

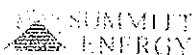
EB-2010-0221

Complainant Witness Binder – Index

Witness LM (Agent AT – Contract number F937447)

Tab	Document
A	Signed contract, if any
B	Any other documents the complaint claims were left with the Complainant
C	Any written complaint to Summitt
D	Any written response from Summitt
E	Any other record of correspondence between the Complainant and Summitt
F	Any written complaint to the Board
G	Complaint Response Form
H	Additional Documents Summitt claims were left with the Complainant
I	Additional communications between Complainant and Summitt

TAB A



REGISTRATION FORM

Summitt Energy LP (NYSE:SE) 1000 Main Street, Suite 1000, New York, NY 10001-1000
905.366.7059, 1.877.222.9520 fax 905.366.7059 www.summittenergy.com customer@summittenergy.com

F937447

ACCOUNT HOLDER INFORMATION

GOM108

☒ Mr.

☐ Mrs.

☐ Ms.

First Name of Account Holder (From Bill)

Last Name of Account Holder (From Bill)

☐ Business

Street Address

City

Province

Postal Code

Phone #

Other Phone #

Ext

SUMMITT ENERGY NATURAL GAS PROGRAM (Includes Blend & Extend Option) License #GOM-0003-0542

I agree to the Customer Agreement, and select the following term (the "Term of the Agreement") and price (the "Price")

☒ 5 Years: 34.9 cents/m³

☒ ENBRIDGE ACCOUNT #

☐ UNION ACCOUNT #

First 4 Alpha-Numeric (from Name on Bill)

Postal Code

(from Bill)

SUMMITT ENERGY ELECTRICITY PROGRAM (Includes Blend & Extend Option) License #ER-2005-0041

UTILITY ACCOUNT #

Utility Name

First 4 Alpha-Numeric
(from Name on Bill)

Postal Code

(from Bill)

I agree to the Customer Agreement, and select the following term (the "Term of the Agreement") and price (the "Price")

☒ 5 Years: 7.59 cents/kWh

Effective May 1, 2009 consumers with a time-of-use meter will pay 9.1 cents/kWh for on-peak times, 7.6 cents/kWh for mid-peak times and 4.2 cents/kWh for off-peak times. Consumers on the Regulated Price Plan (RPP) will pay 5.7 cents/kWh up to a certain threshold per month and 6.6 cents/kWh above that threshold. Please see the Customer Agreement with Terms and Conditions for your Consumer's Rights and Buyer's Right to Cancel.

(I have read the above and understand and agree to the terms and conditions of this Registration Form and Customer Agreement)

Signature (I have the authority to sign on behalf of the Applicant)

Date Signed

07/23/2009

Print Name

Relationship to Account Holder / Title (if applicable)

This Comprehensive Energy Protection Program ("Agreement") is with Summitt Energy LP ("Summitt") which is an Ontario Energy Board ("OEB") licensed electricity and natural gas retailer. For Customers who consume less than 50,000m³ of gas or 150,000kWh of electricity, this Agreement will not be in effect unless I reaffirm it, see Consumers Rights & Buyers Rights to Cancel. I understand that this agreement is with Summitt Energy and is not with my local electricity or natural gas distributor. Unless agreed to in writing by Summitt, no amendments, either written or verbal, to this Registration Form or Customer Agreement with Terms and Conditions will be accepted. I authorize my utility to provide Summitt Energy my account number, which we may include in the space above.

Representative Signature

Representative Name

Representative Number

TAB B

TAB C

TAB D

TAB E

TAB F

Ontario Energy Board
COMPLAINT FILE SUMMARY

Date Printed: December 01, 2009
Time Printed: 3:38:18PM

File Number: 2009-0010116

Date Received: 09/11/2009

File Status: Closed

Consumer Information

Name: [REDACTED]
Address 1: [REDACTED]
Address 2: [REDACTED]
City: [REDACTED]
Province: [REDACTED]
Postal Code: [REDACTED]
Telephone: [REDACTED]
Fax:
Email: [REDACTED]

Utility/LDC Information

Account Number:
Licence Type: Gas Distributor
Utility Name: Enbridge Gas Distribution Inc.

Marketer/Retailer Information

Licence Type: Gas Marketer
Marketer/Retailer Name: Summitt Energy Management Inc.
Marketer/Retailer (or Licence) No.: GM-2005-0542
Agent Name: [REDACTED]
Wearing ID: Unknown
Provided Business Card: Unknown
Wearing Uniform: Unknown
Privacy Consent Confirmed: Yes

COMPLAINT FILE SUMMARY

Complaint Information**Complaint Details:**

Preferred Communication Method: E-mail

Utility: Enbridge Gas

Marketer/Retailer:

Best time to reach: No Preference

I wanted to share an email with you that I sent

to Summit Energy who has a door-to-door representative in my area. When I called

Summit, they didn't care about what I said. I was smart enough to know that I didn't

have to work with them, but they are taking advantage of people in my area and somebody

should know. Sincerely, [REDACTED]

Hello, somebody came to my door yesterday from

Summit Energy. I asked him "do I have any choice or do I absolutely HAVE to sign

up with Summit. Can I not just get my energy and gas through Enbridge directly?"

His response was that I have absolutely no choice, I have to sign up, and he was only updating records.

I will be mentioning this to the OEB, so hopefully they

can fine Summit AGAIN. For your records, the person that was lying to me in my own

house was:

[REDACTED] and his representative number is [REDACTED]

Please

cancel the order as soon as you receive it. It was put through on July 23 at about 8:30 PM, which is way too late to be ringing multiple times (4 times) on my doorbell. Primary Account Number:

Requested Action:

Review Agent's Actions

OEB Action:

CCR Form sent to Licensee

Resolution:**Resolution Details:**

Classification	Topic	Sub Topic
Agent Conduct	Misrepresentation of purpose	Need to sign to continue supply
Agent Conduct	Misleading Information provided by agent	

TAB G

Date Printed : June 22, 2010
Time Printed: 9:39:25AM

Consumer Complaint Response

2009-0010116

Assignment

Licensee Name
Summitt Energy Management Inc.

Licensee E-mail: compliance@summittenergy.ca

Licensee Phone: +1 (905) 366-7035

CCR Complaint Status

Completed

Licensee Representative

Agent Name

Agent ID

Date Received

09/11/2009

Sent to Licensee Date

09/11/2009

Licensee Date Due

10/02/2009

Licensee Response Date

09/11/2009

Complaint Details

Reference Number

2009-0010116

Consumer Name

Representative Name

Energy Type

Gas

Consumer Address

Representative Address

Account Number

Consumer Phone

Representative Phone

Consumer Email

Representative E-mail

Classification

Agent Conduct

Topic

Misrepresentation of purpose

Sub-Topic

Need to sign to continue supply

Synopsis

Preferred Communication Method: E-mail

Utility: Enbridge Gas

Marketer/Retailer:

Best time to reach: No Preference

I wanted to share an email with you that I sent to Summit Energy who has a door-to-door representative in my area. When I called Summit, they didn't care about what I said. I was smart enough to know that I didn't have to work with them, but they are taking advantage of people in my area and somebody should know. Sincerely, [REDACTED]

Hello, somebody came to my door yesterday from Summit Energy. I asked him "do I have any choice or do I absolutely HAVE to sign up with Summit. Can I not just get my energy and gas through Enbridge directly?" His response was that I have absolutely no choice, I have to sign up, and he was only updating records.

I will be mentioning this to the OEB, so hopefully they can fine Summit AGAIN. For your records, the person that was lying to me in my own house was:

[REDACTED] and his representative number is [REDACTED]

Please

cancel the order as soon as you receive it. It was put through on July 23 at about 8:30 PM, which is way too late to be ringing multiple times (4 times) on my doorbell. Primary Account Number:

Consumer Resolution Requested

Review Agent's Actions

Privacy Consent

Approval to share info with OEB

Yes

Approval to share info with stakeholder

Yes

Approval to share info with 3rd party

Yes

Questions**Answers**

Licensee to review consumer file and Complaint including contract, recorded telesales calls, reaffirmation calls, correspondence with consumer and account history. Details to be provided in response here.	The customer signed the contract on July 23, 2009. The contract was cancelled on August 3, 2009.
Call consumer to confirm receipt of Complaint from OEB and discuss complaint details.	Summitt Energy left a message for the customer on September 14, 2009 advising the customer that Summitt is looking into their complaint.
Provide explanation of why the issue was not resolved at the initial contact from the consumer.	Summitt contacted the customer on August 3, 2009 to confirm reaffirmation. The customer declined the contract. Summitt cancelled the contract immediately.
The licensee resolution including timing and method of communication with consumer.	Summitt cancelled the contract during the reaffirmation call. The customer decided to decline the contract during reaffirmation. Summitt has forwarded the complaint to the sales agent's manager for review and retraining purposes.
Detail action to be undertaken within licensee to address systemic issue or clarify position. Include actions such as agent retraining, agent discipline, call centre script changes, etc.	See resolution with consumer.
What is the timing for resolution to be implemented?	The complaint was forwarded to the sales agent's manager for review on September 28, 2009.
Licensee to provide copies of material to consumer. Include copy of contract or telesales recording, terms and conditions, reaffirmation call and any correspondence with the consumer. Provide details on when/how sent to consumer.	No material to send the customer.
Attach same copies as above to OEB.	See attached for a copy of the contract and the reaffirmation call where the customer declined.

Supporting Material**Licensee Closure**

Resolution
Agent Conduct

Action
No Further Action

CCR Completed By
Nmatadin

Reimbursement Amount

Additional Comments



SUMMIT ENERGY

REGISTRATION FORM

COMPREHENSIVE ENERGY PRICE PROTECTION PROGRAM
Summit Energy 190 Midway Dr., Suite 808, Mississauga, ON L5R 4H1
905.366.7053, 1.877.222.9520, fax 905.366.7053, www.summitenergy.ca, customerservice@summitenergy.ca

F337447

ACCOUNT HOLDER INFORMATION

GOM108

☐ Mr.
☐ Mrs.
☐ Ms.

First Name of Account Holder (from Bill)

Last Name of Account Holder (from Bill)

☐ Business

Business Name

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City

Province

Postal Code

Phone #

Other Phone #

Ext.

SUMMIT ENERGY NATURAL GAS PROGRAM (Includes Blend & Extend Option) License #GM-2005-0592

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☐ UNION ACCOUNT #

First 4 Alpha-Numeric (from Name on Bill)

Postal Code
(from Bill)

SUMMIT ENERGY ELECTRICITY PROGRAM (Includes Blend & Extend Option) License #ER-2005-0541

UTILITY ACCOUNT #

Utility Name

TORONTO HYDRO

First 4 Alpha-Numeric
(from Name on Bill)

Postal Code
(from Bill)

I agree to the Customer Agreement, and select the following term (the "Term of the Agreement") and price (the "Price"):

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Effective May 1, 2009 consumers with a time-of-use meter will pay 9.1 cents/kWh for on-peak times, 7.6 cents/kWh for mid-peak times and 4.2 cents/kWh for off-peak times. Consumers on the Regulated Price Plan (RPP) will pay 5.7 cents/kWh up to a certain threshold per month and 6.6 cents/kWh above that threshold. Please see the Customer Agreement with Terms and Conditions for your Consumer's Rights and Buyer's Right to Cancel.

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Date Signed

07/23/2009

Print Name

Relationship to Account Holder / Title (if applicable)

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Signature of Representative

Representative Name

Representative Number

TOP COPY - RETURNS TO SUMMIT

BOTTOM COPY - CUSTOMER COPY

DATE OF SIGNATURE

LM

REGISTRATION FORMS

BINDER 1

(Summitt Energy Sales Kit)

TAB 1 (K)

2M

TERMS & CONDITIONS

BINDER 1

(Summitt Energy Sales Kit)

TAB 2 (d)

LM

CERTIFICATES / BUSINESS
CARDS

BINDER 1

(Summit Energy Sales Kit)

TAB 3 (a)

2M

OEA BROCHURE

BINDER 1

(Summit Energy Sales Kit)

TAB 4

TAB H

TAB I

Reaffcalls in mp3

Complainant Name: L.M. [name redacted]
Contract Number: NC1046 AT F937447-
4165005573_kolds_090803_123727.MP3
Date and Time of Call: 08/03/2009 12:38pm
Transcribed by: Janet White

Summitt Hi can I speak to L.M. [name redacted]
L.M. [name redacted] Yes that's me
Summitt Oh hi L.M. [name redacted] its' Christie from Summitt
Energy. We are calling to reaffirm the electricity and
natural gas price protection program from when the
representative was there. That was on 23rd of July. The
address is [address redacted] correct?
L.M. [name redacted] Ah that's the right address but no I don't want to confirm
that I need to ah that's cancelled.
Christie You cancelled? You cancelled the permit?
L.M. [name redacted] Yeah right after he came by I called in and they said that as
soon as the paperwork was going to be in they would
cancel it
Christie Okay can I ask what gave you a change of heart about our
program L.M. [name redacted].
L.M. [name redacted] Ah doesn't matter. I just said no. That's okay.
Christie Yes your right. It doesn't it doesn't. You don't have to tell
us. It's just that feedback it helps to better alter the
program in future to see what the public would like to see.
So in the long run only benefiting yourself by helping us to
change or make changes to the program right
L.M. [name redacted] I see, maybe next time I will do it but for now just cancel it.
Christie Okay so bye
L.M. [name redacted] Bye

TAB J

add cd



CO-2010-0022

IN THE MATTER OF the *Ontario Energy Board Act, 1998*,
S.O. 1998, c. 15, (Schedule B);

AND IN THE MATTER OF Summitt Energy Management

WITNESS STATEMENT OF

My name is _____ and I reside in the City of Toronto in the Province of Ontario.

1. On July 23, 2009, _____, a sales agent from Summitt Energy Management ("Summitt"), attended at my residence. I was a new homeowner and just moved into the residence in June 2009.

2. At the time Mr. _____ attended at my residence I was home alone. He said he was there on behalf of Summitt. Mr. _____ told me that the previous tenants had a contract with Summitt and that he was there to sign up me up as well. Mr. _____ spoke to me about both gas and electricity but I was having trouble understanding what he was saying. I asked whether I had to sign anything and he told me that I had to sign for the service and supply of gas. It was not clear to me that I did not have to sign. When I asked Mr. _____ whether I could get gas supplied directly through the utilities, he told me that this was not possible.

3. Mr. _____ asked for a copy of my gas and electricity bills but I had not received them yet. He filled out a form that he had with him and he asked me to sign it. He was very persistent and seemed to be in a hurry.

4. It was based on the statements made by _____ that I signed the document. He left me a copy of the contract and the terms and conditions.

5. After Mr. [REDACTED] left the residence, I reviewed the form and realized that I had been signed up for a five year fixed price gas and electricity contract. I cancelled the contract when the reaffirmation call was made.

6. I contacted the Ontario Energy Board on September 11, 2009 to make a complaint. I informed the Board of the facts set out above. As a result, I was informed by the Board that they would contact Summitt and ask them to review the complaint, including the contract, reaffirmation call, and correspondence with the consumer and the account history. I requested that Summitt cancel the contract.

7. Attached hereto and marked as Exhibit A is a copy of the contract.

Signature

Date

May 29, 2010