



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

and

an Application by Direct Energy Marketing Limited ("Direct Energy")
for Reconsideration of Commission Order No. G-63-08

BEFORE: L.F. Kelsey, Panel Chair
R.J. Milbourne, Commissioner
A.W.K. Anderson, Commissioner
May 12, 2008

ORDER

WHEREAS:

- A. By Commission Order No. G-63-08 dated April 1, 2008, the Commission determined that Direct Energy has violated Articles 9, 15, and 29 of the Code of Conduct for Gas Marketers ("Code of Conduct"); and
- B. Pursuant to section 71.1 of the Utilities Commission Act and the Code of Conduct and Rules for Gas Marketers, the Commission ordered that within 30 calendar days of the date the Order, Direct Energy will pay to the Commission a financial penalty of \$1,000.00 for the breach of Articles 9 and 15 of the Code of Conduct and a financial penalty of \$5,000 for the breach of Article 29 of the Code of Conduct, for a total penalty of \$6,000 all as set out in the Reasons for Decision attached as Appendix A. to the Order; and
- C. By Letter dated April 30, 2008 Direct Energy filed with the Commission a request for a review of Order No. G-63-08 ("Reconsideration Application") citing errors of law and in fact; and
- D. Direct Energy seeks a reconsideration of the Order based in part on evidence, in the form of third party verification calls, that was available at the time of the original hearing but was not presented at the original hearing out of concern for privacy laws; and

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E. The Commission Panel has reviewed the Reconsideration Application by Direct Energy and the criteria regarding the reasonable basis for allowing reconsideration, and has concluded that the request for reconsideration should proceed.

NOW THEREFORE the Commission orders as follows;

1. The Commission allows the Direct Energy Reconsideration Application.
2. New evidence submitted by Direct Energy as the attachment to Direct Energy's letter of April 30, 2008 will be allowed in the Direct Energy Reconsideration Application. With this exception, no new topical evidence will be admitted.
3. Direct Energy shall provide to the Commission by June 13, 2008 the following expansion of its evidence noted in Direct Energy's Letter dated March 14, 2008:
 - a. A copy of the reprimand report Direct Energy states, in its letter of March 14, 2008, was placed in the salesperson's file as a result of the complaint.
 - b. A statement from Direct Energy advising whether or not the salesperson was provided with a copy of the reprimand document, and if so, provide a copy of any response from the salesperson.
 - c. Direct Energy's policy and procedures with respect to documenting, processing and placing such a notation on a salesperson's file.
 - d. Details of the augmentation of the established practices of Direct Energy to identify agents marketing on behalf of Direct Energy and their compliance with the Code of Conduct.
4. Direct Energy shall file Argument in respect of the Reconsideration Application by June 27, 2008.

DATED at the City of Vancouver, in the Province of British Columbia, this 3rd day of June 2008.

BY ORDER

Original signed by:

L.F. Kelsey
Panel Chair