later than 45 days after the end of the six month period.
- e. The BCUC may, at any time and without prior notice to Direct Energy, amend or impose new terms and conditions on, suspend, or cancel the Gas Marketer Licence for reasons the BCUC, in its sole discretion, considers sufficient;
- f. The Gas Marketer Licence and all copies of it shall remain the property of the BCUC. Direct Energy will return these documents forthwith upon written request from the BCUC; and
- g. Direct Energy is licensed to engage in gas marketing only to Commercial Consumers enrolled under FortisBC Energy Rate Schedule 2 or 3.

DATED at the City of Vancouver, in the Province of British Columbia, this 24th day of October 2019.

BY ORDER

Original signed by:

W. M. Everett, QC
Commissioner

Attachment



bcuc
British Columbia
Utilities Commission

LICENCE No. A-8-19

GAS MARKETER LICENCE

Direct Energy (BC) Ltd.

is granted a licence for the purpose of providing advice to, or acting on behalf of, core market customers⁽¹⁾ purchasing gas directly in the Province of British Columbia subject to the terms and conditions contained in BCUC Order A-8-19, which are set out in the reverse of the Licence.

BRITISH COLUMBIA UTILITIES COMMISSION

Original signed by:

W. M. Everett, QC, Commissioner

ISSUED: October 24, 2019
EFFECTIVE: November 1, 2019
EXPIRES: October 31, 2020

(1) As described in the Rules for Gas Marketers

This Gas Marketer Licence is subject to the following conditions:

- a. Direct Energy must carry out the undertakings as provided in its Application for a Gas Marketer Licence and as set out in the Rules for Gas Marketers established by Order A-12-13.
- b. Direct Energy must comply with the Code of Conduct for Gas Marketers and Rate Schedule 36 of FortisBC Energy Inc. Direct Energy shall ensure that its employees, salespersons or other representatives of its products and services comply with the standards required of a Gas Marketer as set out in the Code of Conduct for Gas Marketers and Direct Energy shall be responsible for any non-compliance of its employees, salespersons or other representatives of its products and services.
- c. Direct Energy must maintain the proof of security submitted to satisfy Section 4, Financial Qualifications, of the Gas Marketer Licence Requirements, in full force and effect for the duration of the Licence.
- d. Direct Energy must file with the BCUC, pursuant to item 10.0 of the Rules for Gas Marketers, the following information:
 - i. The most recent version of the documents submitted to satisfy Sections 6 and 7, Financial Qualifications, of the Licence Requirements, for BCUC staff's review and acceptance, in a timely manner;
 - ii. The most recent version of the documents submitted under Sections 8, 9, 10, 11 and 12 of the Gas Marketer Licence Requirements for the BCUC's comment and approval, as necessary, prior to commercial distribution and/or use; and
 - iii. Unaudited half year financial statements, no later than 45 days after the end of the six month period.
- e. The BCUC may, at any time and without prior notice to Direct Energy, amend or impose new terms and conditions on, suspend, or cancel the Gas Marketer Licence for reasons the BCUC, in its sole discretion, considers sufficient.
- f. The Gas Marketer Licence and all copies of it shall remain the property of the BCUC. Direct Energy will return these documents forthwith upon written request from the BCUC.
- g. Direct Energy is licensed to engage in gas marketing only to Commercial Consumers enrolled under FortisBC Energy Rate Schedule 2 or 3.