



**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER A-19-11**

SIXTH FLOOR, 900 HOWE STREET, BOX 250
VANCOUVER, BC 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 Direct Energy (B.C.) Limited
for Renewal of its Gas Marketer Licence
under the Customer Choice Program

BEFORE: L.F. Kelsey, Commissioner
D. Morton, Commissioner
C.A. Brown, Commissioner

October 13, 2011

O R D E R

WHEREAS:

- A. On August 31, 2011, Direct Energy (B.C.) Limited (Direct Energy), carrying on business as Direct Energy Business for commercial customers and Direct Energy for residential customers, applied to the British Columbia Utilities Commission (Commission) for renewal of its Gas Marketer Licence. The current licence expires on September 30, 2011. The Application for renewal of its Licence to Market Natural Gas (Application) included the payment of the \$1,000 Application Fee and a \$250,000 proof of security, pursuant to Sections 2 and 4 respectively, of the Licence Requirements;
- B. On September 16, 2011, Staff informed Direct Energy that the Application is incomplete and requested the missing information be submitted to the Commission;
- C. On September 26, 2011, Direct Energy submitted additional information. Item 10, Customer Agreements/ Contracts was omitted;
- D. On September 30, 2011, by Order A-15-11, the Commission issued Direct Energy a Gas Marketer Licence for the period of October 1, 2011 to October 15, 2011 with the condition that, for the period of the licence, Direct Energy is not permitted to market to and/or enroll new customers under the Customer Choice program. In addition, Direct Energy was ordered to submit all missing information in full compliance with the Rules for Gas Marketers and the Code of Conduct for Gas Marketers by October 7, 2011 to have its licence considered for further renewal;
- E. On October 7, 2011, Direct Energy submitted all missing information in full compliance with the Rules for Gas Marketers and the Code of Conduct for Gas Marketers.

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

1. The Commission issues to Direct Energy a Gas Marketer Licence for the period of October 16, 2011 to October 31, 2012.
2. This licence is subject to the following conditions:
 - a. Direct Energy will carry out the undertakings as provided in its application and as set out in the revised Rules for Gas Marketers which was effective July 25, 2011.
 - b. Direct Energy will comply with the Code of Conduct for Gas Marketers and Rate Schedule 36 of FortisBC Energy Inc. Direct 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 and Direct Energy shall be responsible for any non-compliance of its employees, salespersons or other representatives of its products and services.
 - c. Direct Energy will maintain a \$250,000 performance security in full force and effect for the duration of the Licence.
 - d. Direct Energy will file with the Commission unaudited quarterly financial statements no later than 45 days after the end of each quarter.
 - e. Direct Energy will file with the Commission the most recent version of the documents submitted to satisfy Section (7), Financial Qualifications, of the Licence Requirements.
 - f. Direct Energy will file with the Commission for its comment and approval the documents submitted under Sections (8), (9), (10), (11) and (12) of the Licence Requirements as soon as changes are made and prior to their commercial distribution and/or use.
 - g. The Commission may, at any time and without prior notice to Direct 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.
 - h. The Gas Marketer Licence and all copies of it shall remain the property of the Commission. Direct Energy will return these documents forthwith upon written request from the Commission.

DATED at the City of Vancouver, in the Province of British Columbia, this 14th day of October 2011.

BY ORDER

L.F. Kelsey
Commissioner

Attachment



LICENCE No. A-19-11

GAS MARKETER LICENCE

Direct Energy(B.C.) Limited

Operating as:

Direct Energy Business (Commercial Customers)

Direct Energy (Residential Customers)

is granted a licence for the purpose of providing advice to, or acting on behalf of, a low volume consumer ⁽¹⁾ purchasing gas directly in the Province of British Columbia subject to the terms and conditions contained in Commission Order A-19-11, which are set out in the reverse of the Licence.

BRITISH COLUMBIA UTILITIES COMMISSION

Original signed by:

L.F. Kelsey, Commissioner

ISSUED: October 16, 2011

EXPIRES: October 31, 2012

(1) As described in the Rules for Gas Marketers

This Gas Marketer Licence is subject to the following conditions:

- a. Direct Energy will carry out the undertakings as provided in its application and as set out in the revised Rules for Gas Marketers which was effective July 25, 2011.
- b. Direct Energy will comply with the Code of Conduct for Gas Marketers and Rate Schedule 36 of FortisBC Energy Inc. Direct 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 and Direct Energy shall be responsible for any non-compliance of its employees, salespersons or other representatives of its products and services.
- c. Direct Energy will maintain a \$250,000 performance security in full force and effect for the duration of the Licence.
- d. Direct Energy will file with the Commission unaudited quarterly financial statements no later than 45 days after the end of each quarter.
- e. Direct Energy will file with the Commission the most recent version of the documents submitted to satisfy Section (7), Financial Qualifications, of the Licence Requirements.
- f. Direct Energy will file with the Commission for its comment and approval the documents submitted under Sections (8), (9), (10), (11) and (12) of the Licence Requirements as soon as changes are made and prior to their commercial distribution and/or use.
- g. The Commission may, at any time and without prior notice to Direct 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.
- h. The Gas Marketer Licence and all copies of it shall remain the property of the Commission. Direct Energy will return these documents forthwith upon written request from the Commission.