



January 31, 2020

Sent via email

Letter L-2-20

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Re: Customer Choice Program – [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 misrepresentation of identity.

Evidence and other considerations

The contract was signed on October 18, 2019 and the customer filed the dispute on November 26, 2019.

According to the customer, the sales representative misrepresented his identity as a representative of FortisBC Energy Inc. (FortisBC).

Access Gas Services Inc. (Access Gas) states its staff contacted the customer to discuss the dispute and offered to lower the natural gas rate or cancel the agreement on the next anniversary date without charging early exit fees.

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

- Access Gas is not affiliated with FortisBC or the government;
- Access Gas will be supplying natural gas for five years at a rate of \$5.89/GJ;
- the customer may or 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.

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 misrepresented his identity. Further, during the TPV call, the signatory confirms understanding that she is entering an agreement with Access Gas as well as the key points of the agreement, including the term and rate, the cancellation provisions, and that she 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 the proposed resolution of the matter is still available.

Sincerely,

Original Signed By:

Patrick Wruck
Commission Secretary

OK/CMV
Enclosure

cc: Ms. Megan Sedawie
Unbundling Supervisor
Access Gas Services Inc.
megans@accessgas.com

Mr. 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.