



SIXTH FLOOR, 900 HOWE STREET, BOX 250
VANCOUVER, B.C. V6Z 2N3 CANADA
web site: <http://www.bcuc.com>

**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER A-20-15**

TELEPHONE: (604) 660-4700
BC TOLL FREE: 1-800-663-1385
FACSIMILE: (604) 660-1102

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

and

Access Gas Services Inc.
Application for Renewal of its Gas Marketer Licence
under the Customer Choice Program

BEFORE: L. F. Kelsey, Commissioner
H. G. Harowitz, Commissioner
October 22, 2015

O R D E R

WHEREAS:

- A. On August 28, 2015, Access Gas Services Inc. (Access Gas), applied to the British Columbia Utilities Commission (Commission) for renewal of its Gas Marketer Licence for the period November 1, 2015 to October 31, 2016. The Application for renewal of its Licence to Market Natural Gas (Application) includes the payment of the \$1,000 Application Fee, pursuant to Section 2 of the Licence Requirements;
- B. The Application includes the following materials, pursuant to Sections 4, 6 and 7 of the Licence Requirements respectively: a \$250,000 proof of security; financial statements for the parent company; and proof that the parent company possesses sufficient financial resources to serve Access Gas' customer base, in the form of revolving credit agreements. The proof of security expires on June 22, 2016 and the revolving credit agreements expire on June 29, 2016;
- C. By letter dated September 3, 2015, Access Gas' parent company, Niska Gas Storage Partners LLC (Niska) advised the Commission that it and its managing member Niska Gas Storage Management LLC have entered into a definitive agreement to be acquired by Brookfield Infrastructure and its institutional partners;
- D. In the Application, Access Gas requests that the Commission hold the Application confidential on the basis that the contents are commercially sensitive; and
- E. The Commission reviewed Access Gas' Application and relying upon the information and representations made by Access Gas finds that renewal of its Gas Marketer Licence, subject to certain conditions, is warranted.

**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER** A-20-15

2

NOW THEREFORE pursuant to section 71.1(6) of the *Utilities Commission Act*, the British Columbia Utilities Commission orders as follows:

1. A Gas Marketer Licence is issued to Access Gas Services Inc. (Access Gas) for the period of November 1, 2015 to October 31, 2016.
2. Access Gas' Application will be held confidential, as requested by Access Gas.
3. This licence is subject to the following conditions:
 - a. Access Gas 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. Access Gas must comply with the Code of Conduct for Gas Marketers and Rate Schedule 36 of FortisBC Energy Inc. Access Gas 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 Access Gas shall be responsible for any non-compliance of its employees, salespersons or other representatives of its products and services.
 - c. Access Gas must maintain a \$250,000 proof of security in full force and effect for the duration of the Licence.
 - d. Access Gas must file with the Commission, for Commission staff's review and acceptance, proof of security and proof that the parent company possesses sufficient financial resources to serve Access Gas' customer base, pursuant to Licence Requirements 4 and 7 respectively, by May 31, 2016.
 - e. Access Gas must file with the Commission, pursuant to item 10.0 of the Rules for Gas Marketers, the following information:
 - i. Thirty (30) days prior to the acquisition of Niska Gas Storage Partners LLC by Brookfield Infrastructure and its institutional partners, for the parent company resulting from this transaction, a copy of the audited financial statements of the parent company for the most recently ended financial year, a parental guarantee, copies of all of the parent company's subsequent unaudited quarterly statements for each quarter following the most recently ended financial year and proof that the parent company possesses sufficient financial resources to be able to serve Access Gas' customer base, as required under Sections (6) and (7) of the Licence Requirements, for Commission staff's review and acceptance;
 - ii. The most recent version of the documents submitted to satisfy Section (7) of the Licence Requirements, for Commission staff's review and acceptance, in a timely manner; and
 - iii. The most recent version of the documents submitted under Sections (8), (9), (10), (11) and (12) of the Licence Requirements for the Commission's comment and approval, as necessary, prior to commercial distribution and/or use.

**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER** A-20-15

3

- f. The Commission may, at any time and without prior notice to Access Gas, amend or impose new terms and conditions on, suspend, or cancel the Gas Marketer Licence for reasons the Commission, in its sole discretion, considers sufficient.
- g. The Gas Marketer Licence and all copies of it shall remain the property of the Commission. Access Gas will return these documents forthwith upon written request from the Commission.

DATED at the City of Vancouver, in the Province of British Columbia, this 22nd day of October 2015.

BY ORDER

Original signed by:

L. F. Kelsey
Commissioner

Attachment



LICENCE No. A-20-15

GAS MARKETER LICENCE

ACCESS GAS SERVICES INC.

is granted a licence for the purpose of providing advice to, or acting on behalf of, a low volume consumer ⁽¹⁾ purchasing gas directly in the Province of British Columbia subject to the terms and conditions contained in Commission Order A-20-15, which are set out in the reverse of the Licence.

BRITISH COLUMBIA UTILITIES COMMISSION

Original signed by:

L. F. Kelsey Commissioner

ISSUED: October 22, 2015

EFFECTIVE: November 1, 2015

EXPIRES: October 31, 2016

(1) As described in the Rules for Gas Marketers

This Gas Marketer Licence is subject to the following conditions:

- a. Access Gas 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. Access Gas must comply with the Code of Conduct for Gas Marketers and Rate Schedule 36 of FortisBC Energy Inc. Access Gas 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 Access Gas shall be responsible for any non-compliance of its employees, salespersons or other representatives of its products and services.
- c. Access Gas must maintain a \$250,000 performance security in full force and effect for the duration of the Licence.
- d. Access Gas must file with the Commission, for Commission staff's review and acceptance, proof of security and proof that the parent company possesses sufficient financial resources to serve Access Gas' customer base, pursuant to Licence Requirements 4 and 7 respectively, by May 31, 2016.
- e. Access Gas must file with the Commission, pursuant to item 10.0 of the Rules for Gas Marketers, the following information:
 - i. Thirty (30) days prior to the acquisition of Niska Gas Storage Partners LLC by Brookfield Infrastructure and its institutional partners, for the parent company resulting from this transaction, a copy of the audited financial statements of the parent company for the most recently ended financial year, a parental guarantee, copies of all of the parent company's subsequent unaudited quarterly statements for each quarter following the most recently ended financial year and proof that the parent company possesses sufficient financial resources to be able to serve Access Gas' customer base, as required under Sections (6) and (7) of the Licence Requirements, for Commission staff's review and acceptance;
 - ii. The most recent version of the documents submitted to satisfy Section (7) of the Licence Requirements, for Commission staff's review and acceptance, in a timely manner; and
 - iii. The most recent version of the documents submitted under Sections (8), (9), (10), (11) and (12) of the Licence Requirements for the Commission's comment and approval, as necessary, prior to commercial distribution and/or use.
- f. The Commission may, at any time and without prior notice to Access Gas, amend or impose new terms and conditions on, suspend, or cancel the Gas Marketer Licence for reasons the Commission, in its sole discretion, considers sufficient.
- g. The Gas Marketer Licence and all copies of it shall remain the property of the Commission. Access Gas will return these documents forthwith upon written request from the Commission.