



**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER A-22-09A**

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

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

**An Application by Active Energy Corp.
for an amended Gas Marketer Licence**

BEFORE: L.F. Kelsey, Commissioner
D.A. Cote, Commissioner January 7, 2010
P.E. Vivian, Commissioner

O R D E R

WHEREAS:

- A. On August 24, 2009 Active Energy ULC, operating as Active Renewable Marketing Ltd. ("Active"), applied to the British Columbia Utilities Commission ("Commission") for renewal of a Gas Marketer Licence ("Application"). The Application for Licence renewal included the payment of the \$1,000 Application Fee and a \$250,000 Letter of Credit, pursuant to items 2 and 3 respectively, of the Licence Requirements; and
- B. On October 22, 2009 the Commission issued to Active a Gas Marketer Licence (A-22-09) noting that non-compliance with its previous licence requirements with respect to Working Capital and the Current Ratio of current assets to current liabilities was identified in reviewing the Application. This non-compliance has been subsequently rectified by Active; and
- C. By letter dated October 20, 2009 Active informed the Commission that it intends to convert from an Alberta ULC to an Ontario corporation. In this letter Active stated that the change will not affect any of the physical attributes of the organization, and will be totally transparent to all of Active's clients. The letter indicated that Active is currently preparing to make the change but has not yet implemented any steps, therefore, no new name is available; and
- D. By letter dated December 15, 2009 Active requested that the new name for its BC Gas Marketer Licence should be "Active Energy Corp., operating as Active Renewable Marketing Ltd." Active also filed with the Commission documents supporting the name change, including, Articles of Continuance and the Extra Provincial Corporation Name Change Proof of Application. The Articles of Continuance demonstrates that Active has initiated the process of becoming an Ontario corporation, and the Proof of Application indicates that Active has applied to have its new Ontario corporation name attached to its assumed business name.

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

1. The Commission issues to Active Energy Corp., operating as Active Renewable Marketing Ltd., an amended Gas Marketer Licence for the period January 7, 2010 to October 31, 2010.
2. The Gas Marketer Licence is subject to the same conditions as Licence A-22-09 and addition of a new Condition 2.9.
 - 2.1 Active will carry out the undertakings as set out in the Application for a Licence to Market Natural Gas dated August 24, 2009 and the Rules for Gas Marketers.
 - 2.2 Active will comply with the Code of Conduct for Gas Marketers and Rate Schedule 36 of Terasen Gas Inc.
 - 2.3 Active will maintain a Letter of Credit or acceptable substitute in full force and effect for the duration of the Licence.
 - 2.4 Active will maintain a Working Capital position of at least \$50,000 and a Current Ratio of current assets to current liabilities of at least 1.10.
 - 2.5 The Commission may, at any time and without prior notice to Active, amend or impose new terms and conditions on, suspend, or cancel the Gas Marketer Licence for reasons the Commission, in its sole discretion, deems and considers sufficient.
 - 2.6 The Gas Marketer Licence and all copies of it shall remain the property of the Commission and Active will return these documents forthwith upon written request from the Commission.
 - 2.7 Active will file with the Commission unaudited monthly financial statements no later than 30 days after the end of the relevant month.
 - 2.8 Active 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. Active shall be responsible for the non-compliance of its employees, salespersons or other representatives of its products and services with the Code of Conduct for Gas Marketers.

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2.9 Active will provide to the Commission an amended Letter of Credit reflecting the name change to Active Energy Corp. within 14 days of the date of this Order.

DATED at the City of Vancouver, in the Province of British Columbia, this 7th day of January 2010.

BY ORDER

Original signed by:

D.A. Cote
Commissioner

Attachment



LICENCE No. A-22-09A

GAS MARKETER LICENCE

Active Energy Corp.

Operating as: Active Renewable Marketing Ltd.

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-22-09A, which are set out in the reverse of the Licence.

BRITISH COLUMBIA UTILITIES COMMISSION

D. A. COTE, COMMISSIONER

ISSUED: January 7, 2010

EFFECTIVE: January 7, 2010 to October 31, 2010

(1) As described in the Rules for Gas Marketers

2. The Gas Marketer Licence is subject to the same conditions as Licence A-22-09 and addition of a new Condition 2.9.
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 - 2.9 Active will provide to the Commission an amended Letter of Credit reflecting the name change to Active Energy Corp. within 14 days of the date of this Order.