



**ORDER NUMBER  
G-234-24**

IN THE MATTER OF  
the *Utilities Commission Act*, RSBC 1996, Chapter 473

and

FortisBC Energy Inc.  
2023 Customer Choice Annual General Meeting

**BEFORE:**

B. A. Magnan, Commissioner  
E. B. Lockhart, Commissioner  
W. E. Royle, Commissioner

on August 27, 2024

**ORDER**

**WHEREAS:**

- A. FortisBC Energy Inc. (FEI) obtained approval from the British Columbia Utilities Commission (BCUC) in 2006 for a Certificate of Public Convenience and Necessity (CPCN) for the Commodity Unbundling Project for Residential Customers (Customer Choice) in accordance with the government's 2002 energy policy, which would allow for unbundling of natural gas through gas marketing companies licensed by the BCUC (Gas Marketers);
- B. The BCUC has established Rules for Gas Marketers and a Code of Conduct for Gas Marketers, both of which have been modified from time to time. The BCUC approved the Ninth Revision (Amended) of the Code of Conduct, effective December 18, 2023, by Order A-12-23 (Code of Conduct);
- C. Article 34 of the Code of Conduct states that the Code of Conduct shall be reviewed and modified, if required, at an annual general meeting (AGM) via written process or in-person, as established by the BCUC;
- D. By Order A-10-12, dated June 21, 2012, the BCUC established a process for the AGM to include FEI releasing Customer Choice program statistics annually; BCUC Staff canvassing stakeholders about program issues to be addressed, if any, at the AGM; and the BCUC determining whether an AGM proceeding is warranted for the year. The most recent AGM was the seventh AGM held on June 9, 2015;
- E. By letter dated February 23, 2024, FEI submitted Customer Choice program statistics for the 2023 calendar year to the BCUC and AGM stakeholders for review, in accordance with Order A-10-12, which were included as Exhibit B-1. BCUC Customer Choice program statistics were included as Exhibit A-2;
- F. By letter dated July 9, 2024, BCUC Staff requested submissions from Gas Marketers and FEI on the adoption of a written process for the 2023 AGM and on a list of items in the Code of Conduct to be reviewed;

- G. On July 16, 2024, the BCUC received submissions from Easy Energy Inc. (Easy Energy), Buy Low Gas Marketing Inc. (Buy Low Gas), and FEI;
- H. FEI, Easy Energy and Buy Low Gas did not oppose a written process for the 2023 AGM. Easy Energy proposed additional items for review; and
- I. The BCUC finds that an AGM proceeding to review the Code of Conduct is warranted.

**NOW THEREFORE** the BCUC orders as follows:

- 1. A written process is established for the eighth Customer Choice Program AGM to review the Code of Conduct in accordance with the regulatory timetable as set out in Appendix A to this order.
- 2. The items under review in the AGM are listed in Appendix B to this order. Submissions outside the scope of the AGM will not be considered.

**DATED** at the City of Vancouver, in the Province of British Columbia, this 27<sup>th</sup> day of August 2024.

BY ORDER

*Original signed by:*

B. A. Magnan  
Commissioner

Attachments

FortisBC Energy Inc.  
2023 Customer Choice Annual General Meeting

**REGULATORY TIMETABLE**

---

| Action  | Date (2024)          |
|---|----------------------|
| BCUC establishes the 2023 Customer Choice AGM Scope (Appendix B)                            | Tuesday, August 27   |
| BCUC Staff provides a draft revised Code of Conduct   | Friday, September 27 |
| Gas Marketers and FEI submissions on the draft revised Code of Conduct and Appendix B items | Friday, October 11   |
| BCUC issues a revised Code of Conduct   | TBD                  |

FortisBC Energy Inc.  
2023 Customer Choice Annual General Meeting

**2023 CUSTOMER CHOICE AGM SCOPE**

---

As determined by Order G-234-24, the 2023 Customer Choice Annual Meeting (AGM) will accept written submissions on proposed revisions to the Code of Conduct for Gas Marketers (Code of Conduct), following the procedure outlined in the timetable in Appendix A. British Columbia Utilities Commission (BCUC) Staff will provide AGM participants with a draft revised Code of Conduct with proposed changes to address the items listed below. The BCUC encourages AGM participants to file submissions on the items within the AGM's scope and the draft revised Code of Conduct by the established deadline.

**2023 CUSTOMER CHOICE AGM DISCUSSION ITEMS**

**Third Party Verification (TPV) methods – Article 33**

1. Whether to include provisions regarding index agreements in the TPV script.
2. Whether to include mobile phone text message (i.e. SMS) as an authorized electronic process for completing a TPV.
3. Whether there should be specific TPV scripts for electronically signed agreements.
4. Whether the Code of Conduct should explicitly allow Gas Marketers to confirm multiple entities/locations in a single TPV.
5. Whether the Commercial TPV script topics should also include topics covered by the residential TPV script, such as representation confirmation and minimum term and potential termination fees, addressed in questions 5 and 10 of the residential TPV script.

**Agreements**

6. **Article 28-A:** Whether to include additional requirements to verify electronically signed agreements.
7. **Article 2:** Whether to expand and clarify the terms and conditions required for an index agreement.
8. **Article 3:** Whether to include requirements on the documentation used to verify the signatory has the authority to sign an agreement.
9. **Article 26:** Whether further details on the filling of the "Title" field are needed.

**Renewal Agreements**

10. **Article 28-A:** Whether to include restrictions on how early a renewal agreement can be presented to a customer.
11. **Definitions - Cancellation period:** Whether to revise the definition to also address renewal agreements.

**Marketing Material and Consumer protection**

12. **Article 23 or 25:** Whether to include a Gas Marketer's responsibility to maintain electronic information and cybersecurity measures.
13. **Article 28-A:** Whether to include provisions to align expiry dates on agreements provided to customers electronically with the 30-day window consumers have to execute renewal agreements.

14. **Article 20:** Whether to include provisions limiting the use of FortisBC Energy Inc. sample invoices as part of sales presentations.

**Annual General Meeting**

15. **Article 34:** Whether adjustments pertaining to the AGM are required.

**Housekeeping**

16. Whether minor adjustments and corrections throughout the Code of Conduct are needed.
17. Whether adding a definition of 'unbundling' to the Code of Conduct would be informative to consumers.