

SIXTH FLOOR, 900 HOWE STREET, BOX 250
VANCOUVER, B.C. V6Z 2N3 CANADA
web site: <http://www.bcuc.com>



**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER A-7-15**

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

**Direct Energy (B.C.) Limited
Special Application for One-Time Gas Marketer Licence Amendment
under the Customer Choice Program**

BEFORE: L. F. Kelsey, Commissioner
C. A. Brown, Commissioner
H. G. Harowitz, Commissioner July 16, 2015
K. A. Keilty, Commissioner
D. M. Morton, Commissioner

O R D E R

WHEREAS:

- A. On August 29, 2014, Direct Energy (B.C.) Limited (Direct Energy) applied to the British Columbia Utilities Commission (Commission) for renewal of its Gas Marketer Licence. On October 2, 2014, by Order A-7-14, the Commission issued a renewal Gas Marketer Licence to Direct Energy for the period November 1, 2014 to October 31, 2015, subject to certain conditions. Condition "g" of the Gas Marketer Licence prohibits Direct Energy from engaging in gas marketing activities under the Customer Choice program on Vancouver Island and in the Resort Municipality of Whistler;
- B. On June 1, 2015, Direct Energy, applied to the Commission for a special one-time licence amendment for the purpose of engaging in gas marketing activities under the Customer Choice program on Vancouver Island, the Sunshine Coast and in the Resort Municipality of Whistler for the period August 1, 2015 to October 31, 2015, in accordance with the Special Application Requirements established by Order A-5-14. The Application for amendment of its Licence to Market Natural Gas (Application) included the payment of the \$500 Application Fee, pursuant to Section 2 of the Special Application Requirements;
- C. In the Application, Direct Energy requests that the Commission hold the Application confidential on the basis that the contents are commercially sensitive; and
- D. The Commission reviewed Direct Energy's Application and relying upon the information and representations made by Direct Energy finds that approval of the amendment of the Gas Marketer Licence is warranted.

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

1. Condition “g” of the Gas Marketer Licence issued by Order A-7-14 to Direct Energy (B.C.) Limited (Direct Energy) prohibiting Direct Energy from engaging in gas marketing activities on Vancouver Island and in the Resort Municipality of Whistler, is removed from the Gas Marketer Licence for the period August 1, 2015 to October 31, 2015.
2. The following condition will replace the above noted condition “g” on the Gas Marketer Licence for the period August 1, 2015 to October 31, 2015:

“Direct Energy must submit an updated list of the salespersons operating on its behalf on Vancouver Island, the Sunshine Coast and in the Resort Municipality of Whistler to the Commission by August 31, 2015, September 30, 2015 and October 30, 2015. The list must include the information outlined in the Special Application Requirements Section 5 (salesperson information) for any salespersons not listed in the Application.”

3. The Direct Energy Application will be held confidential on the basis that the contents are commercially sensitive.

DATED at the City of Vancouver, in the Province of British Columbia, this 17th day of July 2015.

BY ORDER

Original signed by:

D. M. Morton
Commissioner

Attachment



LICENCE No.: A-7-14
AMENDED BY: ORDER A-7-15

GAS MARKETER LICENCE

DIRECT ENERGY (B.C.) LIMITED

Operating as:

Direct Energy Business (Commercial Customers)

Direct Energy (Residential Customers)

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-7-14 and amended by Commission Order A-7-15, which are set out in the reverse of the Licence.

BRITISH COLUMBIA UTILITIES COMMISSION

Original signed by:

D. M. Morton, Commissioner

ISSUED: October 2, 2014
EFFECTIVE: November 1, 2014
AMENDED: July 16, 2015
EXPIRES: October 31, 2015

(1) As described in the Rules for Gas Marketers

This Gas Marketer Licence is subject to the following conditions:

- a. Direct 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-12-13.
- b. Direct Energy must comply with the Code of Conduct for Gas Marketers and Rate Schedule 36 of FortisBC Energy Inc. Direct 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 Direct Energy shall be responsible for any non-compliance of its employees, salespersons or other representatives of its products and services.
- c. Direct Energy must maintain a \$250,000 performance security in full force and effect for the duration of the Licence.
- d. Direct Energy must file with the Commission, pursuant to item 10.0 of the Rules for Gas Marketers, the following information:
 - i. The most recent version of the documents submitted to satisfy Section 7, Financial Qualifications, of the Licence Requirements; and
 - 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, as necessary, prior to commercial distribution and/or use.
- e. The Commission may, at any time and without prior notice to Direct 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. Direct Energy will return these documents forthwith upon written request from the Commission.
- g. Direct Energy must submit an updated list of all salespersons operating on its behalf on Vancouver Island, the Sunshine Coast and in the Resort Municipality of Whistler to the Commission by August 31, 2015, September 30, 2015 and October 30, 2015. The list must include the information outlined in the Special Application Requirements Section 5 (salesperson information) for any salespersons not listed in the Application.