



January 31, 2020

Sent via email

**Letter L-3-20**

[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 forgery.

Evidence and other considerations

The contract was signed on September 13, 2019, and the customer filed the dispute on November 27, 2019.

According to the customer, the sales representative misrepresented the rate by neglecting to mention that the natural gas rate offered by Access Gas Services Inc. (Access Gas) was in addition to other charges found on the FortisBC bill.

Access Gas states its staff have unsuccessfully attempted to contact the customer to discuss the dispute.

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 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 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.

Sincerely,

*Original Signed By:*

Patrick Wruck  
Commission Secretary

OK/CMV  
Enclosure

cc: Ms. Megan Sedawie  
Unbundling Supervisor  
Access Gas Services Inc.  
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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.*