



April 11, 2019

Sent via email

Letter L-10-19



**Re: Customer Choice Program – Disputes # [REDACTED] & # [REDACTED]
(Acct # [REDACTED])/Access Gas Services Inc.**

Dear [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 disputes on the basis of misrepresentation of the rate.

Evidence and other considerations

The contract, dated July 3, 2018, came into effect on September 1, 2018. The customer filed the dispute on January 17, 2019.

The customer states that the sales representative misrepresented the rate. The customer alleges that he was pressured into signing an agreement he did not fully understand.

The agreement states clearly the contract terms, including the rate, the term and the cancellation provisions. Those key pieces of information are also confirmed with the signatory during the Third Party Verification (TPV) call, which was recorded and provided to the BCUC as evidence in this dispute. Specifically, the signatory confirms understanding the following:

- Access Gas will be supplying natural gas for 5 years at a fixed rate of \$5.89/GJ;
- Access Gas is an independent gas supplier that does not represent FortisBC or the government;
- the customer may not save money by entering into a fixed rate agreement; and
- the customer may cancel the agreement within 10 days.

In response to the dispute, Access Gas states they “made several attempts to contact [REDACTED] to discuss the dispute. Access would like to attempt amicable resolution but we have not received a call back to discuss further. We would encourage [REDACTED] to contact us, so we can attempt to resolve the matter amicably prior to adjudication.” Access Gas is of the view the contract is valid and binding.

Further, the customer confirms the Access Gas sales representative left him with a signed copy of the agreement.

During the TPV call, the Access Gas representative asks the customer “Do you understand your right to cancel this agreement within 10 days from today?” Under Article 31 of the Code of Conduct for Gas Marketers, the TPV call must include confirmation that the customer understands the right to cancel without penalty during the 10 day cancellation period, or if the customer waived the right, confirmation that the customers has done so.

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 and told the customer he had to sign the agreement.

During the TPV call, the agent does not mention “penalties” or “early exit fees” when asking the customer to confirm his understanding of the cancellation provisions. While the contract outlines the cancellation provisions, including penalties for early exit, the TPV call is required for door-to-door sales to ensure the customer understands the key terms of the contract, including cancellation.

The Code of Conduct for Gas Marketers requires penalties be mentioned when confirming cancellation provisions during the TPV call; the TPV call in this dispute is therefore not compliant with the Code of Conduct for Gas Marketers. On this basis, the BCUC determines the contract shall be cancelled as of the dispute date. While Access Gas is not required to reimburse the customer for the period the contract was in effect, the early exit fee is not applicable.

The customer will return to FortisBC for natural gas supply as of January 17, 2019. 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:

Patrick Wruck
Commission Secretary

OK/dc

Enclosure

cc: Ms. Meghan Karrasch
Director of Operations
Access Gas Services Inc.
meghan@accessgas.com

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