

Board Gas Marketers Regulations (Nova Scotia)

made under Section 41 of the
Gas Distribution Act
S.N.S. 1997, c. 4

N.S. Reg. 138/2003 (August 1, 2003)

1 These Regulations may be cited as the Board Gas Marketers Regulations (Nova Scotia).

2 In these regulations, unless the context indicates otherwise, words and expressions have the same meaning as in the Gas Distribution Act and the Gas Distribution Regulations (Nova Scotia) enacted under S. 42(1) of the Act.

Part I - Requirement for Gas Marketers Licence

3 In accordance with the Gas Distribution Act, S. 24, any person who acts or purports to act as a gas marketer must hold a valid licence issued by the Nova Scotia Utility and Review Board (Board).

Part II - Application for Gas Marketers Licence

4.1 An application for a gas marketers licence shall be in the form attached (Appendix "A") and shall be accompanied by the following:

i a cheque in the required amount of \$5,000 payable to the Board;

ii an irrevocable letter of credit from a recognized financial institution in the amount of \$150,000.00 payable to the Board to secure performance and anticipated financial obligations of the proposed licence holder, or equivalent financial instrument in the same amount payable to the Board if such substitution is pre-approved by the Board;

iii proof of registration under the Corporations Registration Act, R.S.N.S. 1989, c. 101;

iv full legal name, address, phone, fax and e-mail contact information of any partner(s) or parent company(s) or organization(s);

v a listing of the company or organization principals with applicable titles (proprietor, partner, officer, director or controlling shareholder);

vi written consents signed by each proprietor, partner, officer, director and controlling shareholder authorizing the Board to conduct a credit review, in accordance with standard business practices;

vii written consents signed by each proprietor, partner, officer, director and controlling shareholder authorizing the Board to consult with all law enforcement agencies and obtain copies of any records pertaining to criminal convictions for which a pardon has not been granted, records of discharge and records of outstanding criminal charges, such consents to release all such agencies, their members and employees from any and all actions, claims and demands, loss or injury which may result from the disclosure of information provided by them;

viii audited financial statements covering the two immediately preceding fiscal years or, if the company or organization has been formed within the preceding twelve months and audited financial statements are not available for at least one year, pro forma financial statements signed by the directors or principals of the company or organization may be substituted;

ix a letter of intent from a gas supplier to enter into contract(s) for gas supply;

x a written description of the applicant's business background and experience relating to gas marketing;

xi a written description of the applicant's general plans with respect to gas marketing; and

xii any other information which may be deemed necessary by the Board.

Variance from Section 4.1

4.2 Any variance from the requirements set out in sections 4.1 shall be formally requested from and approved by the Board prior to an application being submitted.

Term of Licence

4.3 A gas marketers licence shall have no expiration date but licensees shall be required to file annual statements on or before the anniversary date of the licence to confirm the accuracy of information previously filed with the Board regarding that licensee or provide advice of any changes.

Transfer of Licence

4.4 A gas marketers licence may not be transferred without the written consent of the Board.

Fees and Costs

4.5 i The fee for a gas marketers licence application and first year of operation is \$5,000.00 with annual filing fees of \$1,000.00 in each successive year.

ii Fees are payable to the Board when the application for license or annual statement is filed with the Board.

iii Costs relating to processing, investigations, infractions, inquiries or enforcement activities which are incurred by the Board and exceed the fees received from a licensee shall be reimbursed to the Board by the licensee involved.

Part III - Customer Contracts

5 For customers using 500 gigajoules per year or less, gas marketers shall only use customer contracts which are approved for use by the Board.

Part IV - Adherence to Codes of Conduct

6 A gas marketer shall adhere to the most recent applicable code of conduct which has been approved by the Board.

in the Matter of the Gas Distribution Act

Application for a Gas Marketers Licence
made Pursuant to the Board Gas Marketers Regulations

By: _____
(Full legal name of the company or organization making this application)

(Business location address in Nova Scotia)

(Mailing address - if different from above)

(telephone number) _____

(fax number) _____

(email address) _____

(web site) _____

1. Has the applicant or any proprietor, partner, officer, director or controlling shareholder ever filed for bankruptcy?

No ___ Yes ___ (If so, provide full disclosure)

2 Are any judgments unpaid or outstanding against the applicant or any proprietor, partner, officer, director or controlling shareholder?

No ___ Yes ___ (If so, provide full disclosure)

3 Are any civil, criminal or regulatory proceedings pending against the applicant or any proprietor, partner, officer, director or controlling shareholder?

No ___ Yes ___ (If so, provide full disclosure)

The information provided in making this application in accordance with the Board Gas Marketers Regulations (Nova Scotia) is accurate and complete to the best of our knowledge.

Signed and sealed at _____ in the Province of _____ this ___ of _____, 200__

(Signature and Title)

(Signature and Title)(Seal)

Note: Application must: (A) provide, in full detail, all information required by the Board Gas Marketers Regulations using attachments as necessary; and
(B) be signed by two (2) officers of the applying company or organization.
