



ORDER NUMBER

G-346-21

IN THE MATTER OF

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

and

Just Energy

Application for Reconsideration and Variance of Order A-6-21

BEFORE:

E. B. Lockhart, Chair

B. A. Magnan, Commissioner

November 26, 2021

ORDER

WHEREAS:

- A. On November 18, 2021, Just Energy (B.C.) Limited Partnership (Just Energy) filed an application with the British Columbia Utilities Commission (BCUC) for Reconsideration of Order A-6-21, dated October 28, 2021, pursuant to section 99 of the *Utilities Commissioner Act* (UCA) and a stay of proceedings pursuant to section 27.02 of the BCUC Rules of Practice and Procedure (the Rules) pending a determination of the reconsideration application (Application);
- B. In the Application, Just Energy requests a variance of condition of 3 e (iii) contained in Order A-6-21; specifically, that the condition be changed from monthly to quarterly reporting. In addition, Just Energy requests, pursuant to Rule 18.01, that the Application be kept confidential because it contains commercially sensitive information;
- C. Section 71.1(1) of the 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 BCUC;
- D. 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 BCUC reviews and updates the Rules for Gas Marketers from time to time, most recently on October 18, 2013 by Order A-12-13;
- E. Pursuant to an order of the Ontario Superior Court of Justice dated March 9, 2021, Just Energy and certain of its affiliates (collectively, the Company) were granted protection in Canada, in the form of a stay of proceedings for a period of time (the Stay Period), under the Companies' Creditors Arrangement Act (the CCAA);
- F. As part of the CCAA filing, Just Energy states that the Company entered into a Debtor-In-Possession (DIP Facility), the terms of which have been amended, restated, supplemented and otherwise modified from time to time;

- G. On August 31, 2021, Just Energy applied to the BCUC for renewal of its Gas Marketer Licence for the period November 1, 2021 to October 31, 2022;
- H. Following a review, by Order A-6-21, the BCUC renewed Just Energy's Gas Marketer Licence;
- I. Just Energy states that on November 10, 2021, the Ontario Superior Court of Justice (Commercial List) approved the extension of the CCAA Interim DIP Facility to September 30, 2022; and
- J. The BCUC has reviewed the Application and finds that a variance of Order A-6-21 is warranted.

NOW THEREFORE pursuant to section 99 of the UCA the BCUC orders as follows:

- 1. Directive 3 e (iii) of Order A-6-21 is varied to read as follows: "Just Energy must file with the BCUC, pursuant to Rule 10.0 of the Rules for Gas Marketers, the following information: [...] Quarterly financial reports submitted by Just Energy Corp that include at minimum the balance sheet, income statement and cash flow statement for Just Energy Corp."
- 2. Just Energy's Application will be held confidential because it contains commercially sensitive financial information.

DATED at the City of Vancouver, in the Province of British Columbia, this 26th day of November 2021.

BY ORDER

Original signed by:

E. B. Lockhart
Commissioner