

**BRITISH COLUMBIA  
UTILITIES COMMISSION**

**ORDER  
NUMBER A-21-09A**



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

and

An Application by Summitt Energy BC LP  
for an Amendment of its Gas Marketer Licence

**BEFORE:** D.A. Cote, Commissioner December 9, 2009

**O R D E R**

**WHEREAS:**

- A. On August 27, 2009 Summitt Energy BC LP ("Summitt Energy") applied to the British Columbia Utilities Commission ("Commission") for renewal of its Gas Marketer Licence ("Application"). The Application for renewal of its Licence 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, relying upon the information and representations made by Summitt Energy, the Commission approved Gas Marketer Licence A-21-09 subject to conditions with an expiry date of December 15, 2009. Specifically, Condition 2.12 of the Licence stated that Summitt Energy must file with the Commission its audited financial statement for the recently concluded year as soon as available and no later than November 30, 2009; and
- C. On November 20, 2009 Summitt Energy filed with the Commission its audited financial statement for the year-ended December 31, 2008.

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

1. The Commission issues to Summitt Energy an amended Gas Marketer Licence for the period December 9, 2009 to October 31, 2010.
2. The Gas Marketer Licence will contain the same conditions of its current Licence A-21-09, with the removal of its previous Condition 2.12, and renumbering of subsequent conditions.

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- 2.1 Summitt Energy will carry out the undertakings as set out in the Application for a Licence to Market Natural Gas dated August 27, 2009 and the Rules for Gas Marketers.
- 2.2 Summitt Energy will comply with the Code of Conduct for Gas Marketers and Rate Schedule 36 of Terasen Gas Inc.
- 2.3 Summitt Energy will maintain a Letter of Credit or acceptable substitute in full force and effect for the duration of the Licence.
- 2.4 Summitt Energy 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 Summitt Energy, 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 Summitt Energy will return these documents forthwith upon written request from the Commission.
- 2.7 Summitt Energy will continue to file a salesperson activity report with the Commission every three months which must be filed with the Commission within 15 business days following the last date of the reporting period. The report must contain sales activity information with respect to all active salespersons employed by Summitt Energy within the reporting period. The information to be provided by Summitt Energy is outlined in the MS Excel template, attached as Appendix A to Order A-23-08A. Summitt Energy will use the template for filing the report. Upon review of the report, the Commission may call upon Summitt Energy and/or its salesperson(s), or sales managers to attend at the Commission office to discuss compliance issue(s).
- 2.8 Summitt Energy must make contact with a customer within 3 business days, upon receipt of a verbal or written enquiry or complaint. A record of the response, either in writing or as a recording, will be made available by Summitt Energy upon request from the Commission.
- 2.9 Summitt Energy will record and maintain all of its inbound and outbound telephone conversations. The digital recordings will be made available by Summitt Energy within three days of the initial recording and must be provided upon request of the Commission.

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- 2.10 Upon receipt of a web enrollment for service, Summitt Energy will forward its written agreement to sign-up for service and obtain from the customer a signed agreement in return. An electronic signature must be obtained from the customer via Summitt Energy's website, however Summitt Energy must be in receipt of a signed hard copy of the agreement before the customer is registered with Terasen Gas Inc. All documents must be maintained on file and available to the Commission in accordance with the Code of Conduct.
- 2.11 Summitt Energy will complete a Third Party Verification call, in accordance with the Code of Conduct for Gas Marketers, for all customers who sign-up for service by internet marketing. The Third Party Verification must take place after the signed written agreement is received from the customer and before the enrollment of the customer is registered with Terasen Gas Inc.
- 2.12 Summitt Energy 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. Summitt Energy 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.

**DATED** at the City of Vancouver, in the Province of British Columbia, this <sup>9<sup>th</sup></sup> day of December 2009.

BY ORDER



D.A. Cote  
Commissioner

Attachment



LICENCE No. A-21-09A

# ***GAS MARKETER LICENCE***

***Summitt Energy BC LP***

is granted a licence for the purpose of providing advice to, or acting on behalf of, a low volume consumer <sup>(1)</sup> purchasing gas directly in the Province of British Columbia subject to the terms and conditions contained in Commission Order A-21-09A, which are set out in the reverse of the Licence.

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A handwritten signature in black ink, appearing to read "D.A. Cote", written over a horizontal line.

**D.A. COTE, COMMISSIONER**

**ISSUED:** December 9, 2009

**EXPIRES:** October 31, 2010

(1) As described in the Rules for Gas Marketers

1. The Commission issues to Summitt Energy an amended Gas Marketer Licence for the period December 9, 2009 to October 31, 2010.
2. The Gas Marketer Licence is subject to the following conditions:
  - 2.1 Summitt Energy will carry out the undertakings as set out in the Application for a Licence to Market Natural Gas dated August 27, 2009 and the Rules for Gas Marketers.
  - 2.2 Summitt Energy will comply with the Code of Conduct for Gas Marketers and Rate Schedule 36 of Terasen Gas Inc.
  - 2.3 Summitt Energy will maintain a Letter of Credit or acceptable substitute in full force and effect for the duration of the Licence.
  - 2.4 Summitt Energy 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 Summitt Energy, 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 Summitt Energy will return these documents forthwith upon written request from the Commission.
  - 2.7 Summitt Energy will continue to file a salesperson activity report with the Commission every three months which must be filed with the Commission within 15 business days following the last date of the reporting period. The report must contain sales activity information with respect to all active salespersons employed by Summitt Energy within the reporting period. The information to be provided by Summitt Energy is outlined in the MS Excel template, attached as Appendix A to Order A-23-08A. Summitt Energy will use the template for filing the report. Upon review of the report, the Commission may call upon Summitt Energy and/or its salesperson(s), or sales managers to attend at the Commission office to discuss compliance issue(s).
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