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**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER A-27-12**

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

and

An Application by MXenergy (Canada) Ltd.
for Renewal of its Gas Marketer Licence
under the Customer Choice Program

BEFORE: L.F. Kelsey, Commissioner
B.A. Magnan, Commissioner
October 25, 2012

O R D E R

WHEREAS:

- A. On August 22, 2012, MXenergy (Canada) Ltd., 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 and a \$250,000 proof of security, pursuant to Sections 2 and 4 respectively, of the Licence Requirements;
- B. The Commission has reviewed MXenergy's Application and relying upon the information and representations made by MXenergy 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 MXenergy a Gas Marketer Licence for the period of November 1, 2012 to October 31, 2013.
2. This licence is subject to the following conditions:
 - a. MXenergy will 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-11-11.
 - b. MXenergy will comply with the Code of Conduct for Gas Marketers and Rate Schedule 36 of FortisBC Energy Inc. MXenergy 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 MXenergy shall be responsible for any non-compliance of its employees, salespersons or other representatives of its products and services.

**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER** A-27-12

2

- c. MXenergy will maintain a \$250,000 performance security in full force and effect for the duration of the Licence. MXenergy will submit proof to the Commission before July 15, 2013 that the \$250,000 performance security expiry date has been extended from August 15, 2013 to October 31, 2013.
- d. MXenergy will file with the Commission, pursuant to item 10.0 of the Rules for Gas Marketers, the following information:
 - i. Unaudited quarterly financial statements, no later than 45 days after the end of each quarter;
 - ii. The most recent version of the documents submitted to satisfy Section 7, Financial Qualifications, of the Licence Requirements;
 - iii. 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, prior to commercial distribution and/or use.
- e. The Commission may, at any time and without prior notice to MXenergy, 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. MXenergy will return these documents forthwith upon written request from the Commission.
- g. MXenergy is not permitted to market to new and/or existing customers or enrol new customers under the Customer Choice program.

DATED at the City of Vancouver, in the Province of British Columbia, this 25th day of October 2012.

BY ORDER

Original signed by:

L.F. Kelsey
Commissioner

Attachment



LICENCE No. A-27-12

GAS MARKETER LICENCE

MXenergy (Canada) 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-27-12, which are set out in the reverse of the Licence.

BRITISH COLUMBIA UTILITIES COMMISSION

Original signed by:

L.F. Kelsey, Commissioner

ISSUED: November 1, 2012

EXPIRES: October 31, 2013

(1) As described in the Rules for Gas Marketers

This Gas Marketer Licence is subject to the following conditions:

- a. MXenergy will 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-11-11.
- b. MXenergy will comply with the Code of Conduct for Gas Marketers and Rate Schedule 36 of FortisBC Energy Inc. MXenergy 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 MXenergy shall be responsible for any non-compliance of its employees, salespersons or other representatives of its products and services.
- c. MXenergy will maintain a \$250,000 performance security in full force and effect for the duration of the Licence. MXenergy will submit proof to the Commission before July 15, 2013 that the \$250,000 performance security expiry date has been extended from August 15, 2013 to October 31, 2013.
- d. MXenergy will file with the Commission, pursuant to item 10.0 of the Rules for Gas Marketers, the following information:
 - i. Unaudited quarterly financial statements, no later than 45 days after the end of each quarter;
 - ii. The most recent version of the documents submitted to satisfy Section 7, Financial Qualifications, of the Licence Requirements;
 - iii. 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, prior to commercial distribution and/or use.
- e. The Commission may, at any time and without prior notice to MXenergy, 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. MXenergy will return these documents forthwith upon written request from the Commission.
- g. MXenergy is not permitted to market to new and/or existing customers or enrol new customers under the Customer Choice program.