



July 16, 2025

Sent via email

**Letter L-18-25**

[REDACTED]

**Re: Customer Choice Program – Non-GEM Complaint / Access Gas Services Inc.**

Dear [REDACTED]:

The British Columbia Utilities Commission (BCUC) acknowledges the receipt of your Customer Choice complaint regarding the assessment of Access Gas Services Inc. (Access) that early exit fees were to be applied after the closure of your gas account with FortisBC Energy Inc (FEI). The BCUC's findings are outlined below.

Nature of the Complaint

The Customer filed a complaint with the BCUC on November 8, 2024 (Complaint). In the Complaint, the Customer states that Access was "threatening debt collections" for early exit fees applied to the Customer's account after they closed their FortisBC Energy Inc. gas account.

Evidence and Other considerations

The BCUC complaints process was initiated upon receipt of the Complaint. Through the complaints process, the Customer stated they had closed their FEI gas account when moving to a new premises, and that they were no longer a customer of FortisBC.

In response to the Complaint, Access submitted a timeline of events, including the date the Customer signed their renewal agreement, and submitted that there was no reason to waive the early exit fees.

As the Complaint remained unresolved, it was escalated to a Panel for adjudication.

On April 25, 2025, the Panel issued information requests (IRs) for confirmation regarding the status of the Customer's FortisBC account.

On April 26, 2025, in response to IRs, the Customer submitted a copy of the rental agreement for their new premises as evidence that the Customer does not have an active gas account.

On June 9, 2025, after receipt of the Customers submission, Access proposed to resolve the complaint by waiving the early exit fees.

The BCUC provided the Customer with an opportunity to respond to Access's proposal by June 17, 2025, the Customer has not responded to the BCUC as of the date of this letter.

Determination

The Customer has not objected to Access's proposed resolution to the Complaint, and the Panel considers this resolution to be reasonable. As such, the Complaint is now closed without the need for further adjudication.

Sincerely,

*Electronically signed by Sara Hardgrave*

Sara Hardgrave  
Acting Commission Secretary

DD/jm

cc: Ms. Michelle Meixner  
Customer Service Specialist  
Access Gas Services Inc.  
[michelle.meixner@accessgas.com](mailto:michelle.meixner@accessgas.com)

*An application for reconsideration of this determination can be made following the guidelines enclosed.*



**bcuc**  
British Columbia  
Utilities Commission

# **Customer Choice Program**

## **Dispute Reconsideration Guidelines**

**January 2012**

British Columbia Utilities Commission  
410, 900 Howe Street  
Vancouver, British Columbia, Canada V6Z 2N3

Telephone (604) 660-4700; Facsimile (604) 660-1102  
B.C. Toll Free: 1-800-663-1385

Internet Email: [customer.choice@bcuc.com](mailto:customer.choice@bcuc.com)  
Website: <http://www.bcuc.com>

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## **CUSTOMER CHOICE PROGRAM**

### **Dispute Reconsideration Guidelines**

#### **1.0 INTRODUCTION**

If a Customer or a Gas Marketer believes the Commission has made an error in the course of making a decision on a dispute, either party may raise the issue for further review by applying to the Commission for reconsideration. The Commission will not reconsider a dispute decision on the basis that the parties are unhappy with the decision. For a reconsideration to proceed, the applicant is required to establish a *prima facie* case (a case that until it is rebutted establishes that an error has been made) that reconsideration is warranted.

The following is an outline of the reconsideration process for the Customer Choice Program. This outline is used by the Commission to determine whether to accept an application for reconsideration and how to proceed with that reconsideration.

#### **2.0 STEPS IN THE DISPUTE RECONSIDERATION PROCESS**

##### **2.1 Submit a Dispute**

Applications for reconsideration must be received by the Commission in writing within 30 days of the date of the disputed decision. An application for reconsideration must:

- identify the disputed decision to be reconsidered including the dispute number, FortisBC account number and gas marketer's name;
- state the legal or factual grounds upon which the decision should be changed;
- state the applicant's desired outcome;
- contain the name, address and telephone number of the applicant or the applicant's representative; and
- be signed by the applicant or the applicant's representative.

Applications should be addressed to Customer Choice Program and can be submitted via email, mail or fax to:

- Email: [customer.choice@bcuc.com](mailto:customer.choice@bcuc.com)
- Fax: (604) 660-1102
- Mail: 410 - 900 Howe Street, Vancouver, BC V6Z 2N3

Once the Commission receives an application it will conduct an initial review to determine whether the application shall proceed.

## 2.2 The Reconsideration Process

The Commission considers written submissions from the parties involved in a dispute in two phases of the reconsideration process. These two phases are outlined in the sections below.

### 2.2.1 Phase I – Initial Review

In the interest of both efficiency and fairness, and before the Commission proceeds with a determination on the merits of an application for reconsideration, the application undergoes an initial screening phase. In this phase the applicant must establish a *prima facie* case sufficient to warrant full consideration by the Commission. The first phase is a preliminary examination in which the application is assessed in light of some or all of the following questions:

- Should there be reconsideration by the Commission?
- If there is to be reconsideration, should the Commission allow new evidence?
- If there is to be reconsideration, should it focus on the items from the application for reconsideration, a subset of these items or additional items?

Following the Commission's review of the application, the Commission issues a notice to the other party involved in the disputed decision requesting them to submit a response to the application for reconsideration by addressing those questions set out in the notice. Upon receipt of the other party's response, the Commission asks the applicant to provide reply comments to the response received from the other party.

After the first phase evidence has been received, the Commission generally applies the following criteria to determine whether or not a reasonable basis exists for allowing reconsideration:

- Has the Commission made an error in fact or law?
- Has there been a fundamental change in circumstances or facts since the initial decision?
- Is there new evidence or further information that was not taken into consideration in adjudicating the initial decision?

In addition, the Commission may exercise its discretion and decide to undertake reconsideration of a decision whenever it deems there is just cause. If the Commission decides that a request for reconsideration should proceed, the application moves on to Phase II of the process. If the Commission decides that reconsideration should not proceed, the Commission will provide all parties with written notice of its decision.

### 2.2.2 Phase II – Commission Reconsideration

If the Commission decides an application for reconsideration should proceed, the Commission issues a Phase II Reconsideration Notice to the Customer and the Gas Marketer outlining the issues to be reconsidered and whether new evidence is allowed and setting the schedule for submissions. In moving to Phase II of the reconsideration process, the Commission will consider written arguments addressing the substance of the issues approved for reconsideration. When submitting written arguments, the parties must copy each other and must respond on or before the dates set out in the Phase II Reconsideration Notice.

The Commission bases its decision on the application on the submitted arguments.

### **3.0 ALTERNATIVES TO THE RECONSIDERATION PROCESS**

In addition to the Commission's reconsideration process, there are two alternatives available to parties who wish to challenge a Commission decision or the fairness of the process used by the Commission to arrive at the decision:

- File for leave to Appeal the Commission's decision with the Court of Appeal of British Columbia
- File a complaint with the Office of the Ombudsperson of BC

These options are discussed in more detail below.

#### **3.1 File for Leave to Appeal to the Court of Appeal of BC**

The *Utilities Commission Act* provides a second alternative for challenging a Commission decision. This alternative is by way of the Court of Appeal of British Columbia. The Court of Appeal will consider only alleged errors of law or jurisdiction.

An application to obtain leave to appeal to the Court of Appeal must be launched within 30 days of the Commission issuing its Decision. Applicants must first obtain the court's leave for the appeal before commencing the actual appeal. The court will sometimes take into consideration as a factor in granting leave whether or not the party applying has exhausted its other remedies. Therefore, the party applying for leave may also want to apply for reconsideration by the Commission at the same time.

If a participant chooses to pursue an appeal, the procedures may be quite complex and formal. Normally, lawyers become involved at this stage, as their knowledge of court procedures and legal arguments tends to be very useful. It is not necessary, however, to hire a lawyer in order to make an appeal to the Court of Appeal.

#### **3.2 The Office of the Ombudsperson of BC**

If a customer is not satisfied with the Commission's handling of a complaint, he or she may contact the provincial Ombudsperson's Office to review the process used. The BC Ombudsperson reviews the Commission's processes, including the process for resolving complaints. The BC Ombudsperson can recommend reconsideration of a matter because of an error in procedure, but cannot overturn a Commission decision.