



May 11, 2020

Sent via email

Letter L-24-20

[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 being charged early exit fees.

Evidence and other considerations

The contract was signed on June 26, 2018, and the customer filed the dispute on March 2, 2020.

According to the customer, the sales representative did not advise of the early exit fees associated with an early termination of the natural gas supply agreement.

Access Gas Services Inc. (Access Gas) proposed to resolve the dispute by waiving the early exit fees associated with the original agreement by re-enrolling the customer in a new agreement. However, the customer cancelled the new agreement within the 10-day cancellation period. As the customer cancelled the new agreement, Access Gas considers the early exit fees associated with the early termination of the original agreement applicable.

Access Gas considers the original agreement valid and binding.

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 omitted the cancellation provisions of the Customer Choice program. Further, during the TPV call, the signatory confirms to be in possession of the signed agreement, which outlines the cancellation provisions. Further, the signatory confirms understanding the key points of the agreement, including the term and rate, that she may not save money by entering into the agreement, and the cancellation provisions, specifically that early termination of the agreement may result in early exit fees. The agreement and TPV call are compliant with the requirements under the Code of Conduct for Gas Marketers. Access Gas proposed to waive the early exit fees associated with the termination of the original agreement if the customer re-enrolled in a new agreement. The customer cancelled the new agreement prior to it going into effect.

For these reasons, the BCUC finds the agreement valid and binding and the early exit fees applicable to the original agreement.

The customer is responsible for payment of the early exit fees resulting from the early termination of the natural gas supply agreement, in accordance with the agreement terms and conditions.

Sincerely,

Original signed by:

Patrick Wruck
Commission Secretary

DD/ae
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.