



**BRITISH COLUMBIA  
UTILITIES COMMISSION**

**ORDER  
NUMBER           A-11-09**

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- 2.3 Smart Energy will maintain a Letter of Credit or acceptable substitute in full force and effect for the duration of the Licence.
- 2.4 Smart 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 Smart 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 Smart Energy will return these documents forthwith upon written request from the Commission.
- 2.7 Smart 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 Smart Energy upon request from the Commission.
- 2.8 Effective on or before November 15, 2008 Smart Energy will record and maintain all of its inbound and outbound telephone conversations. The digital recordings will be made available by Smart Energy within three days of the initial recording and must be provided upon request of the Commission.
- 2.9 Upon receipt of a web enrolment for service, Smart 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 Smart Energy's website; however Smart 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.
- 2.10 Smart 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 enrolment 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.
- 2.11 Smart Energy will file with the Commission unaudited quarterly financial statements no less than 45 days after the end of the relevant quarter, pursuant to item 5 of the Licence Requirements.

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- 2.12 Smart 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. Smart 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 17th day of September 2009.

BY ORDER

*Original signed by:*

L. F. Kelsey  
Commissioner

Attachment