

**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER** A-23-08A



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 Summitt Energy BC LP
for Renewal of its Gas Marketer Licence

BEFORE: P.E. Vivian, Commissioner
 A.A. Rhodes, Commissioner November 6, 2008

O R D E R

WHEREAS:

- A. On September 19, 2008 Summitt Energy BC LP ("Summitt Energy"), applied to the British Columbia Utilities Commission ("Commission") for a Gas Marketer Licence (the "Application"). The Application included the payment of the \$1,000 application fee and the filing of a \$250,000 Letter of Credit, pursuant to items 2 and 3 respectively, of the Licence Requirements; and
- B. The Commission has reviewed the Application and, relying upon the information and representations made by Summitt Energy, finds that approval of a Gas Marketer Licence subject to conditions is warranted.

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 a Gas Marketer Licence for the period November 6, 2008 to October 31, 2009.

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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 Gas Marketer Licence to Market Natural Gas dated September 19, 2008 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 file a salesperson activity report with the Commission every three months. The first report will examine the three month period of November 1, 2008 to January 31, 2009 and will be filed with the Commission within 15 business days following the last date of the reporting period. Each subsequent report will follow the same time model with respect to its length of the reporting period and the filing deadline. The report should 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 this Order. Summitt Energy will use the template for filing the report. Upon review of the report, the Commission may call upon Summitt Energy and/or their 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.

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- 2.9 Effective on or before November 15, 2008 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.
- 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. This condition is effective for all sign-up for service received as of November 15, 2008. 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. This condition is effective for all sign-up for service received as of November 15, 2008.

DATED at the City of Vancouver, in the Province of British Columbia, this 19th day of December 2008.

BY ORDER

Original signed by:

A.A. Rhodes
Commissioner

Attachment