



February 28, 2024

Sent via email

**Letter L-3-24**

Ms. Michelle Meixner  
Customer Service Specialist  
Access Gas Services Inc.  
300 – 15300 Croydon Drive  
Surrey, BC V3Z 0Z5  
[info@accessgas.com](mailto:info@accessgas.com)

**Re: Access Gas – Natural Gas Agreements with Index Settlement for BCUC Approval**

Dear Ms. Meixner:

On August 23, 2023, Access Gas Services Inc. (Access Gas) filed with the British Columbia Utilities Commission (BCUC) an application for a licence to market natural gas in British Columbia (Licence Application). Included in the Licence Application were two new Natural Gas Agreements with Index Settlements (Index Agreements) for BCUC approval. On October 30, 2023, the BCUC issued a gas marketer licence to Access Gas by BCUC Order A-8-23 and determined that the Index Agreements would be reviewed as a separate matter.

The BCUC has reviewed Access Gas' submissions based on the pertinent sections and articles of the Rules for Gas Marketers (Rules) and the Code of Conduct for Gas Marketers (Code of Conduct) and notes the following:

- Gas marketers must include copies of all "customer gas supply Agreements/Contracts" (which includes the Index Agreements) in gas marketer licence applications, per Licence Requirement 10 set out in Attachment 1 to the Rules;
- While the BCUC may review customer gas supply Agreements/Contracts as part of the licensing process, it does not provide approvals for customer gas supply Agreements/Contracts (as explained below); and
- Gas marketers must ensure their customer gas supply Agreements/Contracts comply with the Rules and the Code of Conduct.

With respect to the approval of agreements, the BCUC notes that the *Utilities Commission Act* (UCA) provides the following:

*71 (1) Subject to subsection (1.1), a person who, after this section comes into force, enters into an energy supply contract must*

*(a) file a copy of the contract with the commission under rules and within the time it specifies, and*

*(b) provide to the commission any information it considers necessary to determine whether the contract is in the public interest.*

*(1.1) Subsection (1) does not apply to an energy supply contract for the sale of natural gas unless the sale is to a public utility.*

Since the Index Agreements pertain to the sale of natural gas by a licenced natural gas marketer to customer choice customers, and not by a public utility, these agreements are not subject to BCUC regulation under section 71 (1) of the UCA. As such, no approvals of the Index Agreements will be provided by the BCUC.

### **Third-Party Verification**

Following a review of the Index Agreements, on January 9, 2024, BCUC staff issued questions to Access Gas requesting clarification on certain matters. Access Gas filed its responses to these questions on January 25, 2024. Regarding Third-Party Verification (TPV), Access Gas stated that its TPV script may not address the particularities of the Index Agreements, and provided, among other information, excerpts of proposed changes to the TPV script for customers signing the new Index Agreements (Revised TPV) for the BCUC's review.

The BCUC notes that Article 33 of the Code of Conduct outlines, among other things, that customers who sign a contract with a gas marketer must confirm their understanding of the key elements of the agreement through a TPV, and that gas marketers are required to submit TPV scripts for commercial customers to the BCUC for comments prior to implementation.

In order to complete its review of the Revised TPV, the BCUC requests Access Gas to file a complete version of the script by **March 7, 2024**. The BCUC notes that the Revised TPV should not be implemented until the BCUC has completed its review of the script.

Sincerely,

*Original signed by:*

Patrick Wruck  
Commission Secretary

GP/jm