



**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER** A-14-12

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

SIXTH FLOOR, 900 HOWE STREET, BOX 250
VANCOUVER, BC V6Z 2N3 CANADA
web site: <http://www.b cuc.com>

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

and

Active Energy Corp. – Compliance Inquiry
Customer Choice Program

BEFORE: L.F. Kelsey, Commissioner
D.A. Cote, Commissioner September 12, 2012
A.A. Rhodes, Commissioner

ORDER

WHEREAS:

- A. On March 8, 2012, the British Columbia Utilities Commission (Commission) issued Order A-5-12 that established a Compliance Inquiry into 24 customer disputes against Active Renewable Marketing Ltd. (Active Energy). The Inquiry was established to investigate the disputes alleging forgery or unauthorized signatures, and the steps taken by Active Energy in dealing with these allegations. Business Practices and Consumer Protection Authority (Consumer Protection BC) was retained to complete an Inquiry report (Report);
- B. On June 18, 2012, the Commission received the Report from Consumer Protection BC;
- C. On June 27, 2012, the Report was sent to Active Energy;
- D. By Order A-11-12 dated July 25, 2012, the Commission requested that Active Energy, by August 14, 2012, provide comments on the Report and suggestions on process to review the Report and for the Compliance Inquiry;
- E. By letter dated July 27, 2012, Active Energy advised that it would file an application (Application) with the Commission to:
 - expunge the Report from the Record;
 - postpone further process contemplated in Order A-11-12 until the Commission ruled on the Application;
 - postpone the Commission's request for comments from Active Energy.
- F. By Order A-12-12 dated August 14, 2012, the Commission requested Active Energy to provide:
 - (i) its Application to have the Report removed from the Record, if necessary;
 - (ii) its comments on the specific sections and findings in the Report with which Active Energy agreed or disagreed;
 - (iii) its suggested process for review of the disputed sections and findings in the Report and for the Compliance Inquiry, including:

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- a timetable for answering Commission Information Requests;
 - whether a public hearing should be held and Interveners allowed to participate;
 - whether the hearing should be conducted in two phases, proceeding first with determinations on liability and then proceeding to a penalty phase, if necessary.
- G. On August 23, 2012, Active Energy requested the deadline of August 27, 2012 be adjourned for items (ii) and (iii) in Recital F because it would be premature for Active Energy to make comments on these matters until the Commission Panel ruled on whether to expunge the Report from the record;
- H. On August 27, 2012, Active Energy filed the Application to expunge the report prepared by Consumer Protection BC. As part of the Application, Active Energy requested presentation of oral submissions on the Application to the Commission;
- I. By Order A-13-12 issued August 30, 2012 the Commission Panel accepted Active's request to adjourn the deadline for items i) and ii);
- J. By letter dated September 12, 2012, and issued concurrently with this Order, the Commission notifies Active Energy that the Commission has established a Compliance Team under the Performance Monitoring, Conduct and Compliance Division; and
- K. The Commission Panel has considered Active Energy's submissions and will hear submissions on Active Energy's Application to have the Consumer Protection BC report expunged, according to the Regulatory Timetable set out by this Order.

NOW THEREFORE the Commission establishes the following Regulatory Timetable:

ACTION	DATE (2012)
Compliance Team Written Submission	Thursday, September 20
Active Energy Reply Submission	Thursday, September 27
Oral Argument – commencing at 9:00 am Location: Commission Hearing Room 12 th Floor, 1125 Howe Street, Vancouver, BC	Wednesday, October 3

DATED at the City of Vancouver, in the Province of British Columbia, this 12th day of September 2012.

BY ORDER

Original signed by:

L.F. Kelsey
Commissioner