

**BRITISH COLUMBIA  
UTILITIES COMMISSION**

**ORDER  
NUMBER**      A-24-09A



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 MXenergy (Canada) Ltd.  
for an Amendment of its Gas Marketer Licence

**BEFORE:**                      D.A. Cote, Commissioner                      November 16, 2009

**O R D E R**

**WHEREAS:**

- A. On September 3, 2009 MXenergy (Canada) Ltd. ("MXenergy") applied to the British Columbia Utilities Commission ("Commission") for renewal of its Gas Marketer Licence ("Application"). The 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 15, 2009 the Commission reviewed MXenergy's Application and noted deficiencies in its submission, particularly its non-compliance with Condition 2.4 of Licence A-18-08. On October 22, 2009 MXenergy filed its quarterly statements showing compliance with Condition 2.4; and
- C. On October 29, 2009 relying upon the information and representations made by MXenergy the Commission approved Gas Marketer Licence A-24-09 subject to conditions. Specifically, Condition 2.7 which stated that MXenergy will file a new Letter of Credit before November 30, 2009, and upon receipt of the new Letter of Credit, the Commission will extend the effective period of the Gas Marketer Licence to the expiry date of the new Letter of Credit or October 31, 2010, whichever is earlier; and
- D. On November 5, 2009 MXenergy filed with the Commission a new Letter of Credit with an expiry date of October 31, 2010 in compliance with Condition 2.7 of Licence A-24-09.

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

- 1. The Commission issues to MXenergy an amended Gas Marketer Licence for the period November 16, 2009, to October 31, 2010.

**BRITISH COLUMBIA  
UTILITIES COMMISSION**

**ORDER  
NUMBER**            A-24-09A

2

2. The Gas Marketer Licence will contain the same conditions of Licence A-24-09 with the exception of Condition 2.7 which is now removed, and subsequent conditions are renumbered.
- 2.1 MXenergy will carry out the undertakings as set out in the Application for a Gas Licence to Market Natural Gas dated September 3, 2009 and the Rules for Gas Marketers.
- 2.2 MXenergy will comply with the Code of Conduct for Gas Marketers and Rate Schedule 36 of Terasen Gas Inc.
- 2.3 MXenergy will maintain a Letter of Credit or acceptable substitute in full force and effect for the duration of the Licence.
- 2.4 MXenergy 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 MXenergy, 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 MXenergy will return these documents forthwith upon written request from the Commission.
- 2.7 MXenergy must file with the Commission unaudited monthly financial statements no later than 30 days after the end of the relevant month.
- 2.8 MXenergy 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. MXenergy 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 16<sup>th</sup> day of November 2009.

BY ORDER

*Original signed by:*

D.A. Cote  
Commissioner

Attachment



LICENCE No. A-24-09A

# GAS MARKETER LICENCE

*MXenergy (Canada) Ltd.*

is granted a licence for the purpose of providing advice to, or acting on behalf of, a low volume consumer<sup>(1)</sup> purchasing gas directly in the Province of British Columbia subject to the terms and conditions contained in Commission Order A-24-09A, which are set out in the reverse of the Licence.

**BRITISH COLUMBIA UTILITIES COMMISSION**

---

D. A. COTE, COMMISSIONER

ISSUED: November 16, 2009

EFFECTIVE: November 16, 2009 to October 31, 2010

(1) As described in the Rules for Gas Marketers

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

- 2.1 MXenergy will carry out the undertakings as set out in the Application for a Gas Licence to Market Natural Gas dated September 3, 2009 and the Rules for Gas Marketers.
- 2.2 MXenergy will comply with the Code of Conduct for Gas Marketers and Rate Schedule 36 of Terasen Gas Inc.
- 2.3 MXenergy will maintain a Letter of Credit or acceptable substitute in full force and effect for the duration of the Licence.
- 2.4 MXenergy 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 MXenergy, 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 MXenergy will return these documents forthwith upon written request from the Commission.
- 2.7 MXenergy must file with the Commission unaudited monthly financial statements no later than 30 days after the end of the relevant month.
- 2.8 MXenergy 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. MXenergy 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.