



May 31, 2019

Sent via email

Letter L-23-19



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 dispute on the basis of an invalid contract.

Evidence and other considerations

The contract, dated November 2, 2016, came into effect January 1, 2017. [REDACTED] filed the dispute on March 21, 2019.

According to the customer, the contract is invalid due to an unauthorized signature. [REDACTED], the account holder, states that his spouse [REDACTED] did not understand what she was signing and felt pressured by the sales representative.

In response to the dispute, Access Gas Services Inc. (Access Gas) states, "The Access CSR [Customer Service Representative] then reviewed the TPV [Third Party Verification] call that [REDACTED] completed. [REDACTED] confirmed her understanding of the cancellation provisions, specifically stating and confirming she is legally authorized to act on behalf of the account holder." Further, "The Access CSR offered [REDACTED] a price adjustment or to cancel the Agreement with Access on the next anniversary date with no further obligation from him. Access attempted to contact [REDACTED] to reach a reasonable and amicable resolution but was unsuccessful in reaching him via phone and email."

Access Gas considers the agreement valid and binding.

During the TPV call, [REDACTED] confirms that she:

- has been provided with a copy of the signed agreement;
- agreed to a price of \$6.89 for a term of five years;
- was legally authorized to sign the agreement; and

- 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.

The customer did not cancel the agreement within the 10-day period.

BCUC determination

There is insufficient evidence to support the customer's statement the signatory is not authorized to enter into the agreement. The signatory confirms she is legally authorized to enter into the agreement on behalf of the account holder during the TPV and by signing the agreement. Further, FortisBC confirms that at the time of signing, the signatory was listed as an authorized user on the account. 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 the proposed resolution of the matter is still available.

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

Charlie Barrotta
Vice President
Access Gas Services Inc.
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An application for reconsideration of this determination can be made following the guidelines enclosed.