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**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER A-9-13**

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

and

Smart Energy (BC) Ltd.
Application for Renewal of its Gas Marketer Licence
under the Customer Choice Program

BEFORE: L.F. Kelsey, Commissioner
B.A. Magnan, Commissioner
C. van Wermeskerken, Commissioner
October 7, 2013

O R D E R

WHEREAS:

- A. On August 28, 2013, Smart Energy (BC) Ltd. (Smart Energy) applied to the British Columbia Utilities Commission (Commission) for 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 proof of security, pursuant to Sections 2 and 4 respectively of the Licence Requirements;
- B. In the Application, Smart Energy requests that the Commission hold the financial information confidential on the basis that it is commercially sensitive; and
- C. The Commission has reviewed Smart Energy's Application and relying upon the information and representations made by Smart Energy finds that renewal of its Gas Marketer Licence, subject to certain conditions, is warranted.

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

1. A Gas Marketer Licence is issued to Smart Energy (BC) Ltd. for the period of November 1, 2013 to October 31, 2014.
2. The financial information in the Application will be held confidential, as requested by Smart Energy.
3. This licence is subject to the following conditions:

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- a. Smart Energy must carry out the undertakings as provided in its Application for a Gas Marketer Licence and as set out in the Rules for Gas Marketers established by Order A-11-11.
- b. Smart Energy must comply with the Code of Conduct for Gas Marketers and Rate Schedule 36 of FortisBC Energy Inc. Smart 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 Smart Energy shall be responsible for any non-compliance of its employees, salespersons or other representatives of its products and services.
- c. Smart Energy must maintain a \$250,000 performance security in full force and effect for the duration of the Licence.
- d. Smart Energy must file with the Commission, pursuant to item 10.0 of the Rules for Gas Marketers, the following information:
 - i. Unaudited quarterly financial statements, no later than 45 days after the end of each quarter;
 - ii. The most recent version of the documents submitted under Sections (8), (9), (10), (11) and (12) of the Licence Requirements, for the Commission's comment and approval, prior to commercial distribution and/or use.
- e. The Commission may, at any time and without prior notice to Smart Energy, amend or impose new terms and conditions on, suspend, or cancel the Gas Marketer Licence for reasons the Commission, in its sole discretion, considers sufficient.
- f. The Gas Marketer Licence and all copies of it shall remain the property of the Commission. Smart Energy will return these documents forthwith upon written request from the Commission.
- g. Smart Energy is not permitted to market to and/or enroll new, or renew existing, Residential and Commercial Consumers enrolled under FortisBC Energy's Rate Schedule 1, 2 or 3.

DATED at the City of Vancouver, in the Province of British Columbia, this 8th day of October 2013.

BY ORDER

Original signed by:

C. van Wermeskerken
Commissioner

Attachment



LICENCE No. A-9-13

GAS MARKETER LICENCE

Smart Energy (BC) Ltd.

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-9-13, which are set out in the reverse of the Licence.

BRITISH COLUMBIA UTILITIES COMMISSION

Original signed by:

C. van Wermeskerken, Commissioner

ISSUED: November 1, 2013

EXPIRES: October 31, 2014

(1) As described in the Rules for Gas Marketers

This Gas Marketer Licence is subject to the following conditions:

- a. Smart Energy must carry out the undertakings as provided in its Application for a Gas Marketer Licence and as set out in the Rules for Gas Marketers established by Order A-11-11.
- b. Smart Energy must comply with the Code of Conduct for Gas Marketers and Rate Schedule 36 of FortisBC Energy Inc. Smart 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 Smart Energy shall be responsible for any non-compliance of its employees, salespersons or other representatives of its products and services.
- c. Smart Energy must maintain a \$250,000 performance security in full force and effect for the duration of the Licence.
- d. Smart Energy must file with the Commission, pursuant to item 10.0 of the Rules for Gas Marketers, the following information:
 - i. Unaudited quarterly financial statements, no later than 45 days after the end of each quarter;
 - ii. The most recent version of the documents submitted under Sections (8), (9), (10), (11) and (12) of the Licence Requirements, for the Commission's comment and approval, prior to commercial distribution and/or use.
- e. The Commission may, at any time and without prior notice to Smart Energy, amend or impose new terms and conditions on, suspend, or cancel the Gas Marketer Licence for reasons the Commission, in its sole discretion, considers sufficient.
- f. The Gas Marketer Licence and all copies of it shall remain the property of the Commission. Smart Energy will return these documents forthwith upon written request from the Commission.
- g. Smart Energy is not permitted to market to and/or enroll new, or renew existing, Residential and Commercial Consumers enrolled under FortisBC Energy's Rate Schedule 1, 2 or 3.