



**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER** A-23-09A

SIXTH FLOOR, 900 HOWE STREET, BOX 250
VANCOUVER, B.C. 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 Marketing Limited
For Renewal of a Gas Marketer Licence

BEFORE: P.E. Vivian, Commissioner December 23, 2009

O R D E R

WHEREAS:

- A. On August 19, 2009 Direct Energy Marketing Limited ("DEML") (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 a renewal of its Gas Marketer Licence. 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 Letter of Credit, pursuant to items 2 and 3 respectively, of the Licence Requirements; and
- B. On October 29, 2009 the Commission issued DEML an interim Licence (A-23-09) noting that non-compliance with its previous licence requirements with respect to Working Capital and the Current Ratio of current assets to current liabilities was identified in reviewing the Application; and
- C. The issued Licence was therefore subject to a number of requirements, and on an interim basis with an expiry date of January 15, 2009; and
- D. DEML, by letter dated December 18, 2009, advised the Commission that it intends to establish a British Columbia entity which will meet the licensing requirements of the Commission. DEML requested an extension of its current interim Licence to April 15, 2010 to ensure continuous service to DEML's British Columbia customers. DEML also requested relief from a number of financial requirements outlined in its Licence A-23-09.

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

- 1. The Commission issues to DEML Gas Marketer Licence for the period of December 24, 2009 to April 15, 2010 for the purposes of supplying its current customers.

**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER A-23-09A**

2

2. This amended Licence replaces DEML's Licence A-23-09 issued on October 29, 2009. The Licence will have the same conditions as Licence A-23-09 with the removal of its previous Condition 2.4, Condition 2.7, Condition 2.8, and Condition 2.9 and the addition of a new Condition 2.6. The subsequent conditions are renumbered.
3. The Gas Marketer Licence is subject to the following conditions:
 - 3.1 DEML will carry out the undertakings as set out in the Application for a Licence to Market Natural Gas dated August 19, 2009 and the Rules for Gas Marketers.
 - 3.2 DEML will comply with the Code of Conduct for Gas Marketers and Rate Schedule 36 of Terasen Gas Inc.
 - 3.3 DEML will maintain a Letter of Credit or acceptable substitute in full force and effect for the duration of the Licence.
 - 3.4 The Commission may, at any time and without prior notice to DEML, 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.
 - 3.5 The Gas Marketer Licence and all copies of it shall remain the property of the Commission and DEML will return these documents forthwith upon written request from the Commission.
 - 3.6 DEML will not pursue any new customers until it has established and has approved by the Commission a British Columbia entity on or before April 15, 2010, which is in full compliance with the Code of Conduct and Rules for Gas Marketers.
 - 3.7 DEML 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. DEML 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 23rd day of December 2009.

BY ORDER

Original signed by:

P.E. Vivian
Commissioner

Attachment



LICENCE No. A-23-09A

GAS MARKETER LICENCE

Direct Energy Marketing 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-23-09A, which are set out in the reverse of the Licence.

BRITISH COLUMBIA UTILITIES COMMISSION

Original signed by:

P.E. VIVIAN, COMMISSIONER

ISSUED: December 23, 2009

EFFECTIVE: December 24, 2009 to April 15, 2010

(1) As described in the Rules for Gas Marketers

3. The Gas Marketer Licence is subject to the following conditions:

3.1 DEML will carry out the undertakings as set out in the Application for a Licence to Market Natural Gas dated August 19, 2009 and the Rules for Gas Marketers.

3.2 DEML will comply with the Code of Conduct for Gas Marketers and Rate Schedule 36 of Terasen Gas Inc.

3.3 DEML will maintain a Letter of Credit or acceptable substitute in full force and effect for the duration of the Licence.

3.4 The Commission may, at any time and without prior notice to DEML, 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.

3.5 The Gas Marketer Licence and all copies of it shall remain the property of the Commission and DEML will return these documents forthwith upon written request from the Commission.

3.6 DEML will not pursue any new customers until it has established and has approved by the Commission a British Columbia entity on or before April 15, 2010, which is in full compliance with the Code of Conduct and Rules for Gas Marketers.

3.7 DEML 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. DEML 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.