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LETTER NO. L-27-10

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Log No. 32454

VIA EMAIL

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March 30, 2010

Mr. Michael Stedman
Vice President
Active Energy ULC
Suite 402, 390 Brant Street
Burlington, ON L7R 4J4

Dear Mr. Stedman:

Re: Active Renewable Marketing Limited
Customer Dispute – Mr. Bob Hill – Contract Cancellation and Refund

By email dated January 22, 2010 Mr. Bob Hill, owner and manager of Kimberley Inn and Suites, advised the Commission of his concerns with the validity of his contract and request for refund from Active Renewable Marketing Limited (Active). Mr. Hill claimed that he did not give authority within his company to enroll in a gas marketing contract with Active. Mr. Hill's contract was allegedly signed by Ms. Doris Pearson, an hourly desk attendant. Mr. Hill also filed a dispute (19335) through the Gateway for Energy Marketers (GEM) noting that the contract was signed under false pretenses.

Active filed a cancellation request through GEM and Mr. Hill's contract was subsequently cancelled effective January 22, 2010. On February 10, 2010 Mr. Hill notified the Commission that an Active representative contacted him regarding his request for reimbursement but a satisfactory resolution was not reached due to discrepancy between Mr. Hill's reimbursement calculation (\$9,132.67) and Active's, which was less than \$5,000.00.

On February 16, 2010 Active uploaded to GEM and sent to Mr. Hill its formal response to the dispute noting that it had earlier cancelled the contract but did not feel that issuing a refund was warranted. No copies of the contract and Notice of Appointment were uploaded in GEM for this dispute.

By letter dated February 24, 2010 the Commission advised Active that documents and the Third Party Verification (TPV) call file relating to this dispute had not been uploaded to GEM. By March 15, 2010 no response was received and the Commission followed-up on this request with Active. By letter dated March 17, 2010 Active noted that it had uploaded a formal response to GEM. Active also advised that no TPV was conducted because it involved a commercial account. To date, the Commission has not received all pertinent documents relating to this dispute, specifically, copies of Mr. Hill's signed contract, Notice of Appointment and terms and conditions.

Please note that section 71.1(9) of the *Utilities Commission Act* states that “Section 43 applies to each gas marketer as if that gas marketer were a public utility.” Section 43 of the *Utilities Commission Act* is the duty to provide information. This section reads, in part:

“43(1) A public utility must, for the purposes of this Act,
 (a) answer specifically all questions of the commission, and
 (b) provide to the commission
 (i) the information the commission requires...”

Please provide the Commission and the customer with copies of all documents relating to this dispute, specifically, Mr. Hill’s signed contract, Notice of Appointment, and associated terms and conditions before April 5, 2010.

Yours truly,

Original signed by:

for: Erica M. Hamilton

/jt