

**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER A-21-10**



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 Smart Energy (BC) Ltd.
for Renewal of its Gas Marketer Licence**

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

September 30, 2010

O R D E R

WHEREAS:

- A. On August 27, 2010 Smart Energy (BC) Ltd. (Smart Energy) 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;
- B. The Commission has reviewed Smart Energy's Application and relying upon the information and representations made by Smart Energy, finds that approval of a 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 Smart Energy a Gas Marketer Licence for the period November 1, 2010, to October 31, 2011.
- 2. The Gas Marketer Licence is subject to the following conditions:
 - a. Smart Energy will carry out the undertakings as set out in the Application for a Gas Licence to Market Natural Gas dated August 27, 2010 and the Rules for Gas Marketers.
 - b. Smart Energy will comply with the Code of Conduct for Gas Marketers and Rate Schedule 36 of Terasen Gas Inc.

- c. Smart Energy will maintain a \$250,000 Letter of Credit or acceptable substitute in full force and effect for the duration of the Licence.
- d. Smart 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 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, deems and considers sufficient.
- f. The Gas Marketer Licence and all copies of it shall remain the property of the Commission and Smart Energy will return these documents forthwith upon written request from the Commission.
- g. Smart Energy must make contact with a customer within three business days upon receipt of a verbal or written enquiry or complaint. A record of the response, either in writing or as a recording, will be made available by Smart Energy upon request from the Commission.
- h. Smart Energy will continue to record and maintain all of its inbound and outbound telephone conversations. The digital recordings will be made available by Smart Energy within three days of the initial recording and must be provided upon request of the Commission.
- i. Upon receipt of a web enrolment for service, Smart Energy will continue to forward its written agreement to sign-up for service and obtain from the customer a signed agreement in return. An electronic signature must be obtained from the customer via Smart Energy's website; however Smart Energy must be in receipt of a signed hard copy of the agreement before the customer is registered with Terasen Gas Inc. All documents must be maintained on file and available to the Commission in accordance with the Code of Conduct.
- j. Smart Energy will complete a Third Party Verification call, in accordance with the Code of Conduct for Gas Marketers, for residential customers who sign-up for service by internet marketing. The Third Party Verification must take place after the signed written agreement is received from the customer and before the enrollment of the customer is registered with Terasen Gas Inc. The TPV script will follow the standardized script established by Commission Order A-11-10.
- k. Smart Energy will provide the Commission with a list of residential customers who enrolled through internet sign-up 15 days after the end of the relevant quarter.
- l. Smart Energy will 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.

**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER A-21-10**

3

- m. 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. Smart 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 30th day of September 2010.

BY ORDER

Original signed by:

D.A. Cote
Commissioner

Attachment



LICENCE No. A-21-10

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-21-10, 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

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

- n. Smart Energy will carry out the undertakings as set out in the Application for a Gas Licence to Market Natural Gas dated August 27, 2010 and the Rules for Gas Marketers.
- o. Smart Energy will comply with the Code of Conduct for Gas Marketers and Rate Schedule 36 of Terasen Gas Inc.
- p. Smart Energy will maintain a \$250,000 Letter of Credit or acceptable substitute in full force and effect for the duration of the Licence.
- q. Smart 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.
- r. 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, deems and considers sufficient.
- s. The Gas Marketer Licence and all copies of it shall remain the property of the Commission and Smart Energy will return these documents forthwith upon written request from the Commission.
- t. Smart Energy must make contact with a customer within three business days upon receipt of a verbal or written enquiry or complaint. A record of the response, either in writing or as a recording, will be made available by Smart Energy upon request from the Commission.
- u. Smart Energy will continue to record and maintain all of its inbound and outbound telephone conversations. The digital recordings will be made available by Smart Energy within three days of the initial recording and must be provided upon request of the Commission.
- v. Upon receipt of a web enrolment for service, Smart Energy will continue to forward its written agreement to sign-up for service and obtain from the customer a signed agreement in return. An electronic signature must be obtained from the customer via Smart Energy's website; however Smart Energy must be in receipt of a signed hard copy of the agreement before the customer is registered with Terasen Gas Inc. All documents must be maintained on file and available to the Commission in accordance with the Code of Conduct.
- w. Smart Energy will complete a Third Party Verification call, in accordance with the Code of Conduct for Gas Marketers, for residential customers who sign-up for service by internet marketing. The Third Party Verification must take place after the signed written agreement is received from the customer and before the enrollment of the customer is registered with Terasen Gas Inc. The TPV script will follow the standardized script established by Commission Order A-11-10.
- x. Smart Energy will provide the Commission with a list of residential customers who enrolled through internet sign-up 15 days after the end of the relevant quarter.
- y. Smart Energy will 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.
- z. 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. Smart 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.

