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**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER A-22-11**

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

and

Active Energy Corp. – Compliance Inquiry
Customer Choice Program

BEFORE: L.F. Kelsey, Commissioner

October 14, 2011

O R D E R

WHEREAS:

- A. By Order C-6-06 dated August 14, 2006, the British Columbia Utilities Commission (Commission) granted a Certificate of Public Convenience and Necessity for the Residential Commodity Unbundling Project for residential customers in all Terasen Gas Inc. service areas, excluding Fort Nelson and Revelstoke, effect November 1, 2007;
- B. Section 71.1(3) of the *Utilities Commission Act* (Act) states that a Gas Marketer must comply with Commission rules issued under subsection (10) and the terms and conditions, if any, attached to the Gas Marketer Licence held by the Gas Marketer;
- C. Commission Order G-90-03 established a Code of Conduct for Gas Marketers (Code of Conduct), which was amended as set out and revised by Commission Orders G-45-07, G-73-07, G-44-08, A-9-08, A-4-09, A-11-10 and A-9-11 establishing certain other requirements;
- D. Commission Order G-90-03 established Rules for Gas Marketers (Rules), which were revised by Commission Orders G-44-08, G-114-08, A-6-09 and A-11-11;
- E. Section 8.0 of the Rules states that all Gas Marketers must comply with the Rules and the Code of Conduct for Gas Marketers approved by the Commission;
- F. Section 82(1) of the Act states that the Commission may, on its own motion, inquire into, hear and determine a matter that under this Act it may inquire into, hear or determine on application or complaint;
- G. Section 8 of the Act states that the Commission may appoint or engage persons having special or technical knowledge necessary to assist the Commission in carrying out its functions;
- H. Section 78(2) of the Act 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;

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- I. On January 27, 2011, by Order A-4-11, the Commission granted Active Energy Corp. with an assumed name of Active Renewable Marketing Ltd. (Active Energy), a Gas Marketer Licence subject to conditions;
- J. On September 20, 2011, the Commission informed Active Energy it was in receipt of two separate Code of Conduct complaints linked to an Agent from Active Energy and requested a response to the complaints;
- K. On September 23, 2011 and on September 26, 2011, in response to the Commission's request for comments, Active Energy identified the Agent who was the subject of the complaints as well as the disciplinary actions taken;
- L. The Commission has retained the services of Business Practices and Consumer Protection Authority, (Consumer Protection BC) to carry out an Inquiry of Active Energy's compliance with the Code of Conduct and the Rules, and upon completion to file a report with the Commission;
- M. Section 71.1(9) of the Act states that section 43 applies to each gas marketer as if that gas marketer were a public utility;
- N. Section 43(1) of the Act states that a public utility must provide to the Commission information required by the Commission and, for the purposes of this Act, must answer specifically all questions of the Commission.

NOW THEREFORE pursuant to section 71.1 of the Act, the Rules and Code of Conduct, the Commission orders:

1. Effective immediately, Consumer Protection BC will perform a Compliance Inquiry of Active Energy.
2. Consumer Protection BC will contact Active Energy as soon as possible following issuance of this Order and arrange for the Compliance Inquiry to be undertaken in an efficient and expeditious manner.

DATED at the City of Vancouver, in the Province of British Columbia, this 14th day of October 2011.

BY ORDER

Original signed by:

L.F. Kelsey
Commissioner