



**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER A-19-09**

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

and

Summitt Energy BC LP – Compliance Inquiry
Customer Choice Program

BEFORE: L.F. Kelsey, Commissioner October 21, 2009

O R D E R

WHEREAS:

- A. By Commission Order C-6-06 dated August 14, 2006, the Commission granted a Certificate of Public Convenience and Necessity for the Residential Commodity Unbundling Project for residential customers in all Terasen Gas Inc. service areas, excluding Fort Nelson and Revelstoke, effective November 1, 2007; and
- B. Section 71.1(3) of the *Utilities Commission Act* (“UCA” or “Act”) states that a Gas Marketer must comply with the Commission rules issued under subsection (10) and the terms and conditions, if any, attached to the Gas Marketer Licence held by the Gas Marketer; and
- C. Commission Order G-90-03 established a Code of Conduct for Gas Marketers (“Code of Conduct”), which was amended as set out and revised in Commission Orders G-73-07, G-44-08 and most recently in Order A-6-09; and
- D. Commission Order G-90-03 established Rules for Gas Marketers (“Rules”), which were revised in Commission Order G-44-08 and most recently in Order A-9-09; and
- E. Section 8.0 of the Rules states that all Gas Marketers must comply with the Rules and the Code of Conduct for Gas Marketers approved by the Commission; and
- F. Section 82(1) of the UCA states that the Commission may, on its own motion, inquire into, hear and determine a matter that under this Act it may inquire into, hear or determine on application or complaint; and
- G. Section 8 of the UCA states that the Commission may appoint or engage persons having special or technical knowledge necessary to assist the Commission in carrying out its functions; and

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- H. Section 78(2) of the UCA states that an inquiry that the Commission considers necessary may be made by a member or officer or by a person appointed by the Commission to make the inquiry, and the Commission may act on that person's report; and
- I. The Commission has retained the services of Grant Thornton LLP to carry out regular Compliance Inquiries of Gas Marketers to ensure full compliance with the Rules and Code of Conduct and the terms and conditions, if any, attached to the Gas Marketer Licence held by the Gas Marketer, and upon completion of each Inquiry, to file a report with the Commission in accordance with the UCA and the Rules and Code of Conduct; and
- J. Section 71.1(9) of the UCA states that section 43 applies to each gas marketer as if that gas marketer were a public utility; and
- K. Section 43(1) states that a public utility must provide to the Commission information required by the Commission and for the purposes of this Act, must answer specifically all questions of the Commission.

NOW THEREFORE pursuant to section 71.1 of the *Utilities Commission Act* and the Code of Conduct and Rules for Gas Marketers, the Commission orders that:

1. Effective immediately, Grant Thornton LLP will perform a Compliance Inquiry of Summitt Energy BC LP.
2. Upon notice by and at a time and date to be determined by representatives of Grant Thornton LLP, Summitt Energy BC LP must make available full access to its premises and records for the inspection of Grant Thornton LLP throughout the course of the Inquiry.
3. Grant Thornton LLP may perform Compliance Inquiries on the motion of the Commission for other Gas Marketers at a later time.

DATED at the City of Vancouver, in the Province of British Columbia, this 21st day of October 2009.

BY ORDER

Original signed by:

L.F. Kelsey
Commissioner