

SIXTH FLOOR, 900 HOWE STREET, BOX 250
VANCOUVER, B.C. V6Z 2N3 CANADA
web site: <http://www.bcuc.com>



**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER** G-136-07

TELEPHONE: (604) 660-4700
BC TOLL FREE: 1-800-663-1385
FACSIMILE: (604) 660-1102

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

and

**Smart Energy Corporation Breach of the Code of Conduct for Gas Marketers
Complaints of Potential Customers and Responses**

BEFORE: L.F. Kelsey, Commissioner
A.W. K. Anderson, Commissioner November 7, 2007

O R D E R

WHEREAS:

- A. During the period between September 7, 2007 and October 8, 2007, customer complaints were received by the Commission regarding Smart Energy Corporation ("Smart Energy"); and
- B. The Commission forwarded twelve (12) of these customer complaints to Smart Energy for investigation and response to the customer and the Commission, respectively; and
- C. On October 16, 2007 Smart Energy replied to the twelve (12) customer complaints by letter to the customer, with copies to the Commission; and
- D. By letter dated October 19, 2007 the Commission requested Smart Energy to complete a more comprehensive review of the twelve (12) complaints and respond to the Commission; and
- E. On October 29, 2007 Smart Energy advised the Commission that with respect to the twelve (12) customer complaints, in response to complaint letters dated September 7, 2007, September 19, 2007, September 24, 2007, September 25, 2007, September 28, 2007, and October 8, 2007, Smart Energy took action to discipline the agent such that the "... agent has been suspended from the program in-order to review codes of conduct and responsibility towards BCUC guidelines"; and
- F. By letter dated November 1, 2007, the Commission advised Smart Energy that "Smart Energy makes reasonable inference that the Code of Conduct has not been complied with ..." and requested that Smart Energy "... complete the investigation of these complaints and provide to the Commission specific details of your findings related to adherence to the Code of Conduct"; and
- G. Smart Energy replied to the Commission by email dated November 6, 2007 and advised the Commission that with respect to the Complaint Letters, "The agents admitted no fault and in fact, denied these accusations." Smart Energy also noted that "We did however, suspend these agents for a day just to set an example"; and

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- H. The Commission has considered the information in the Complaint Letters and the submissions of Smart Energy; and
- I. The Commission finds that violations of the Code of Conduct for Gas Marketers ("Code of Conduct") described in the Complaint Letters have occurred; and
- J. The Commission has determined that Smart Energy is in violation of Article 8 and Article 9 of the Code of Conduct.

NOW THEREFORE pursuant to section 71(1) of the Utilities Commission Act the Commission orders as follows:

1. Within 30 calendar days of the date of this Order, Smart Energy will pay to the Commission a financial penalty of \$1,000.00 for each of the six breaches of the Code of Conduct, for a total penalty pursuant to this Order of \$6,000.00.
2. Smart Energy will provide a copy of the Code of Conduct to each Salesperson by the end of November, 2007, and each Salesperson will sign a certification acknowledging receipt of the Code of Conduct, which will be provided to the Commission within 15 days after the end of November.
3. Smart Energy will have its supervisory staff provide monthly retraining to each of its Salespersons in November and December 2007, and January, February and March 2008. The retraining may be conducted individually or in group sessions, will be done in person, and will emphasize the requirement for a Salesperson to comply in spirit as well as to the letter with all obligations of the Code of Conduct. By the end of February 2008 the retraining of each Salesperson shall be completed and each Salesperson shall have received a detailed review and explanation of the requirement of the Code of Conduct.
4. Smart Energy will provide training to each new Salesperson prior to the Salesperson contacting Consumers, and the training will include a detailed review and explanation of the requirements of the Code of Conduct.
5. After each training or retraining session, Smart Energy will have each Salesperson sign a certification that they have been instructed and will comply with the Code of Conduct. Certifications will be provided to the Commission upon request.
6. Within 15 days after the end of November and December, 2007, and January, February, and March 2008, Smart Energy will file a report with the Commission stating the number of Salespersons trained and retrained during the previous month, confirming that all Salespersons were trained or retrained, and providing a summary of the topics covered and a copy of any handout material for the retraining that month.

DATED at the City of Vancouver, in the Province of British Columbia, this 7th day of November 2007.

BY ORDER

Original signed by

A.W.K. Anderson
Commissioner

Attachment