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

and

An Application by Ag Energy Co-operative Ltd.
for Renewal of its Gas Marketer Licence
under the Customer Choice Program

BEFORE: L.F. Kelsey, Commissioner
D.A. Cote, Commissioner

ORDER

WHEREAS:

- A. On September 29, 2010, Ag Energy Co-operative Ltd. operating as Firefly Energy (Ag 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, pursuant to item 2 of the Licence Requirements. Ag Energy has previously filed a Letter of Credit in the amount of \$250,000, pursuant to item 3 of the Licence Requirements;
- B. The Commission has reviewed Ag Energy's Application and relying upon the information and representations made by Ag Energy finds that renewal of its Gas Marketer Licence, subject to conditions, is warranted.

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

1. The Commission issues to Ag Energy a Gas Marketer Licence for the period of November 1, 2010 to October 31, 2011.
2. The Gas Marketer Licence is subject to the following conditions:
 - a. Ag Energy will carry out the undertakings as set out in the Application for a Licence to Market Natural Gas dated September 29, 2010 and the Rules for Gas Marketers.
 - b. Ag Energy will comply with the Code of Conduct for Gas Marketers and Rate Schedule 36 of Terasen Gas Inc.
 - c. Ag Energy will maintain a \$250,000 Letter of Credit or acceptable substitute in full force and effect for the duration of the Licence.

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- d. Ag Energy 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.
- e. The Commission may, at any time and without prior notice to Ag Energy, 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.
- f. The Gas Marketer Licence and all copies of it shall remain the property of the Commission and Ag Energy will return these documents forthwith upon written request from the Commission.
- g. Ag Energy must file with the Commission unaudited quarterly financial statements no later than 45 days after the end of the relevant quarter, pursuant to item 5 of the Licence Requirements.
- h. Ag 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. Ag Energy 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 21st day of October 2010.

BY ORDER

Original signed by:

D.A. Cote
Commissioner

Attachment



LICENCE No. A-25-10

GAS MARKETER LICENCE

Ag Energy Co-operative Ltd.
Operating as Firefly Energy

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-25-10, which are set out in the reverse of the Licence.

BRITISH COLUMBIA UTILITIES COMMISSION

Original signed by:

D. A. Cote, Commissioner

ISSUED: November 1, 2010

EXPIRES: October 31, 2011

(1)As described in the Rules for Gas Marketers

The Gas Marketer Licence is subject to the following conditions:

- a. Ag Energy will carry out the undertakings as set out in the Application for a Licence to Market Natural Gas dated September 29, 2010 and the Rules for Gas Marketers.
- b. Ag Energy will comply with the Code of Conduct for Gas Marketers and Rate Schedule 36 of Terasen Gas Inc.
- c. Ag Energy will maintain a \$250,000 Letter of Credit or acceptable substitute in full force and effect for the duration of the Licence.
- d. Ag Energy 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.
- e. The Commission may, at any time and without prior notice to Ag Energy, 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.
- f. The Gas Marketer Licence and all copies of it shall remain the property of the Commission and Ag Energy will return these documents forthwith upon written request from the Commission.
- g. Ag Energy must file with the Commission unaudited quarterly financial statements no later than 45 days after the end of the relevant quarter, pursuant to item 5 of the Licence Requirements.
- h. Ag 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. Ag Energy 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.