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**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER** A-5-08

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

and

An Application by Access Gas Services Inc. for the
Transfer of Planet Energy Gas Contracts under the Residential/Commercial Unbundling Program

BEFORE: L.F. Kelsey, Commissioner
A.A. Rhodes, Commissioner March 13, 2008
P.E. Vivian, Commissioner

O R D E R

WHEREAS:

- A. On March 6, 2008 Access Gas Services Inc. ("Access Gas") applied to the Commission for approval to complete the transfer and assignment of all Planet Energy (B.C.) Corporation ("Planet Energy") residential gas service consumer agreements to Access Gas; and
- B. Article 28 of the Code of Conduct for Gas Marketers, Transfer of Agreements requires that the assignment, sale or transfer of a Gas Marketer's Consumer agreements to another Gas Marketer must be approved in advance by the Commission; and
- C. Commission Order No. A-17-07 dated September 21, 2007 approved a Residential/Commercial Gas Marketer Licence for Access Gas; and
- D. Commission Order No. A-24-07 dated October 29, 2007 approved a Residential/Commercial Gas Marketer Licence for Planet Energy; and
- E. Planet Energy's Gas Marketer contracts with residential customers provides for the assignment of the contract to a second Gas Marketer and does not require approval from the customer; and
- F. After the assignment of the customer contracts takes place from Planet Energy to Access Gas, Planet Energy has no further obligation and the gas supply arrangements will be assumed by Access Gas; and
- G. On March 7, 2008 the Commission issued to Access Gas a series of questions in order to clarify the circumstances for the assignment of residential customers from Planet Energy to Access Gas; and
- H. On March 11, 2008 Access Gas responded to the Commission's letter dated March 7, 2008 and the Commission finds that Access Gas has the financial resources and other capabilities to acquire the residential Gas Marketer contracts from Planet Energy.

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2

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

1. Access Gas is permitted to acquire the residential customers currently under Gas Marketer agreements with Planet Energy.
2. The approval granted by the Commission will terminate six months from the date of this Order. Should the transfer and assignment of all Planet Energy's residential gas service consumer agreements to Access Gas remain uncompleted at that date, Access Gas is required to reapply for Commission approval.
3. Access Gas is to send a letter to all the residential customers of Planet Energy that have been transferred confirming that Access Gas will be their Gas Marketer within 30 days of the transfer.

DATED at the City of Vancouver, in the Province of British Columbia, this 13th day of March 2008.

BY ORDER

Original signed by

L.F. Kelsey
Commissioner