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**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER** A-1-08

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

and

An Application by Direct Energy Marketing Limited for the
Transfer of Planet Energy Gas Contracts under the Residential/Commercial Unbundling Program

BEFORE: L.F. Kelsey, Commissioner
P.E. Vivian, Commissioner January 16, 2008

O R D E R

WHEREAS:

- A. Article 28 of the Code of Conduct for Gas Marketers, Transfer of Agreements requires that the assignment, sale or transfer of a Gas Marketer's Consumer agreements to another Gas Marketer must be approved in advance by the Commission; and
- B. Commission Order No. A-26-07 dated October 29, 2007 approved a Residential/Commercial Gas Marketer Licence for Direct Energy Marketing Ltd. ("Direct Energy"); and
- C. Commission Order No. A-24-07 dated October 29, 2007 approved a Residential/Commercial Gas Marketer Licence for Planet Energy (B.C.) Ltd. ("Planet Energy"); and
- D. By letter dated October 5, 2007, Direct Energy advised the Commission that it had entered into negotiations to acquire Planet Energy's Residential Gas Marketer contracts and requested clarification of Commission requirements to approve the transaction; and
- E. Planet Energy's Gas Marketer contracts with residential customers provides for the transfer of the contract to a second Gas Marketer and does not require approval from the customer; and
- F. After the transfer of the customer contracts takes place from Planet Energy to Direct Energy, Planet Energy has no further obligation and the gas supply arrangements will be assumed by Direct Energy; and
- G. On November 9, 2007 the Commission issued to Direct Energy a series of questions in order to clarify the circumstances for the transfer of residential customers from Planet Energy to Direct Energy; and
- H. On January 10, 2008 Direct Energy responded to the Commission's letter dated November 9, 2007 and applied to the Commission for approval to transfer residential customers from Planet Energy to Direct Energy; and

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- I. The Commission has reviewed Direct Energy's application and finds that Direct Energy has the financial and other capabilities to acquire the residential Gas Marketer contracts from Planet Energy.

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

1. Direct Energy is permitted to acquire the residential customers currently under Gas Marketer agreements with Planet Energy.
2. Direct Energy is to send a letter to all the residential customers of Planet Energy, within 15 days of the transfer, confirming that Direct Energy will be their Gas Marketer.

DATED at the City of Vancouver, in the Province of British Columbia, this 23rd day of January 2008.

BY ORDER

Original signed by:

L.F. Kelsey
Commissioner