



May 7, 2019

Sent via email

Letter L-16-19



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

Dear [REDACTED]:

The British Columbia Utilities Commission (BCUC) is in receipt of your Customer Choice dispute 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 was signed on June 6, 2018 and the customer filed the dispute on February 8, 2019.

According to the customer, the contract rate was not mentioned by the sales representative. The customer states that he attempted to contact the marketer on multiple occasions to discuss his complaint without success.

Access Gas Services Inc. (Access Gas) states it has attempted to contact the customer to discuss the dispute and attempt amicable resolution. Access Gas is of the view the contract is valid and binding.

During the Third Party Verification (TPV) call, which was recorded and provided to the BCUC as evidence in the dispute, the customer confirms understanding the following key terms of the agreement:

- Access Gas will be supplying natural gas for 5 years at a fixed rate of \$5.89/GJ;
- the customer may not save money under the Customer Choice program; and
- the customer may cancel the agreement within 10 days without penalty; following this period, the customer may only cancel on the anniversary date and there may be an early exit fee.

Further, the customer confirms he was left with a signed copy of the agreement, which confirms the rate and term of the contract. The customer did not cancel the agreement within the 10-day period.

As the customer and gas marketer have not resolved the dispute directly, the dispute has proceeded to adjudication.

BCUC determination

There is insufficient evidence to support the customer's statement that the sales representative omitted the rate. Further, during the TPV call, the signatory confirms understanding the key points of the agreement, including the term and rate, the cancellation provisions and that he may not save money by entering into the agreement. The agreement and TPV call 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 another resolution of the matter is available.

Sincerely,

Original signed by:

Patrick Wruck
Commission Secretary

OK/aci
Enclosure

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

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.