



December 17, 2019

Sent via email

Letter L-57-19

**Re: Customer Choice Program – Dispute # [REDACTED]
[REDACTED]/Access Gas Services Inc.**

Dear Mr. [REDACTED]:

The British Columbia Utilities Commission (BCUC) is in receipt of your Customer Choice disputes and has considered the evidence relating to this matter. The BCUC's findings are outlined below.

Nature of the dispute

The customer filed the dispute on the basis of misrepresentation of rate.

Evidence and other considerations

According to the customer, the sales representative misrepresented the rate and the potential savings. Further, the customer has stated the Access Gas Services Inc. (Access Gas) Third Party Verification (TPV) agent has made misleading statements regarding the amount of potential savings during the TPV call.

Access Gas considers the agreement valid and binding. The customer was advised he has the right to cancel the agreement on the next anniversary date with payment of an early exit fee. Access Gas proposed to resolve the dispute by lowering the natural gas rate, or by discounting the early exit fees.

During the TPV call, which was recorded and provided to the BCUC as evidence in this dispute, [REDACTED] confirms he:

- has authority to bind agreements for his organization;
- has been provided with a copy of the signed agreement;
- agreed to a price of [REDACTED] for a term of five years; and
- has the right to cancel without penalty within 10 days.

As the matter has not been resolved directly between the customer and the gas marketer, the BCUC has reviewed and adjudicated the matter.

BCUC determination

There is insufficient evidence to support the customer's statement that the sales representative misrepresented the rate. During the TPV call, the signatory confirms his understanding of the rate, the cancellation terms, and that he may not save money by entering into the agreement. The agreement and TPV are compliant with the requirements under the Code of Conduct for Gas Marketers. For these reasons, the BCUC finds the agreement valid and binding.

Access Gas will remain the natural gas provider. The customer has the option to cancel the agreement prior to the end of term in accordance with the agreement terms and conditions. The customer may wish to contact Access Gas directly to discuss whether its proposed resolution of the matter is still available.

Sincerely,

Original Signed By:

Patrick Wruck
Commission Secretary

OK/mp
Enclosure

cc: Ms. Megan Sedawie
Unbundling Supervisor
Access Gas Services Inc.
megans@accessgas.com

Mr. Charlie Barrotta
Vice President
Access Gas Services Inc.
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An application for reconsideration of this determination can be made following the guidelines enclosed.