



**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER** A-30-12

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.bcuc.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
A.A. Rhodes, Commissioner
October 31, 2012

ORDER

WHEREAS:

- A. On March 8, 2012, the British Columbia Utilities Commission (Commission) issued Order A-5-12 establishing a Compliance Inquiry into 24 customer disputes against Active Renewable Marketing Ltd. (Active Energy). The Compliance Inquiry was established to investigate disputes alleging forgery or unauthorized signatures, and the steps taken by Active Energy in dealing with these allegations. The Business Practices and Consumer Protection Authority (Consumer Protection BC) was retained to complete an Inquiry report (Report);
- B. Upon receipt and review of the Report, on August 27, 2012, Active Energy filed an application to expunge it from the record of the Inquiry (the Application) and as a result, the Commission issued Order A-14-12 establishing a regulatory timetable to hear submissions on this Application;
- C. The Regulatory Timetable established in Order A-14-12 required a written submission from the Commission's Compliance Team on or before September 20, 2012;
- D. On September 25, 2012, the Compliance Team sought to file a late submission on Active Energy's Application;
- E. On September 26, 2012, the Commission Panel accepted the late submission from the Compliance Team and issued Order A-15-12 which extended Active Energy's reply deadline from September 27 to October 2. The hearing remained scheduled for October 3, 2012;
- F. On September 26, 2012, Active Energy submitted a request that the Commission adjourn the hearing on its Application for approximately 10-14 days so Active Energy would have adequate time to respond to the Compliance Team's submission and to continue discussions with the Compliance Team;
- G. By Order A-16-12 the Commission revised the Regulatory Timetable to allow Active Energy to file its Reply Submission with respect to its Application to have the Report expunged to October 12, 2012, and moved the Oral Argument to Thursday, October 18, 2012 at 1:00 p.m.;

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- H. On October 18, 2012, the Commission convened to consider Active Energy's Application to expunge the Report from the record of the Compliance Inquiry;
- I. Active Energy and the Compliance Team proposed an adjournment of the Compliance Inquiry to allow more time to continue their work to:
- a. resolve the complaints identified in Recital A, as well as similar complaints received since the issuance of Order A-5-12;
 - b. develop a comprehensive report to the Commission to identify all the complaints received and the steps taken to investigate and resolve the complaints; and
 - c. develop a protocol to review the contract activity from the same contract transaction period from which the complaints have arisen to identify any remaining concerns and to resolve any future complaints relating to allegations of fraud or unauthorized signatures that may arise.

NOW THEREFORE the Commission orders as follows:

1. The Compliance Inquiry is adjourned pending the completion of the work and the report to the Commission proposed by Active Energy and the Compliance Team, as outlined in Recital I.
2. The parties are directed to report back by no later than November 13, 2012, on the outcome of their work so the Commission may consider the next steps in the Compliance Inquiry.
3. If the resolution in I (a) above is not achieved by November 13, 2012, Active Energy and the Compliance Team are to provide the Commission with a proposal for further process to address the complaints by November 14, 2012.

DATED at the City of Vancouver, in the Province of British Columbia, this 31st day of October 2012.

BY ORDER

Original signed by:

L.F. Kelsey
Commissioner