



**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER A-33-12**

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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
December 12, 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 unauthorized signatures and the steps taken by Active Energy to deal with these allegations;
- B. On October 18, 2012, Active Energy and the Commission's Compliance Team suggested they would work towards a proposal to:
 - a. resolve the 24 customer disputes, as well as similar complaints received following 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 arose to identify any remaining concerns and to resolve any future complaints relating to allegations of fraud or unauthorized signatures that may arise;
- C. The Commission approved the suggested approach on October 31, 2012, by Order A-30-12, and asked the parties to report back on their work by November 13, 2012;
- D. By letter dated November 13, 2012, Active Energy advised that a Proposed Settlement Agreement (PSA) had been reached with the Compliance Team but, due to the volume of the material to be filed, delivery of the agreement to the Commission would not occur until November 15, 2012;
- E. On November 15, 2012, Active Energy and the Compliance Team submitted the PSA addressing the items above and advised that they could be available for an oral hearing on December 11, 2012, or such other time as is agreeable to the Commission;

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- F. On December 3, 2012, by Order A-32-12A, the Commission determined that approval of the PSA is not in the public interest and suggested modifications to the PSA;
- G. On December 7, 2012, Active Energy and the Compliance Team submitted a letter outlining their suggested approach to modifying the PSA and suggested an appearance before the Commission Panel to discuss the approach on December 11, 2012;
- H. On December 11, 2012, Active Energy and the Compliance Team appeared before the Commission Panel to discuss the process and timing for modifying the PSA.

NOW THEREFORE the Commission orders as follows:

1. Active Energy and the Compliance Team will submit a draft modified PSA, absent appendices, to the Commission by December 21, 2012 for review and comments.
2. Active Energy and the Compliance Team will submit the complete modified PSA, including all appendices, by January 11, 2013 for approval.
3. The Commission will advise as to what further process is necessary, if any, to determine whether approval of the modified PSA is warranted.

DATED at the City of Vancouver, in the Province of British Columbia, this 12th day of December 2012.

BY ORDER

Original signed by:

L.F. Kelsey
Commissioner