



Direct Energy Marketing Limited

Amendments to Code of Conduct Regulation Compliance Plan and Inter-Affiliate Code of Conduct and Compliance Plan

January 9, 2024

Alberta Utilities Commission

Decision 28623-D01-2024

Direct Energy Marketing Limited

Amendments to Code of Conduct Regulation Compliance Plan and Inter-Affiliate Code of
Conduct and Compliance Plan

Proceeding 28623

January 9, 2024

Published by the:

Alberta Utilities Commission
Eau Claire Tower
1400, 600 Third Avenue S.W.
Calgary, Alberta T2P 0G5

Telephone: 310-4AUC (310-4282 in Alberta)
1-833-511-4AUC (1-833-511-4282 outside Alberta)

Email: info@auc.ab.ca

Website: www.auc.ab.ca

The Commission may, no later than 60 days from the date of this decision and without notice, correct typographical, spelling and calculation errors and other similar types of errors and post the corrected decision on its website.

Contents

1	Decision summary	1
2	Background	1
3	Amendments	1
	3.1 Code of Conduct Regulation Compliance Plan	2
	3.2 Inter-Affiliate Code of Conduct and Compliance Plan.....	2
4	Order	3
	Appendix 1 – Proceeding participants	5

1 Decision summary

1. In this decision, the Alberta Utilities Commission approves Direct Energy Marketing Limited’s application to amend the Direct Energy Regulated Services (DERS), Direct Energy Partnership (DEP), and XOOM Energy Canada, ULC (XOOM) *Code of Conduct Regulation* Compliance Plan and DERS Inter-Affiliate Code of Conduct and Compliance Plan.

2 Background

2. Direct Energy Marketing Limited filed an application with the Commission on November 16, 2023, requesting approval of amendments to the *Code of Conduct Regulation* Compliance Plan pursuant to Section 32 of the *Code of Conduct Regulation* and to the Inter-Affiliate Code of Conduct and Compliance Plan.

3. Section 32(2) of the *Code of Conduct Regulation* states:

A change to a compliance plan must be submitted to the Commission for approval

(a) within 60 days following a change in circumstances or an amendment to this Regulation that requires a change to a compliance plan, or

(b) as soon as practicable when a change to the plan is made for a reason other than a reason referred to in clause (a).

4. The Commission issued a notice of application on November 20, 2023, asking for statements of intent to participate by December 1, 2023. No submissions were received.

3 Amendments

5. Direct Energy Marketing Limited seeks approval of minor changes to the DERS, DEP, and XOOM *Code of Conduct Regulation* Compliance Plan and DERS Inter-Affiliate Code of Conduct and Compliance Plan, to remove references to an old billing system and to condense language in relation to Mechanism 34.1. Direct Energy Marketing Limited also applied to replace “www.directenergyregulatedservices.com” with “www.directenergy.ca” in both the *Code of Conduct Regulation* Compliance Plan and the Inter-Affiliate Code of Conduct and Compliance Plan.

3.1 Code of Conduct Regulation Compliance Plan

6. Direct Energy Marketing Limited proposed to condense certain language in Mechanism 34.1 of the *Code of Conduct Regulation* Compliance Plan, which discusses the complaint process for contraventions of the regulation or compliance plan as follows:¹

DERS and DEP website message: “Code of Conduct Information: Direct Energy is bound by the provisions of the Code of Conduct Regulation. Complaints respecting possible contravention of this Regulation by Direct Energy should be directed to Direct Energy at 1-866-374-6299; and to the Alberta Utilities Commission at 403-310-4282 in Alberta or 1-833-511-4282 outside Alberta, or info@auc.ab.ca; or the Market Surveillance Administrator at 403-705-3181 or compliance@albertamsa.ca. The Alberta Utilities Commission and the Market Surveillance Administrator are independent of Direct Energy.”

7. Currently, Mechanism 34.1 of the *Code of Conduct Regulation* Compliance Plan includes the same message twice, once for DERS and once for DEP. Direct Energy Marketing Limited also applied to replace “www.directenergyregulatedservices.com” with “www.directenergy.ca.”

8. Subsection 32(3) of the *Code of Conduct Regulation* authorizes the Commission to consider changes to a compliance plan and states:

On receipt of a proposed change to a compliance plan, the Commission may

- (a) approve the proposed change, with or without changes and with or without conditions,
- (b) direct other changes to be made to the compliance plan, or
- (c) refuse to approve the proposed change

9. The Commission is satisfied that the applied-for amendments to the *Code of Conduct Regulation* Compliance Plan simplify the language and remove duplication but do not substantively alter the compliance plan.

10. The Commission finds that the proposed changes do not create barriers to understanding information about how to report an alleged contravention of the *Code of Conduct Regulation* on the DERS and DEP external websites and is approved as filed.

3.2 Inter-Affiliate Code of Conduct and Compliance Plan

11. In Decision 21218-D01-2016,² the Commission approved an updated Inter-Affiliate Code of Conduct Compliance Plan for DERS effective April 1, 2016. The approved Inter-Affiliate Code of Conduct was based on the purpose and objectives for the Inter-Affiliate Code of Conduct approved for the ATCO Group as set out in Decision 2003-040³ and reflected the organizational structure of Direct Energy Marketing Limited and, in particular, DERS, at that time. This Inter-Affiliate Code of Conduct was further amended and approved by the

¹ Exhibit 28623-X0003, DERS DEP XOOM Code of Conduct Regulation Compliance Plan BI, PDF page 20.

² Decision 21218-D01-2016: Direct Energy Marketing Limited, Direct Energy Regulated Services Inter-Affiliate Code of Conduct, Proceeding 21218, March 14, 2016.

³ Decision 2003-040: ATCO Group Affiliate Transactions and Code of Conduct Proceeding Part B: Code of Conduct, Proceeding 5823, May 22, 2003.

Commission in Decision 22382-D01-2017.⁴ In that decision, the Commission approved an integrated Inter-Affiliate Code of Conduct and Compliance Plan. Additional minor amendments to DERS' Inter-Affiliate Code of Conduct and Compliance Plan were approved in Decision 22868-D01-2017⁵ and again in Decision 26370-D01-2021.⁶

12. Direct Energy Marketing Limited migrated its small volume customers to a new billing system from September to November 2023, necessitating the removal of all references in the Inter-Affiliate Code of Conduct and Compliance Plan to the old billing system. Direct Energy Marketing Limited requested approval to remove the following language from the Inter-Affiliate Code of Conduct:⁷

HCL Axon Technologies Inc. ("HCL") provides customer care and billing services for DERS but is not an Affiliate of DERS or DELP [Direct Energy Limited Partnership].

13. Direct Energy Marketing Limited also applied to replace "www.directenergyregulatedservices.com" with "www.directenergy.ca."

14. The Commission is satisfied that the proposed amendments do not impact the operation or intent of the Inter-Affiliate Code of Conduct and Compliance Plan and appropriately reflect the change in billing system. The DERS Inter-Affiliate Code of Conduct and Compliance Plan is approved as filed.

4 Order

15. It is hereby ordered that:

- (1) The Direct Energy Regulated Services, Direct Energy Partnership, XOOM Energy Canada, ULC *Code of Conduct Regulation* Compliance Plan is approved as filed, effective January 9, 2024.
- (2) The Direct Energy Regulated Services Inter-Affiliate Code of Conduct and Compliance Plan is approved as filed, effective January 9, 2024.

⁴ Decision 22382-D01-2017: Direct Energy Marketing Limited, Direct Energy Regulated Services Inter-Affiliate Code of Conduct and Compliance Plan Compliance Filing, Proceeding 22382, March 7, 2017.

⁵ Decision 22868-D01-2017: Direct Energy Regulated Services, 2017 Inter-Affiliate Code of Conduct and Compliance Plan, Proceeding 22868, September 27, 2017.

⁶ Decision 26370-D01-2021: Direct Energy Marketing Limited, Amendments to Code of Conduct Regulation Compliance Plan and Inter-Affiliate Code of Conduct Compliance Plan, Proceeding 26370, August 19, 2021.

⁷ Exhibit 28623-X0005, DERS Inter-Affiliate Code of Conduct and Compliance Plan B1, PDF page 5.

Dated on January 9, 2024.

Alberta Utilities Commission

(original signed by)

Kristjana Kellgren
Executive Director, Rates
On behalf of the Alberta Utilities Commission

Appendix 1 – Proceeding participants

Name of organization (abbreviation) Company name of counsel or representative
Direct Energy Marketing Limited

Alberta Utilities Commission
Delegated authority K. Kellgren, Executive Director, Rates
Commission staff A. Hollis