Customer Choice Program

Dispute Guidelines

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TABLE OF CONTENTS

Page No.

1.0 INTRODUCTION 1

2.0 CUSTOMER'S ROLE 2

2.1 Step 1 – Submit a Dispute 2

2.1.1 *Submit a Dispute Online* 2

2.1.2 *Submit a Dispute by Telephone* 2

2.2 Step 2 – Submit supporting documents (Optional) 2

2.3 Step 3 – Review Gas Marketer's Evidence 4

2.4 Step 4 – Submit further information (Optional) 4

2.5 Gas Marketer or BC Utilities Commission Resolves Dispute 5

3.0 GAS MARKETER'S ROLE 5

3.1 Gas Marketer contacts customer to attempt to resolve dispute (if authorized) 5

3.2 Gas Marketer submits dispute evidence for customer's review 5

3.3 Gas Marketer resolves/does not resolve dispute with customer 7

3.3.1 *Gas Marketer resolves dispute with customer* 7

3.3.2 *Gas Marketer does not resolve dispute with customer* 7

3.4 Await Commission Review or Adjudication 8

4.0 BC UTILITIES COMMISSION'S ROLE 8

4.1 Gas Marketer and Customer Resolve Dispute 8

4.2 Gas Marketer and Customer Do Not Resolve Dispute 8

4.2.1 *BC Utilities Commission Staff Facilitate Resolution* 9

4.2.2 *BC Utilities Commissioner Adjudicates the Dispute* 9

CUSTOMER CHOICE PROGRAM

Dispute Guidelines

1.0 INTRODUCTION

The dispute process is available for customers who have signed an agreement or contract with a Gas Marketer and wish to dispute the contract. The subject of disputes may include the contract terms, validity of the contract, and Gas Marketer Code of Conduct issues.

Some disputes are successfully resolved directly between the customer and the Gas Marketer. Before lodging a formal dispute, customers should contact the Gas Marketer directly to attempt to resolve the dispute. Contact information for the Gas Marketer is available both on the contract and the customer's FortisBC natural gas bill. A list of Gas Marketers and their contact information can also be found on the British Columbia Utilities Commission (Commission) Website at: http://www.bcuc.com/NaturalGasMarketers.aspx. It is a good idea to keep track of any contact made with the Gas Marketer in the event that this information is requested at a later time.

If the customer cannot or does not wish to attempt to resolve the dispute directly with the Gas Marketer, the Customer may lodge a formal dispute with the Commission. This document provides guidance on the roles within the Customer Choice Dispute Process:

Customer's Role – Section 2
Gas Marketer's Role – Section 3
BC Utilities Commission's Role – Section 4

2.0 CUSTOMER'S ROLE

2.1 Step 1 – Submit a Dispute

There are two ways for the customer to submit a dispute: online or by telephone. Please see below for details on submitting a dispute online and by telephone.

2.1.1 *Submit a Dispute Online*

In order to submit a dispute online, customers should visit: www.fortisbc.com/marketerdisputes.

This is the most direct and efficient method to submit a dispute. The dispute is submitted in the customer's own words and there is no need for a Customer Service Representative to interpret the customer's reasons for submitting a dispute.

When submitting a dispute online, a Dispute Account is automatically created for the customer on the Customer Choice Dispute Website. The Dispute Account allows the customer to log in and upload supporting documents (see Step 2), review the Gas Marketer's evidence (see Step 3) and submit any further information or response (see Step 4).

Detailed instructions on how to submit a dispute online can be found at: www.fortisbc.com/marketerdisputes.

2.1.2 *Submit a Dispute by Telephone*

Customers can also submit a dispute by contacting FortisBC Customer Service at 1-888-224-2710.

A Customer Service Representative will ask the customer a series of questions in order to complete the dispute submission form on the customer's behalf.

The Customer Service Representative will provide a Dispute Tracking Number for the customer's information. Customers should keep a record of this number as it will be required for future correspondence regarding the dispute.

When submitting a dispute by telephone, a Dispute Account is created for customers who provide an email address. Customers can log into the account to upload supporting documents (see Step 2), review the Gas Marketer's evidence (see Step 3) and submit any further documents or response (see Step 4).

Customers who do not provide an email account when submitting a dispute by telephone will not have access to an online Dispute Account. In these cases, the Gas Marketer will submit the evidence to the customer for review directly, see Step 3.

2.2 Step 2 – Submit supporting documents (Optional)

While not required, customers can submit relevant supporting documents for review by the Gas Marketer and the Commission. For example, customers may wish to submit the following documents:

- Copy of contract;
- Further description of the issue/background and desired resolution; and/or
- Correspondence between customer and Gas Marketer relevant to the dispute.

Please note this step is optional; customers are not required to submit supporting documents. All supporting documents submitted by the customer will be available for review by both the Gas Marketer and the Commission.

Customers should submit any supporting documents within 5 days[1] of submitting the dispute to allow for the dispute to be processed in a timely manner. Please note that supporting documents submitted later than 14 days after the dispute was submitted will not be considered by the Gas Marketer or the Commission when reviewing the dispute.

Submit documents online

Customers with a Customer Choice Dispute Account can submit documents online at the following link: https://marketerdisputes.fortisbc.com/CustomerPortalLogin.aspx?Page=1. Customers will need their Tracking Number (provided when the dispute is opened), FortisBC Account Number and "Point of Delivery" (POD) number (found on every customer's FortisBC bill) to submit documents online.

Where to find your Tracking Number, FortisBC Account Number and POD Number	
If you logged a dispute online:	Refer to the confirmation email you received. This email indicates your tracking number, FortisBC account number and POD number.
If you logged a dispute with a customer service representative:	The customer service representative should have provided you with your tracking number, FortisBC account number and POD number at the end of your call.
If you cannot find your tracking number, FortisBC account number and/or POD number:	Call 1-888-224-2710 to speak to a customer service representative who will provide you with your tracking number, FortisBC account number and POD number.

Submit documents by fax or email

Customers who do not have a Customer Choice Dispute Account can submit supporting documents to FortisBC Customer Support as outlined below:

Fax: ATTENTION: FortisBC Customer Support

1-888-224-2720

Mail: FortisBC Customer Support
PO Box 48230, Bentall Centre
Vancouver BC, V7X 1N8

[1] Note: All timelines set out in the Dispute Guidelines are in calendar days.

Please note: Customers should clearly write the Tracking Number, FortisBC Account Number and "Point of Delivery" (POD) Number on each page of all documents submitted by mail or fax. If these numbers are not included, FortisBC may be unable to process the supporting documents.

2.3 Step 3 – Review Gas Marketer's Evidence

Customers have the opportunity to review the Gas Marketer's evidence and response to the dispute.

The Gas Marketer's evidence will be available for review within 7 days of the dispute submission date. The Gas Marketer will provide the following evidence: a copy of the contract, Notice of Appointment of Marketer and a recording of the Third Party Verification call, if applicable, for the customer's review.

If the customer has a Customer Choice Dispute Account, these materials will be uploaded to the customer's account for review. In most cases, the customer should receive an email alert from the Gas Marketer notifying him or her that the evidence is available for review. Customers should log into their Customer Choice Dispute Account 7 days after submitting the dispute to review the evidence.

Customers without a Customer Choice Dispute Account will receive copies of the evidence from the Gas Marketer by mail, fax, courier and/or telephone.

- If the Gas Marketer submits the evidence by **mail, fax or courier**, the following will be included for the customer's review: copy of the contract, copy of the Notice of Appointment of Marketer, copy of the Third Party Verification call and Gas Marketer's response letter.

- If the Gas Marketer submits the evidence by **telephone**, the Gas Marketer will confirm that the customer has a copy of the contract and Notice of Appointment of Marketer. If not, the customer will receive copies by mail, fax or courier. During the call, the customer will have an opportunity to listen to a recording of the Third Party Verification call and an overview of the Gas Marketer's response to the dispute.

2.4 Step 4 – Submit further information (Optional)

Customers have the opportunity to submit further information after reviewing the Gas Marketer's evidence. Typically, this information includes the customer's response to the Gas Marketer's evidence, account of events and proposed resolution, if applicable.

For example, the customer may wish to upload a rebuttal to the Gas Marketer's account of events. Alternatively, the customer may wish to upload a letter confirming that the dispute has been resolved to his or her satisfaction. Other examples of information submitted at this point include:

- Correspondence between customer and Gas Marketer not previously submitted; and

- Supporting documents located after the date of the initial submission (e.g. customer locates signed copy of contract).

Should customers wish to submit further information, they must do so within 14 days of submitting the dispute. This will allow for the dispute to be processed in a timely manner. Please note that supporting documents submitted later than 14 days after the dispute submission date will not be considered by the Gas Marketer or the Commission when reviewing the dispute.

Please note this step is optional; the customer is not required to submit further information. Customers should submit further information according to the same method described under Section 2.2 (online or by mail/fax).

2.5 Gas Marketer or BC Utilities Commission Resolves Dispute

The customer and Gas Marketer may resolve the dispute between themselves, without the Commission's involvement. Where this type of resolution occurs, the Commission will close the dispute and send both parties a letter outlining the dispute outcome.

If the customer and Gas Marketer cannot resolve the dispute, the Commission will adjudicate the dispute. A Commissioner will review the evidence provided by the Gas Marketer, supporting documents submitted by the customer, if any, and decide if the contract is valid or not. The customer will receive a letter from the Commission notifying him or her of the dispute outcome.

Customers who disagree with the dispute outcome may contact the Commission directly, in writing, quoting the Dispute Tracking Number:

Email: Customer.Choice@bcuc.com

Fax: 604-660-1102

Mail: Customer Choice Program
British Columbia Utilities Commission
Sixth Floor, 900 Howe Street, Box 250
Vancouver, British Columbia, Canada V6Z 2N3

3.0 GAS MARKETER'S ROLE

This section outlines the Gas Marketer's required actions under the Customer Choice Dispute Process.

3.1 Gas Marketer contacts customer to attempt to resolve dispute (if authorized)

This step applies only to customers who authorize the Gas Marketer to contact them to attempt to resolve the dispute. For customers who did not authorize the Gas Marketer to contact them to attempt to resolve the dispute, please go directly to Section 3.2.

The Gas Marketer has 21 days[2] to attempt to resolve the dispute with the customer. If the Gas Marketer and customer cannot resolve the dispute within 21 days, the Commission will adjudicate the dispute.

3.2 Gas Marketer submits dispute evidence for customer's review

The Gas Marketer must submit dispute evidence for the customer and Commission staff's review within 7 days of the dispute submission date. Please note that evidence submitted later than 7 days after the dispute submission date will not be considered by the Commission when reviewing the dispute. The Gas Marketer is required to submit evidence to all customers, regardless of whether they wish to be contacted by the Gas Marketer to attempt to resolve the dispute. Please see the table below for details on required evidence.

[2] Note: All timelines in the Dispute Guidelines are in calendar days.

Table: Gas Marketer evidence required within 7 days of dispute submission

Scenario	Gas Marketer Evidence Required
Customer allows Gas Marketer to contact to resolve dispute	1. Signed contract 2. Notice of Appointment of Marketer 3. Third Party Verification[3] call (if applicable)
Customer does not allow Gas Marketer to contact to resolve dispute	1. Signed contract 2. Notice of Appointment of Marketer 3. Third Party Verification call (if applicable) 4. Response Letter*

* The Gas Marketer is required to set the dispute status to "Unresolved" within 7 days of the dispute submission date when the customer does not allow the Gas Marketer to contact him or her to attempt to resolve the dispute. The Gas Marketer must submit a Response Letter to the customer and the BC Utilities Commission when setting the dispute status to "Unresolved". The Response Letter must address the nature of the dispute, provide background on the dispute from the Gas Marketer's perspective and either request the Commission's adjudication or propose a resolution method.

Additional evidence the Gas Marketer may wish to provide, depending on the nature of the dispute, is listed below:

- Summary of communication with customer; and
- Records of correspondence with customer relevant to the dispute (e.g. emails, telephone calls, letters).

Submit evidence to customer online

If the customer provides an email address when lodging the dispute, and therefore has a Customer Choice Dispute Account, the Gas Marketer must upload the evidence to the Account for the customer's review. Upon uploading the evidence, the Gas Marketer must email customers with a Customer Choice Dispute Account to notify them that evidence is available online for review. The email must note the 7 day deadline for the customer to provide further information. The Gas Marketer must upload a copy of the email notification to the dispute for the Commission's records.

Submit evidence to customer offline

Where the customer has not provided an email address when lodging the dispute and thus does not have access to an Online Dispute Account, the Gas Marketer must provide the required evidence for the customer's review by mail, fax, courier and/or telephone as outlined below:

- If the Gas Marketer submits the evidence by **mail, fax or courier**, the following must be included for the customer's review: copy of the contract, copy of the Notice of Appointment of Marketer, copy of the Third Party Verification call and Gas Marketer's response letter.

[3] Third Party Verification (TPV) is a digitally recorded telephone call between the Gas Marketer and the Residential Consumer to confirm the Consumer's understanding of the Offer, Consumer's Agreements, Confirmation Letter and Cancellation Rights.

- If the Gas Marketer submits the evidence by **telephone**, the call must be recorded and maintained by the Gas Marketer in the event it is requested by Commission staff in reviewing the dispute. During the call, the Gas Marketer must confirm that the customer has a copy of the contract and Notice of Appointment of Marketer. If not, the Gas Marketer must send copies to the customer by mail, fax or courier. During the call, the Gas Marketer must play a recording of the Third Party Verification call for the customer's review, and provide an overview of the Gas Marketer's response to the dispute. If the evidence is sent by regular mail, Commission staff will take this into account when considering the remaining deadlines for the dispute.

3.3 Gas Marketer resolves/does not resolve dispute with customer

If the Gas Marketer and customer are able to resolve the dispute within 21 days, please see *Section 3.3.1 – Gas Marketer resolves dispute with customer*.

If the Gas Marketer and customer are not able to resolve the dispute within 21 days, please see *Section 3.3.2 – Gas Marketer does not resolve dispute with customer.*

3.3.1 *Gas Marketer resolves dispute with customer*

The Gas Marketer has 21 days from the date the dispute is submitted to resolve the dispute directly with the customer. If the dispute is not resolved within the 21 days the dispute will go to the Commission for adjudication. Please note this option only applies to those customers who allow the Gas Marketer to contact them to attempt to resolve the dispute.

Where the Gas Marketer and customer resolve the dispute without the Commission's involvement, the Gas Marketer must complete the following steps:

- Ensure all evidence is uploaded (Contract, Notice of Appointment and TPV if applicable) for the Commission's review.
- Ensure copy of the customer email notification regarding evidence and response deadline is uploaded for the Commission's review (only required if customer has a Customer Choice Dispute Account).
- Upload any other evidence (e.g. email from customer confirming dispute resolution).
- Upload Response Letter (Letter must address the nature of the customer's concern and describe how the Gas Marketer addressed the customer's concerns, i.e. method of dispute resolution.)
- Set Dispute Status as "Resolved".

3.3.2 *Gas Marketer does not resolve dispute with customer*

There are two possible ways in which the Gas Marketer will not be able to resolve the dispute with the customer, outlined below. Please note the deadline for setting the dispute status to "Unresolved" and completing the required steps, outlined below, depends on which scenario applies.

Scenario A: The Gas Marketer and the customer attempt to resolve the dispute, but cannot do so within the 21 day resolution period.

- The required steps below must be completed within **21 days**.

Scenario B: The customer does not allow for Gas Marketer contact to attempt to resolve the dispute.

- The required steps below must be completed within **7 days**.

Required Steps:

When the Gas Marketer and customer are unable to resolve the dispute, the Gas Marketer must complete the following steps, within the applicable timeframe as outlined above:

- Ensure all evidence is uploaded (Contract, Notice of Appointment and TPV if applicable) for the Commission's review.
- Ensure customer email notification regarding evidence and response deadline is uploaded for the Commission's review (if customer has a Customer Choice Dispute Account).
- Upload any other evidence (e.g. email from customer rejecting Gas Marketer's proposed resolution).
- Upload Response Letter (Letter must address the nature of the customer's concern).
- Set Dispute Status as "Unresolved".

3.4 Await Commission Review or Adjudication

After the Gas Marketer has completed the required steps, as outlined in Sections 3.3.1 and 3.3.2, the Commission will review or adjudicate the dispute. The Commission may request further information from the Gas Marketer.

The Commission will copy the Gas Marketer on the letter sent to the customer notifying him or her of the dispute outcome.

If the Gas Marketer believes the Commission made an error in the course of adjudicating a dispute, the Gas Marketer may raise the issue for further review by applying to the Commission for reconsideration. Please see the Commission's Dispute Reconsideration Guidelines for further information.

4.0 BC UTILITIES COMMISSION'S ROLE

4.1 Gas Marketer and Customer Resolve Dispute

Where the Gas Marketer and Customer resolve the dispute without the Commission's involvement, Commission staff will review the dispute details to ensure that the Dispute Process Guidelines were properly adhered to. Commission staff may request more information from the customer and the Gas Marketer, if required.

When Commission staff are satisfied that the dispute has been adequately resolved they will issue a letter to both parties confirming the dispute resolution.

4.2 Gas Marketer and Customer Do Not Resolve Dispute

If the Customer does not allow the Gas Marketer to contact him or her to attempt to resolve the dispute, or if the customer and gas marketer are unable to reach resolution, the Commission will become actively involved in resolving the dispute.

Commission staff will review the evidence and information provided by the customer and the Gas Marketer and

may request more information from the customer and the Gas Marketer, if necessary. Once the Commission has sufficient information regarding the dispute, Commission staff will facilitate resolution between the Gas Marketer and the customer or send the dispute to a Commissioner for adjudication. Please see below for more information on both processes.

4.2.1 *BC Utilities Commission Staff Facilitate Resolution*

If the customer does not allow the Gas Marketer to contact him or her to attempt to resolve the dispute, Commission staff will review all evidence and information submitted by the Gas Marketer and the customer. Commission staff may attempt to facilitate resolution between the customer and the Gas Marketer and in some instances, Commission staff will be able to resolve the dispute without adjudication. In such cases, the Commission will issue a letter to both parties outlining the dispute resolution.

4.2.2 *BC Utilities Commissioner Adjudicates the Dispute*

Where the Gas Marketer and customer cannot resolve the dispute, even with the assistance of Commission staff, the dispute will be sent to a Commissioner for adjudication. The Commissioner will consider the evidence and information provided by the Gas Marketer and customer regarding the dispute. The Commissioner's decision is binding for both the Gas Marketer and the customer.

The Commission will send a letter to both the customer and the Gas Marketer outlining the Commissioner's decision.

If the customer or the Gas Marketer believes the Commission made an error in the course of adjudicating a dispute, either party may raise the issue for further review by applying to the Commission for reconsideration. Please see the Commission's Dispute Reconsideration Guidelines for further information.