

**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER A-2-09**

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

and

an Application by Universal Energy Corporation
for Reconsideration of Commission Order No. G-157-08

BEFORE: A.W.K. Anderson, Panel Chair January 28, 2009
D.A. Cote, Commissioner

ORDER

WHEREAS:

- A. On August 28, 2008 Mr. Bradley Kitchen logged a dispute/complaint concerning a contract with Universal Energy Corporation ("Universal Energy"), signed by Jannicke Kitchen on July 24, 2008, noting a violation of "article(s) 9, 12, 15, 17, 18, & 31 of the Code of Conduct..."; and
- B. On September 5, 2008 Universal Energy replied to Mr. Kitchen's dispute/complaint and stated that "Universal's position is that the agreement between Universal and Mr. Kitchen is binding"; and
- C. Section 82(1) of the *Utilities Commission Act* ("UCA" or "Act") states, in part, that the British Columbia Utilities Commission ("Commission") may, on its own motion, inquire into, hear and determine a matter that under the Act it may inquire into, hear or determine on application or complaint; and
- D. Section 8 of the UCA states that the Commission may appoint or engage persons having special or technical knowledge necessary to assist the Commission in carrying out its functions; and
- E. Section 78(2) of the UCA states that an inquiry that the Commission considers necessary may be made by a member or officer or by a person appointed by the Commission to make the inquiry, and the Commission may act on that person's report; and
- F. The Commission retained the services of Mr. William J. Grant to conduct an Inquiry into the substance of the dispute/complaint of Mr. Bradley Kitchen. Upon completion of the Inquiry Mr. Grant was to file a report with the Commission; and
- G. On October 22, 2008 the Commission received Mr. Grant's Inquiry Report (the "Inquiry Report"); and

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- H. The Commission, by Order No. G-157-08 dated October 24, 2008, accepted the findings and recommendations made in the Inquiry Report; and
- I. Pursuant to the terms of Order No. G-157-08 the Agreement between Universal Energy and Mrs. Kitchen is cancelled on the same basis as if the cancellation had occurred during the normal ten day cancellation period and the costs of the Commission in the amount of \$4,990.90 incurred for the services of the Inquiry Officer are to be recovered from Universal Energy. The Order further provides that the issues raised in the Inquiry Report are to be reviewed by the parties at the next Annual Review of the Code of Conduct in order to seek resolution of any modifications of the Code of Conduct that the Commission should consider.; and
- J. By Letter dated December 8, 2008, Universal Energy filed with the Commission a request for reconsideration of Order No. G-157-08 pursuant to section 99 of the UCA on the grounds that the Inquiry Officer made findings and recommendations in a manner that contravened the basic requirements of procedural fairness and that he exceeded the proper scope of his mandate; and
- K. The Commission by Order G-201-08A dated December 22, 2008 allowed the request of Universal Energy for reconsideration of Order G-157-08 and stated that it would issue a further Order detailing the process to be undertaken and timing once that had been determined; and
- L. The Commission has considered the process to be undertaken and the timing of that process.

NOW THEREFORE the Commission orders as follows:

1. The Commission establishes a Written Public Hearing process for the reconsideration of Order G-157-08, in accordance with the Regulatory Timetable attached as Appendix A.

DATED at the City of Vancouver, in the Province of British Columbia, this 28th day of January 2009.

BY ORDER

Original signed by:

D.A. Cote
Commissioner

Universal Energy Corporation
Reconsideration of Commission Order No. G-157-08

REGULATORY TIMETABLE

ACTION	DATE (2009)
Filing by Universal Energy of further submissions, if any, it has with respect to its reconsideration application.	February 6
Filing by Mr. and Mrs. Kitchen of their submissions in response to the reconsideration application including their response to any further submissions filed by Universal Energy	February 20
Filing by Universal Energy of its reply to the submissions of Mr. and Mrs. Kitchen	February 27