



July 7, 2020

Sent via email

Letter L-43-20

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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

Dear [REDACTED]:

The British Columbia Utilities Commission (BCUC) acknowledges the receipt of your Customer Choice dispute filed on January 30, 2020. BCUC staff's response is below.

Nature of the dispute

The dispute was filed against Access Gas Services Inc. (Access Gas) on the basis of an alleged misrepresentation by the Access Gas salesperson.

Evidence and other considerations

The contract, signed October 23, 2019, came into effect on December 1, 2019. The customer filed the dispute on January 30, 2020.

According to the customer, the salesperson misrepresented their identity and provided the impression that rates would not increase.

Access Gas considers the agreement valid and binding.

The customer contacted Access Gas prior to filing the dispute and was advised that she may cancel the agreement in accordance with the terms and conditions effective the next anniversary date. The customer declined the offer.

Access Gas then contacted the customer within an email offering to cancel the contract on the next anniversary date with a 50 percent discount on the early cancellation fees. The customer declined the second offer.

During the Third-Party Verification (TPV) call, which was recorded and provided as evidence in the dispute, [REDACTED] confirms that she:

- has been provided with a copy of the signed agreement;
- is the owner of Flesh Body Piercings;
- has authority to bind agreements for her organization;

- agreed to a price of \$5.89 for a term of five years; and
- had the right to cancel the agreement without penalty within 10 days.

In reviewing each of the agreement and notice of agreement, Access Gas confirmed that the "Title of Signatory" field was not completed by the customer and that the sales representative has been reminded that the customer must complete the "Title of Signatory."

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

BCUC Determination

There is insufficient evidence to support the customer's statement that the salesperson misrepresented the price or the identity of the agent. During the TPV call, the customer confirms that she is the owner of the business, as well as her understanding of the rate, that she may not save money by entering into the agreement, and the cancellation terms. The customer did not cancel the agreement within the 10-day cancellation period. The TPV call is compliant with the requirements under the Gas Marketer Code of Conduct.

However, there is sufficient evidence to confirm that Access Gas has violated Article 26 of the Code of Conduct, as the sales representative did not follow standard practices when completing the Agreement, and the customer did not complete the "Title of Signatory" field. Article 31 also states "Gas Marketers shall ensure that their Salespersons adhere to the standards required of a Gas Marketer as set out in the Code of Conduct for Gas Marketers, and shall be accountable for the behaviour and performance of their Salespersons."

On this basis, the BCUC determines the contract shall be cancelled as of the inception date. The customer will return to FortisBC Energy Inc. for their natural gas supply and Access Gas will reimburse the customer for the difference between Access Gas' fixed natural gas rate and the variable natural gas rate charged by FortisBC Energy Inc. for the period the contract was in effect. Please note it may take one to three billing cycles for the change to appear on the customer's bill; a credit will be posted at that time.

Sincerely,

Original Signed By:

Marija Tresoglavic
Acting Commission Secretary

RQ/mp
Enclosure

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

Mr. Charlie Barrotta
Vice President
Access Gas Services Inc.
charlie.barrotta@accessgas.com

An application for reconsideration of this determination can be made following the guidelines enclosed.