

EB-2010-0221

Complainant Witness Binder – Index

Witness WG (Agent GS – Contract number A615830)

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

A615830

ACCOUNT HOLDER INFORMATION "GRE001"

☒ Mr. ☐ Mrs. ☐ Ms. First Name of Account Holder (from Bill) Last Name of Account Holder (from Bill)

☐ Business Business Name

Street Address

City Province Postal Code

SUMMITT ENERGY NATURAL GAS PROGRAM (includes Blend & Extend Option) License #RGA-2006-0642

I select the following term (the "Term of the Agreement") and price (the "Price"):

☒ 5 Years at 42.8 cents/m³

☐ ENBRIDGE ACCOUNT #

☐ UNION ACCOUNT # B-8-489651265104221

First 4 Alpha-Numeric (from Name on Bill) Postal Code (from Bill)

SUMMITT ENERGY ELECTRICITY PROGRAM (includes Blend & Extend Option) License #EP-2006-0641

I select the following term (the "Term of the Agreement") and price (the "Price"):

☒ 5 Years at 9.98 cents/kWh

UTILITY ACCOUNT # New Account

Utility Name Orkville Hydro

First 4 Alpha-Numeric (from Name on Bill) Postal Code (from Bill)

Under this program you may be entitled to the Customer Protection Fee (CPFE) and the Program & Service Rebate (PSR) (the "CPFE and PSR") (see the program code above for details, if any).

SUMMITT GREEN ENERGY PROGRAM

Purchase of Green Energy Offset Units: I select the number of Green Energy Offset Units as indicated below:

green electricity	green natural gas
0% <input checked="" type="radio"/>	\$0 <input checked="" type="radio"/>
25% <input type="radio"/>	\$5-\$55 per month <input type="radio"/>
50% <input type="radio"/>	\$6-\$59 per month <input type="radio"/>
100% <input type="radio"/>	\$15-\$15 per month <input type="radio"/>

To register for Summitt Energy's Green Energy Program for gas offset, in either of Summitt Energy's Natural Gas and/or Electricity Price Protection Programs, The Summitt Energy Green Energy Program and/or the utility's Green Energy Program, you must apply for the program. The program is available to customers who are not currently enrolled in a similar program. The program is available to customers who are not currently enrolled in a similar program. The program is available to customers who are not currently enrolled in a similar program.

This Comprehensive Energy Protection Program (CPEP) is a voluntary program of Summitt Energy LP ("Summitt"), which is an Ontario Energy Board (OEB) licensed electricity and natural gas retailer. For customers who consume less than 50,000 kWh of electricity and/or natural gas per year, the program is available to customers who are not currently enrolled in a similar program. The program is available to customers who are not currently enrolled in a similar program. The program is available to customers who are not currently enrolled in a similar program.

Phone # () Other Phone # () Ext.

Signature (I have the authority to sign on behalf of the Applicant) Date Signed 08/19/08

Print Name Relationship to Account Holder / Title (if applicable) Self

Effective May 1, 2008 consumers with a time-of-use meter will pay 9.3 cents/kWh for on-peak times, 7.3 cents/kWh for mid-peak times and 2.7 cents/kWh for off-peak times. Consumers on the Regulated Price Plan (RPP) will pay 5.0 cents/kWh up to a certain threshold per month and 5.9 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.

Representative Signature Representative Name Representative Number

TOP COPY - RETURN TO SUMMITT ; BOTTOM COPY - CUSTOMER COPY

ON 62 604 073138

TAB B

TAB C

TAB D



June 3, 2009

W [REDACTED]
[REDACTED]
[REDACTED]

Invoice #: 575326
Bill Date: 06/03/2009
Account Number: 38789652650422
Contract ID: A615830

Dear [REDACTED]

We are sorry to have received your request for the early cancellation of the price protection program that you signed up for on 08/19/2008. Customers who choose long term protection for their energy will typically gain the greatest benefits over the latter part of their term, and any early termination of your contract may result in missing out on that benefit. Over one million households in Ontario have experienced significant savings over the years with electricity and/or natural gas price protection programs.

Summitt's programs are designed to protect you from any price increases in your electricity and/or natural gas commodity for a period of 5 years, and with Summitt you have the added benefit of our Blend & Extend option. If you want to roll your energy rates into Summitt's current rates for an extended term, Blend & Extend is easy to activate by calling our Customer Service department prior to your yearly anniversary dates.

If you've decided to cancel your protection, you will need to close your account by paying liquidated damage fees, as stated in the Terms and Conditions of your contract with Summitt Energy. This charge is \$0.07 for each cubic meter of your estimated gas consumption and/or \$ 0.009 for each kWh of your estimated electricity consumption, for the balance of your contract.

Gas Account

Liquidated Damages: \$512.94
GST: \$25.65
Total Due: \$538.59

Electricity Account

Liquidated Damages: \$434.83
GST: \$21.74
Total Due: \$456.57

If you wish to complete the cancellation of your contract, please send a certified cheque, bank draft or money order for the full amount of the liquidated damages payable to Summitt Energy. Upon receipt of your payment it may take up to 60 days to process the cancellation through your utility(s).

If you require any further assistance, please call our toll free customer service number at 1-877-222-9520.

Regards,

Customer Service Department
Summitt Energy
Phone: 877-222-9520
Fax: 905-366-7063/1-877-222-9520
Email: customerservice@summittenergy.ca

Please detach this portion and return with your payment

[REDACTED]

Invoice #: 575326
Client ID: 252554

Contract ID	Bill Date	Total Due Gas	Total Due Electricity	Total Due	Amount Paid
A615830	06/03/2009	\$538.59	\$456.57	\$995.16	

Certified cheque

Bank Draft

Money order

100 Milverton Drive, Suite 608 Mississauga, Ontario L5R 4H1



June 23, 2009

Via: Mail

[REDACTED]

Re: A615830

Dear [REDACTED]

This letter is to inform you that contract number A615830 for a five year electricity and natural gas price protection plan, has been cancelled as per your request.

Please be advised, it may take up to 60 days to process the cancellation through your utility. If you require any further assistance, please call our toll free customer service number at 1-877-222-9520

Regards,

Summitt Energy
Customer Service Department
Phone: 877-222-9520
Fax: 877-222-4410

TAB E

TAB F

Ontario Energy Board
COMPLAINT FILE SUMMARY

Date Printed:	Page 1 of 3
Time Printed:	June 22, 2010 3:09:17PM

File Number: 2009-0006926

Date Received: 09/06/2009

File Status: Closed

Consumer Information

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

Utility/LDC Information

Account Number: 17182601
Licence Type: Electricity Distributor
Utility Name: Oakville Hydro Electricity Distribution Inc.

Marketer/Retailer Information

Licence Type: Electricity Retailer
Marketer/Retailer Name: Summitt Energy Management Inc.
Marketer/Retailer (or Licence) No.: ER-2005-0541
Agent Name: [REDACTED]
Wearing ID: Unknown
Provided Business Card: Unknown
Wearing Uniform: Unknown
Privacy Consent Confirmed: Yes

Ontario Energy Board
COMPLAINT FILE SUMMARY

Date Printed:
Time Printed:

Page 2 of 3
June 22, 2010
3:09:17PM

Complaint Information

Complaint Details:

Preferred Communication Method: E-mail
Utility: Oakville Hydro/Union Gas
Marketer/Retailer: Summitt Energy

Best time to reach: No Preference
GAS - 38789652650422 - Summitt Energy Ref 9055824323

We are new to Canada from England and after moving into our house we had a man come to our door saying he was from Oakville Hydro and needed to check our bill as it was a new house. He then said that we could go on a price protection programme offered in the area at no cost. He advised me that our bills would not change and that we were not tied into anything. I did agree and I signed to say I wanted more information (or so I thought). I did receive a call a few weeks later to ask if I would still like the programme - I asked the girl if I was tied in and again asked if there would be any costs. I was told no.

Now I got my lasy hydron bill in May and saw that my bill has over doubled in cost. We then noticed that the name of the supplier on the bill had changed to Summitt Energy. We called them and was told we had signed for a five year fixed price contract with the price of units almost double at what we were used to paying. I said I wanted out of this contract and was told that it would cost me over \$1000. It would appear that my Union gas was changed to Summitt Energy in August but as our gas bills ar very low I did not really notice the increase. It was only when my Hydro changed some months later that we noticed the significant difference.

I asked to cancel right away and said I would even pay the fee (at least my bills would go back downand then I could fight to get the cancellation fee back) We were told it would take 2-3 weeks to cancel??? Meanwhile we are still getting charge an extortionate amount for our gas/elecdricty.

Since that phone

call on June 03rd I did some research and see thant hundreds of people have been duped by this company. Surely there has to be some law about their selling methods. The slaesman fraudulently told me he was from Oakville Hydro, he did not disclose what he was actually doing and is doing it to people every day. I admit I was naive and shuld have read the small print. But I was trusting and this man preyed on the fact we were new to the country and presumed this was the norm. However any company that is told there salesman are doing this should surely give the customer the benfit of the doubt and cancel the contract without fees. Otherwise are they not condoning these tactics and saying they are acceptable??

I do not want o pay the fees as it

will put us in debt that we cannot afford - but the debt will be less than if I pay double my bills for the next five years.

I feel the company has been dishonest, did not disclosure information and blatantly lied.

I need to get this contract

cancelled as soon as possible as I cannot afford to pay these bills and am in a constant state of worry as to how much the next bill will be.

In my reserch also understand

that for a contract to be binding there must be full disclosure and "mutual consideration" i.e both parties must be fully awar eof what they are getting into. I clearly did not.

I sent the complaint letter saying "I exercise my right to cnacel under non-disclosure as a described in the Consumers protection act 2002" as suggested. I did this by

Ontario Energy Board
COMPLAINT FILE SUMMARY

Date Printed:	Page 3 of 3
Time Printed:	June 22, 2010
	3:09:17PM

email and by fax on 04th June asking them to confirm receipt by email or phone call.
I got a delivery receipt for the email and for the fax but have not heard anything from them.

Please help - I do not know what else I need to do and am in fear of ruining

my credit rating as I will not be able to pay the bills or having to get into debt Primary Account Number: [REDACTED]

Requested Action: Cancel Contract Without Penalty

OEB Action: CCR Form sent to Licensee

Classification

Topic

Sub Topic

Agent Conduct

Misleading information provided
by agent

Need to see the consumer's bill

Agent Conduct

Misrepresentation of identity

Claim utility representation

TAB G

Date Printed : June 22, 2010
Time Printed: 10:17:01AM

Consumer Complaint Response

2009-0006926

Assignment

Licensee Name
Summitt Energy Management Inc.

Licensee E-mail: compliance@summittenergy.ca

Licensee Phone: +1 (905) 366-7035

Agent Name

Date Received

06/09/2009

Sent to Licensee Date

06/11/2009

Licensee Date Due

07/02/2009

CCR Complaint Status

Completed

Licensee Representative

Agent ID

Complaint Details

Reference Number

2009-0006926

Consumer Name

Representative Name

Energy Type

Electricity

Consumer Address

Representative Address

Account Number

17182601

Consumer Phone

Representative Phone

Consumer Email

Representative E-mail

Classification

Agent Conduct

Topic

Misleading information
provided by agent

Sub-Topic

Need to see the consumer's bill

Synopsis

Preferred Communication Method: E-mail
Utility: Oakville Hydro/Union Gas
Marketer/Retailer: Summitt Energy

Best time to reach: No Preference
GAS - 38789652650422 - Summitt Energy Ref 9055824323

We are new to Canada from England and after moving into our house we had a man come to our door saying he was from Oakville Hydro and needed to check our bill as it was a new house. He then said that we could go on a price protection programme offered in the area at no cost. He advised me that our bills would not change and that we were not tied into anything. I did agree and I signed to say I wanted more information (or so I thought). I did receive a call a few weeks later to ask if I would still like the programme - I asked the girl if I was tied in and again asked if there would be any costs. I was told no.

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I sent the complaint letter saying "I exercise my right to cnacel under non-disclosure

as a described in the Consumers protection act 2002" as suggested. I did this by email and by fax on 04th June asking them to confirm receipt by email or phone call. I got a delivery receipt for the email and for the fax but have nt heard anything from them.

Please help - I do not what else I need to do and am in fear of ruining my credit rating as I will not be able to pay the bills or having to get into debt Primary Account Number:

Consumer Resolution Requested

Cancel Contract Without Penalty

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 August 19, 2008.
The contract was reaffirmed on September 2, 2008.

Call consumer to confirm receipt of Complaint from OEB and discuss complaint details.

Summitt Energy left a message for the customer on June 12, 2009 advising the customer that Summitt Energy is looking into their complaint.

Provide explanation of why the issue was not resolved at the initial contact from the consumer.

On June 3, 2009 the customer contacted Summitt Energy to request cancellation. Summitt Energy advised the customer of the exit fees.

On June 3, 2009 the customer contacted Summitt Energy to request cancellation. Summitt Energy mailed the customer an exit fee invoice.

On June 4, 2009 Summitt Energy received a fax requesting cancellation.

On June 4, 2009 Summitt Energy received an e-mail requesting cancellation.

On June 5, 2009 Summitt Energy received an e-mail requesting cancellation.

On June 11, 2009 the customer contacted Summitt Energy to request the exit fee invoice. The customer states they would like to pay it out.

On June 12, 2009 Summitt Energy received an e-mail stating that he has taken this matter further, and would like cancellation papers sent out.

On June 19, 2009 the customer contacted Summitt Energy to make sure it was possible to bring in a cheque to pay the exit fee. Summitt Energy advised the customer that was ok.

On June 22, 2009 the customer visited Summitt Energy to make a cancellation payment for both gas and electricity.

The licensee resolution including timing and method of communication with consumer.

Summitt Energy has agreed to cancel the contract based on the exit fee payment received on June 23, 2009 for the amount of \$995.15.

Cancellation was processed on June 24, 2009 and will take effect on September 12, 2009

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.	Summitt Energy forwarded the complaint to the sales agent's manager for review.
What is the timing for resolution to be implemented?	The customer's contract is currently pending termination with Summitt Energy.
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.	Summitt Energy mailed the customer an exit fee invoice on June 3, 2009, June 4, 2009 and June 12, 2009 Summitt Energy mailed the customer a cancellation letter on June 22, 2009 and June 23, 2009. Summitt Energy mailed the customer a copy of the contract and reaffirmation call on June 30, 2009
Attach same copies as above to OEB.	Please see attached a copy of the contract, reaffirmation call exit fee letter and cancellation letters.

Supporting Material

CD_A615830_20090604094441.PDF

CD_A615830_20090612092314.PDF

Licensee Closure

Resolution
Contract and Reaffirmation Valid

Action
Other - see additional comments

CCR Completed By
LMcIntyre

Reimbursement Amount

Additional Comments

Exit fee payment was received on June 23, 2009. Cancellation based on payment.

TAB H

REGISTRATION FORM

COMPREHENSIVE ENERGY PRICE PROTECTION PROGRAM

A615830

Summit Energy, 100 Midland Dr., Suite 608, Mississauga, ON L5R 4H1
905.366.7059, 1.877.222.9520, fax 905.366.7063, www.summitenergy.ca, customerservice@summitenergy.ca

ACCOUNT HOLDER INFORMATION		GRE001												
<input checked="" type="checkbox"/> Mr. <input type="checkbox"/> Mrs. <input type="checkbox"/> Ms. First Name of Account Holder (from Bill) _____ Last Name of _____														
<input type="checkbox"/> Business _____														
Street Address _____														
City _____ Province _____														
SUMMITT ENERGY NATURAL GAS PROGRAM (Includes Blend & Extend Option) License RGA-2005-0642 I select the following term (the "Term of the Agreement") and price (the "Price"): <input checked="" type="checkbox"/> 5 Years at 42.8 cents/m ³ <input type="checkbox"/> ENBRIDGE ACCOUNT # _____ <input checked="" type="checkbox"/> UNION ACCOUNT # <u>B 2 7 8 9 6 5 1 2 6 5 1 0 4 2 2 1</u> First 4 Alpha-Numeric (from Name on B) _____ Postal Code (from Bill) <u>1</u>														
SUMMITT ENERGY ELECTRICITY PROGRAM (Includes Blend & Extend Option) License PER-2005-0641 I select the following term (the "Term of the Agreement") and price (the "Price"): <input checked="" type="checkbox"/> 5 Years at 8.98 cents/kWh UTILITY ACCOUNT # <u>1</u> <u>New Artist</u> Utility Name <u>Orkville Hydro</u> First 4 Alpha-Numeric (from Name on Bill) <u>51</u> Postal Code (from Bill) <u>1</u>														
SUMMITT GREEN ENERGY PROGRAM Purchase of Green Energy Offset Units: I select the number of Green Energy Offset Units as indicated below: <table border="0"> <tr> <td>green electricity</td> <td>green natural gas</td> <td rowspan="4"> To register for Summit Energy's Green Energy Program in either of Summit Energy's Natural Gas or Electricity Price Protection Programs, The Summit Green Energy Program will appear on your utility bill and use of commodity billing. Billing is per month, fully enrolled and is for the same term as... </td> </tr> <tr> <td>0% <input type="checkbox"/></td> <td>0% <input checked="" type="checkbox"/></td> </tr> <tr> <td>25% <input type="checkbox"/></td> <td>\$5/\$5 per month <input type="checkbox"/></td> </tr> <tr> <td>50% <input type="checkbox"/></td> <td>\$9/\$9 per month <input type="checkbox"/></td> </tr> <tr> <td>100% <input type="checkbox"/></td> <td>\$15/\$15 per month <input type="checkbox"/></td> <td></td> </tr> </table>			green electricity	green natural gas	To register for Summit Energy's Green Energy Program in either of Summit Energy's Natural Gas or Electricity Price Protection Programs, The Summit Green Energy Program will appear on your utility bill and use of commodity billing. Billing is per month, fully enrolled and is for the same term as...	0% <input type="checkbox"/>	0% <input checked="" type="checkbox"/>	25% <input type="checkbox"/>	\$5/\$5 per month <input type="checkbox"/>	50% <input type="checkbox"/>	\$9/\$9 per month <input type="checkbox"/>	100% <input type="checkbox"/>	\$15/\$15 per month <input type="checkbox"/>	
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<p>This Comprehensive Energy Protection Program ("Agreement") is with Summit Energy LP ("Summit") which is an Ontario Energy Board ("OEB") licensed electricity and natural gas retailer. For Customers who consume less than 50,000 m³ of gas or 150,000 kWh of electricity, this Agreement will not be in effect unless it is entered into in accordance with Section 9.5 of the Ontario Energy Board Act, 1999 (the "Act") after the 10th day and before the 61st day following the day on which I receive a written copy of the Agreement. Unless agreed to in writing by Summit, no amendments, either written or verbal, to this Registration Form or Terms and Conditions will be accepted.</p>														
Phone # _____ Other Phone # () _____ Ext. _____														
Signature (if Home) _____ _____ Print Name _____		Date Signed <u>08/19/08</u> Relationship to Account Holder / Title (if applicable) <u>Self</u>												
<p>Effective May 1, 2008 consumers with a time-of-use meter will pay 9.3 cents/kWh for on-peak times, 7.3 cents/kWh for mid-peak times and 2.7 cents/kWh for off-peak times. Consumers on the Regulated Price Plan (RPP) will pay 5.0 cents/kWh up to a certain threshold per month and 5.9 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.</p>														
Res. _____	Representative Name _____	Representative Number <u>W1A1002</u>												

FOR COPY - RETURN TO SUMMITT : BOTTOM COPY - CUSTOMER COPY

ON_EE_004 07/1/08

WG
REGISTRATION FORMS

BINDER 1

(Summitt Energy Sales Kit)

TAB 1 (b)

WG

TERMS & CONDITIONS

BINDER 1

(Summitt Energy Sales Kit)

TAB 2 (a)

WG

CERTIFICATES / BUSINESS
CARDS

BINDER 1

(Summit Energy Sales Kit)

TAB 3 (a)

TAB I

Reaffcalls in mp3

Complainant Name: W.G. [name redacted]
Contract Number: MA1002 GS **A615830**-9055824323_080902_183110.MP3
Date and Time of Call: 09/02/2008 6:33 pm
Transcribed by: Janet White

Allie Oh hi can I speak to Mr. and Mrs. W.G. [name redacted] please
W.G. [name redacted] Speaking
Allie This is Allie calling from Summit Energy
W.G. [name redacted] Hello
Allie We were at your home 19th of August
W.G. [name redacted] Yeah
Allie I'm just very quickly calling to just confirm you electricity price, your electricity Pass Protection Program
W.G. [name redacted] Yeah
Allie I see we have your address as [address redacted]. Is that correct?
W.G. [name redacted] Yes it is.
Allie Yes and do you recall our agent coming to your house with our new brochure and a copy of the signed agreement. Is that correct?
W.G. [name redacted] Yes he did
Allie Okay that's great. So this will only take a couple of seconds. Okay sir.
W.G. [name redacted] Okay
Allie Summit Energy will be providing you with a fix protected rate of 84.98 cents per kilowatt hour for the next five years
W.G. [name redacted] Okay
Allie And also a natural gas protected rate of 41.9 cents per

cubic feet for the next five years

W.G. [name redacted] Okay

Allie So in order to complete your enrolment in the Pass Protection Program we just need your verbal confirmation Sir. So can you just confirm your agreement by responding with the word yes

W.G. [name redacted] Yes

Allie Okay that's great. So if you have any questions about Pass Protection Energy Summit Green Program please call the toll free number and thank you for choosing Summit Energy and have a nice day.

W.G. [name redacted] Thank you.

Allie And Sir can I please have the first name.

W.G. [name redacted] Lee

Allie Pardon?

W.G. [name redacted] Lee

Allie Oh thank you Sir.

W.G. [name redacted] Okay thank you

Allie Bye

OEB Order EB-2010-0221

Complainant Name: W.G. [name redacted]

Contract Number: A615830-1

Date and Time of Call: 06/03/2009 8:45 a.m.

Transcribed by: Maxine DaCosta

Summit: Summit Energy, Kevin speaking.

Customer: Hi Kevin, wonder if you can help me. I got my cancellation notice in the post from yourselves today.

Summit: Okay.

Customer: Finally. I'm a bit confused because it states on here that you're actually charging me a percentage to get out of what you're saying is a contract.

Summit: Okay.

Customer: And it quotes terms and conditions of contract. Well, I've never had a contract. There's nothing that says anything... the only terms and conditions I can... all I have is a registration form from you. I've never had any other paperwork from Summit Energy at all and the only terms and conditions that state on here are if I'm at default I agree to pay Summit Energy. Well I've never been at default because you've only taken one month's payment from us.

Summit: Um um.

Customer: I'm a little confused.

Summit: Not a problem.

Customer: This money to sort of get out of this contract, you're basing it over a 12 month period, but you're also telling me it's going to all take up to 60 days, so I'm even more confused at what you're taking and why you're taking so much money from us.

Summit: Okay, so basically what happens is by defaulting on the program, you signed up for 5 years, so by cancelling early, you're defaulting on the program.

Customer: Okay, well no. This is my argument right, we never signed for 5 years. We were told that we were entering into a program, we were not told that we were signed to a five year contract. We were told

that, you know, we're entering to save some money, you know, if you feel you're not saving any money and you want to cancel, you can cancel without any problem. That's what we were told. We weren't told anything about entering into a five year contract. It's not written down anywhere. I've not signed anything that says I am in a five year contract and that's not what's been represented to me.

Summit: Okay, what is your telephone number?

Customer: [telephone number redacted]

Summit: Okay, just a moment please.

Customer: Thanks.

Summit: You're welcome.

OEB Order EB-2010-0221

Complainant Name: W.G. [name redacted]
Contract Number: A615830-3
Date and Time of Call: 06/03/2009 12:45 p.m.
Transcribed by: Maxine DaCosta

Summit: Hi, you're calling Summit. This is Jas. How can I help you?
Customer: I have a reference number.
Summit: A reference for, is it a cancellation, Sir? Okay, what is your reference number, Sir?
Customer: A for apple 615830.
Summit: Sorry, did you say F615?
Customer: A for apple 615830.
Summit: Okay, thank you. Give me one quick moment while I locate the account, Sir. Thank you. While I'm locating your account could I get your name please?
Customer: L.G. [name redacted].
Summit: Gary?
Customer: L.G. [name redacted].
Summit: Oh thank you Mr. L.G. [name redacted]. Sorry. Mr. L.G. [name redacted], could you verify your address please?
Customer: [address redacted].
Summit: Thank you. And what was the reason for your call today, Sir?
Customer: I want to clarify as to when you will be off of my actual hydro bill.
Summit: Sure, let me see if we have received notification from your hydro company yet. So we got the drop request which is the last day that you're going to be on the program with us. And this is dated effective September 12, 2009. That's the last day that your on the program with us, Sir.
Customer: Why?

Summit: We've advised Hydro of the cancellation and we sent them notification, let's see when it was sent. We sent them the notice of cancellation on June 22, 2009. What Hydro does is they process the cancellation, they do take one to two billing cycles for our name to be completely removed off your bill. So if this was sent over to them in June, are you getting your bill every month or every two months?

Customer: Every two months I think.

Summit: So if you're getting your bill every two months and if you're already at the end of a billing cycle right now, July and August is one bill that you're going to receive, so that bill that you receive will be last bill that you see our name on there and then after that you'll be back with the Hydro company on the rate that they charge you.

Customer: That's this one. The one I've just received then.

Summit: No, because we sent them notice of cancellation on June 22. When we sent them this on June 22, you were still in the middle of a billing cycle or at the end of a billing cycle, a new one may have already been in the process of being started or it might have... I don't know exactly when your billing cycle is, Sir. All I do know is that when we send the information over to them, they reply back to us to let us know exactly what the last day will be that you'll be on our program. They provided us this date and I provided it to you today.

Customer: Right. So you're telling me September now?

Summit: September 12, 2009, so we're already in August right now. Today is August 4, this month is the last month that you'll be on the program with us. If you look at the bill that you got right now in the mail, what's the billing cycle?

Customer: The 15th of the month.

Summit: What's that?

Customer: The 15th of the month.

Summit: The 16th of the month?

Customer: 15th.

Summit: Okay so that would be from what, July 15th?

Customer: The billing cycle was June 15 it started. That was May 15 to July 15 is the way it goes. And then July 15 to...

Summit: Well, this bill that I have here it says May 15 to July 15 is what it says. So from July 15 you've got August and September.

Customer: Well what's with September.

Summit: Because you're getting your bill every two months. This bill that you have is good up until July 15. Your next bill is going to be from July to August, from August to September, get it? It's for two months.

Customer: So the my next two month's bills are going to be with you still?

Summit: Yes. Well, no, hold on one second. Not the next two months, your next billing cycle. All I know is the date that they provided us is a September date. So the bill that you're getting every two months, yes, that's correct. Because we processed your cancellation....

Customer: Hold on, hold on, hold on, [in background – can you...]

Customer: Hello.

Summit: Hi. How can I help you today.

Customer: Well, as we just explained, we need to have you off at the end of this billing cycle and that's what we want done please, as was promised.

Summit: We don't promise that, Ma'am. We're not the billing company. We don't take care of taking our name off your bill. This is done with Toronto Hydro. If you let me explain what...

Customer: It's not Toronto Hydro, its Oakville Hydro.

Summit: Oakville Hydro. If you let me explain what's happening with your bill. The bill that you have in your hand or the bill that your husband had in his hand was from May 15 to July 15.

Customer: Um um.

Summit: Okay, this is a two month billing cycle. This bill ended on July 15th. Now on July 15, sorry, not July 15. July 15 was when the bill ended. We had contacted your hydro company, notified them of the cancellation as well, this was done at the end of June.

Customer: Why at the end of June. You actually told us you'd done on June 20th.

Summit: June 22nd was when we processed the cancellation. You had said or given us a certified cheque or money order for the early cancellation payment. That was processed. We received it the day before, so when we processed it was the same day that we cancelled the agreement. We received your mail on June 22, we

processed your cancellation on our end on the 23rd of June. We advised Hydro of this as well. They will not make any changes in the middle of a billing cycle. They take the one to two billing cycles to completely remove our name off your bill. So if they didn't have this information and they didn't process it on their end before the next billing cycle started, we're not the ones to blame, we don't have any control over that.

OEB Order EB-2010-0221

Complainant Name: W.G. [name redacted]

Contract Number: A615830-4

Date and Time of Call: 06/11/2009 9:08 a.m.

Transcribed by: Isla Warren

Summitt: Summitt Energy, Erica speaking

Customer: Hi, can I speak to somebody in accounts?

Summitt: In accounts?

Customer: Yes, somebody who would be looking after my account of you guys.

Summitt: Okay, will give us your first name.

Customer: Um, apparently you're now my supplier for my hydro and my gas after almost a year.

Summitt: Okay, can I have your phone number?

Customer: [telephone number redacted]

Summitt: Can you verify your name and address please?

Customer: L.G. [name redacted], [address redacted]

Summitt: Okay, so W.G. [name redacted] has been under contract on the 19th of August, 2008 for gas and hydro price protection program.

Customer: Correct. Okay, I want it taken off. I want to cancel that. I don't want it.

Summitt: Okay, if you cancel the contract you may be subject to a termination fee.

Customer: Okay, you guys have charged me three times on the bill. My bill is three times the cost and I'm not paying it. I'll tell you that now. So I want it cancelled and I'm not paying you any fees.

Summitt: Well, the account will only get cancelled...if there's a termination fee that applies, like the fee has to be paid in full before the contract is cancelled.

Customer: Okay, what's the termination fee?

Summitt: Well, I'd have to send it out to management for review to see if there is a termination fee and then they would send you out a letter to notify you how much it is.

Customer: It's took you almost a year just to set this up. Okay, and I mean a year, alright, since you first came and saw and told me this would be fine. You send me a bill that's three times the price. So, send it out. Get someone to call me and I want somebody to call me today.

Summitt: Okay, you won't have a phone call today by anybody. It takes five to seven business days to be reviewed. If there's a termination fee that applies, they'll send you how much it is in a letter to you. If there's no fee that applies, then they will call you.

Customer: I'm not waiting seven days for you guys to sort this out.

Summitt: That's how...it takes five to seven business days to review. That's the process that the business follows.

Customer: I want it cancelled – just cancel it.

Summitt: I can't cancel it. There's nobody that can cancel it. It has to be reviewed first and if there's a fee that applies then the fees have to be paid in full before it's done.

Customer: Okay, I want it cancelled. If there's a fee, I'll pay the fee. I want it cancelled.

Summitt: But I can't cancel it unless the fee is paid in full.

Customer: I'll pay the fee in full. Just sort it out and tell me what I need to pay and I'll cancel it. I just don't want this service with you.

Summitt: Alright, so we'll send it out to you.

Customer: Send it out to me. Otherwise ... where are we today ... So, if I haven't heard from you by Monday, I'll be in your offices Monday morning.

Summitt: Okay, that's fine.

Customer: Alright?

Summitt: I told you that it takes five to seven business days to review this.

Customer: That's fine, just send it to me because I want it cancelled. Please. Thank you.

Summitt: You're welcome. Bye, bye.

OEB Order EB-2010-0221

Complainant Name: W.G. [name redacted]
Contract Number: A615830-5
Date and Time of Call: 06/19/2009 6:30 p.m.
Transcribed by: Isla Warren

Summitt: Good afternoon, thank you for calling Summitt Energy, Simone speaking, how may I assist you?

Customer: I'd like to speak to somebody regarding an account that's been set up.

Summitt: You'd like to speak to somebody about an account that's been ...

Customer: Set up

Summitt: I'm sorry, that's been ...

Customer: Set up

Summitt: Oh, set up. Okay. When was the account set up?

Customer: It was something that was done by my wife back in August of last year.

Summitt: Okay, can I get your telephone number please.

Customer: [telephone number redacted]

Summitt: Can you just bear with me one moment while I try to bring up your account.

Customer: Thanks.

Summitt: Thank you for holding, I appreciate your patience. Can I get you to verify the name that is on the account and the address for me please.

Customer: [name redacted], [address redacted]

Summitt: Okay. Perfect. And how may I assist you today?

Customer: I spoke to a lady earlier. This is an account that has been set up. My wife signed something quite a while back in August and as far as I'm aware and changed with regards to our account. So, I want to just try and sort this out because I don't want our energy to be supplied by yourselves.

Summitt: Okay.

Customer: My wife should never had signed something because we're both on the account. So it should never have been set.

Summitt: Well, here what we do is like it's acceptable if it's a spouse or common-law or power of attorney that can sign for the agreement and also we reaffirmed for the agreement. So, she signed it and if she didn't consult with you, it has nothing to do with Summitt Energy it has to do with just I guess responsibilities between the two of you. If she don't and how the procedures are that once you've signed the agreement, you get binded to it until you give a legal verbal confirmation which she did give us a verbal confirmation. We called her after ten days and she responded to the program by saying that yes, she wanted to go through with it.

Customer: Okay, so I have no information from you apart from a registration form. I have absolutely nothing about any services or anything from yourselves. Just a registration form. That's all I have.

Summitt: Okay.

Customer: We have nothing else from you and this is from back in August that she's done this. Now, I looked today at my bill which came through my post is three times the cost of what it should be and I'm looking at this thinking hang on a second, why and telephone hydro and they're telling me it's because it's Summitt Energy now. So, now I'm looking at this thinking okay there's Summitt Energy on there all of a sudden. So, after so many months, I want this to be cancelled. I feel misrepresented, or my wife does, we feel misrepresented and I kind of would like this cancelled and I'd like to sort it out.

Summitt: Is this for gas or electricity.

Customer: Both.

Summitt: Well, to cancel the electricity you would have to pay out the penalty because you are breaking the contract but it's not a problem, you'd just have to pay the penalty for the electricity and that's anywhere around \$400.00 and for gas I can tell you what the amount is for that one. We accept cheque or money order. Once you send that information in, we can go ahead and cancel the agreement.

Customer: Okay, can I have some kind of ...

Summitt: Yes, I will send something in the mail that will give you the full amount to cancel both agreements.

Customer: Right.

Summitt: And um, once you receive the letter, it's up to you on what the next step is. Um, what you'd like to do. To cancel the gas is \$500.00 – that's approximate, it's not exact.

Customer: So, how soon will I get this in the post from you.

Summitt: Well, the request is being sent today, so I usually tell customers, it's usually five to seven business days to receive it but if you don't also give a couple of days because they receive so many requests per day that just because I sent today, doesn't mean that they may get it today. They may get it tomorrow. So, I always say, give it a week to two weeks. If you don't receive anything in a week to two weeks, give us a call back. But, it's usually five to seven business days is our policy.

Customer: Alright. Can you explain to me why the bill was so high?

Summitt: Uh, just one moment.

Customer: Can you explain that to me because that confuses me.

Summitt: Just one moment.

Customer: You know, when my wife says a representative was on the doorstep that the bill will not change. It will stay as it was and it won't go up.

Summitt: Not the bill – the rate stay.

Customer: The rate will stay the same, it wouldn't go up, it wouldn't be more expensive than we were paying and all of a sudden it's now \$200.00 more than what my bills are generally.

Summitt: Well, you've only had one bill...

Customer: I know and I'm looking at it.

Summitt: ...being on the program and it's from March 13, to May 14. So, you pretty much get billed every two months and your usage was 1,187.22 at the rate 8.98 cents.

Customer: When I had my ... last year when I had my air conditioning on for two months solid, my bill was nowhere near this high and I had my AC on for two months.

Summitt: Well, you have to take into consideration ...

Customer: And I haven't even had half...I haven't had any air con on. I haven't even had any heating on for the last couple of months.

Summitt: Right, but you have to take into consideration that your rates are higher than what the utility was probably at the time last month. The rates do go down in the summer time I guess. I mean that because ...

Customer: But the rates ... you're telling me the rates shouldn't have gone up. The rates capped.

Summitt: No, our rate is capped. The utilities' rate and the marketers are two

different companies we're talking about. We have nothing to do with Enbridge or your hydro company. Those are two different companies and of all three of us, we're a marketer, we're not a utility. The utility rate is the rate that fluctuates. Our rate – we lock in our rate so that your rate is not fluctuating. So, what I'm saying to you is that the utility's rate is fluctuating. So that's what I'm talking about. When you were talking about your bills last month, we had nothing to do with that. That's the utility. You are now on a program with us. You were saying you thought it didn't fluctuate, I'm trying to explain to you that the utility's rate is a fluctuating market. Our rate doesn't fluctuate. It stays at 8.98 cents for five years. The only time it ever fluctuates is if you signed up on a program where the first year is a promotional year and then the next four years is not a promotional year where you're locked in. It's just like having a credit card where they're giving it to you for 1.2 percent and then after that you go to the regular ... that's usually what we offer some of our customers sometimes. In this case it only changes if you ask for a change rate. If you ask for a lower rate after a year you've been on the program, when we will send the request in and then you can get a lower rate.

Customer: Okay, if you can send the letter to get this cancelled, then I would appreciate that.

Summitt: Okay.

Customer: And then I shall look into this obviously a little further. So now what happens when I move out of this house because we don't own this house. So, what happens when I move out of this house.

Summitt: Okay, if you move then you move into your own place where you're not paying gas or electricity, then you'll have to prove that you're not paying electricity or gas in new location and/or it will get transferred to you unless you move to Etobicoke or unless you move to Vancouver because we are not able to transfer that. You just need to show us proof that you're moving outside of the province.

Customer: So, the province is Ontario.

Summitt: Yes, it is Ontario.

Customer: If I move out of Ontario then obviously it's just cancelled anyways.

Summitt: It's not just cancelled. You have to show proof or else you'd be subject to the cancellation fee. But if you move into a house where you are paying for gas and electricity, it gets transferred over, depending on where you location is..

Customer: ...outside Ontario. That's fine. So, is Niagara-on-the-Lake outside Ontario for you.

Summitt: If its Niagara – would it be transferred...ummmm...St. Catharines are – no it could be transferred. It could be transferred as long as its not – like you're still within the Canada region but if you're outside – like if you go pas the border then we can't transfer it.

Customer: Okay. Well, if you can initiate a cancellation request, I'd appreciate that and I'll quite happily pay that to get away from this issue because there's no way on earth I'm paying \$300.00 for hydro. That's absolutely criminal. I want you to get that out to me as soon as possible and quite happily pay for the gas and electricity. So if you can send them both, that would be great.

Summitt: Yup, I'm sending them right now.

Customer: And you name is?

Summitt: My name is Simone.

Customer: Simone. Thank you Simone.

Summitt: You're welcome. Is there anything else I could assist you with?

Customer: No. That's great.

Summitt: Thank you for calling Summitt Energy, you have yourself a great day.

OEB Order EB-2010-0221

Complainant Name: W.G. [name redacted]
Contract Number: A615830-6.wav
Date and Time of Call: 08/04/2009 6:16 p.m.
Transcribed by: Janet White

Summitt: Thank you for calling Summitt Energy. This is Sayer speaking.

Customer: Good morning. Ah I spoke to somebody last week but since they couldn't do something I've sent in a couple of e-mails. I've had no response from anybody.

Summitt: I'll see what I can do for you. Can I get your phone number please?

Customer: [telephone number redacted]

Summitt: Say 58?

Customer: [telephone number redacted]

Summitt: Okay one moment please.

Summitt: Can you also verify your name and address for security reasons.

Customer: Yes, L.G. [name redacted], [address redacted].

Summitt: Now, okay, let's see what I can do for you. Do also have the contract number?

Customer: I don't have that handy.

Summitt: Because that phone number is not associated with an account here.

Customer: She said she found it last week when I spoke to her.

Summitt: That's really odd. Let me just check again here.

Customer: [telephone number redacted]

Summitt: Maybe we could try by your postal code.

Customer: [postal code redacted].

Summitt: [postal code redacted] correct?

Customer: Correct.

Summitt: Okay

Customer: And now your first name again.

Customer: [name redacted].

Summitt: [name redacted]. Your last name?

Customer: [name redacted].

Summitt: Was it [name redacted]?

Customer: Yes.

Summitt: Okay got you. It's actually under W.G.'s [name redacted] name. Okay so let me just take a look at this here. So it says here you called in on you sent the e-mail on June 8th. What they did they actually on the 9th they sent you a letter in the mail informing, it says here that because you reaffirmed the program on September 2nd, 2008 over the phone it was accepted. It was a phone call. The contract is binding. If you wish to cancel, cancellation fees will apply.

Customer: Yeah I want to cancel. I know that and I know the cancellation fees apply but I want to cancel and I want an amount to cancel and get out.

Summitt: Oh sure.

Customer: So

Summitt: On the 9th they sent you the package in the mail that you should receive sometime next week on Tuesday or Wednesday.

Customer: Okay because with that acknowledgement that you received the e-mail and that's quite frustrating that no correspondence

Summitt: You should get a direct reply. It's an automatic reply you should receive.

Customer: Yeah I know my reply but nothing that says yeah we are looking at this. It says you will get notified.

Summitt: Okay you get that in the mail. They don't reply back in the e-mail because a lot of customers will send, for example, something in the working e-mail and they don't want to be

e-mailed back. So what we do instead is instead of doing that what we do is acknowledge that we have received it but we forward everything in the mail for you.

Customer: Okay so what's in the mail? What's coming to me?

Summitt: A cancellation package.

Customer: Okay which tells me what?

Summitt: It tells you how much the cancellation fees are for gas and hydro and if you want to cancel you go to the bank and get a certified cheque or money order to cancel the contract.

Customer: Okay and once you have received that how long does this take?

Summitt: It will be cancelled, once you pay for it then it's cancelled right away.

Customer: Okay

Summitt: And on the next billing cycle you go back with the regular gas and hydro company.

Customer: Okay so if I get the package from you guys next Monday you recommend Monday or Tuesday?

Summitt: No you won't get that on Monday. It takes 5 to 7 business days for you to receive it.

Customer: Okay.

Summitt: So from the 9th not including Friday, Saturday, Sunday, probably on Wednesday, probably Wednesday, Thursday you should receive it in the mail.

Customer: Of next week.

Summitt: Next week yeah.

Customer: So I get the cheque, come down to your office, I deliver it and then it's cancelled.

Summitt: Yeah or you can mail it. Whichever one's easier for you.

Customer: Okay, that's fine. All right. Thank you.

Summitt: Okay you're welcome bye.

Customer: Bye.

OEB Order EB-2010-0221

Complainant Name: W.G. [name redacted]
Contract Number: A615830-2
Date and Time of Call: 09/03/2009 8:54 a.m.
Transcribed by: Maxine DaCosta

Summit: Okay, and thank you so much for holding first of all. Now what is your name as well as your address for security purposes.

Customer: L.G. [name redacted], [address redacted].

Summit: Okay Mr. L.G. [name redacted].

Customer: No, that's it. It's not a contract. It's a registration form. This is what I'm saying, we've never had a contract...

Summit: Okay, Mr. L.G. [name redacted]? Thank you for holding. I appreciate your patience. Okay now what I'm looking at, I'm looking at the price protection program form that was signed at the time.

Customer: I'm not disputing a registration form was signed by my wife. I'm not disputing that. I don't have an issue with that. But it doesn't say anywhere on this registration form anything about a five-year contract.

Summit: Okay, if you look at the part that's ticked off under Summit Energy Natural Gas Program.

Customer: Right.

Summit: It says I select the following term and price, five years at 42.8 cents.

Customer: At how much?

Summit: At 42.8 cents per metres cubed.

Customer: Right.

Summit: And then you look at the electric program one and it says I select the following term and price, five years at 8.98 cents per kilowatt hour.

Customer: Right.

Summit: So you selected to be on the program for five years.

Customer: So this is your contract is it? This isn't a contract. This is a registration form. This isn't a contract.

- Summit: You're registering to be on our program for five years.
- Customer: Right, I'm registering to be on your program for five years, yes. I'm not bound by a contract for five years. I'm bound by a registration to say, yeah, I'm quite happy to be on that rate for that length of time, not I'm tied in for that length of time, that's a contract. A registration form, literally I could write a registration form tomorrow and say you know what, the next five years you're only going to pay me \$35 a day, that's a registration form. A contract says you are bound by this contract for five years that that is the rate you will pay. This isn't a contract, this is a registration form. That's not a contract and this will not stand up in court.
- Summit: Umm, it actually will and I will tell you it has.
- Customer: It won't. It won't and I've already got my lawyer looking at this. It won't stand up in court, because it's not a contract. The Better Business Bureau have told me quite clearly that this bit of paper here is just what it says it is, a registration form, otherwise I wouldn't argue.
- Summit: So you're telling me that the Ontario Energy Board who regulates everything that energy is about including your local utility is incorrect in saying that this is...
- Customer: Correct. And they do not like Summit Energy, I'll have that noted as well, because I have got letters from them, I've got letters from my MP, I've got a letter from the Mayor, all about Summit Energy, okay? And they're supporting me on this as well. Now I want out of this contract so quick that, you know, you couldn't say it fast enough, so... And then I'm gonna claim my money back. Now I'm gonna give you \$995.16 now once I pay you that money and I send you that cheque, how quick will you come off my bill?
- Summit: We will send the information to utility letting them know that you have opted to cancel the program.
- Customer: You mean the actual hydro?
- Summit: Yes, and then it's up to them to cancel the program on their side.
- Customer: They're on my side, so I'm gonna send a copy of this letter and a copy of the cheque to Oakville Hydro as I've got their details here, because they've been copied in all my correspondence. So I'm going to send you a certified cheque for that amount to... what address? To Milverton Drive.
- Summit: Yes, 100 Milverton Drive.
- Customer: To the attention of, who?
- Summit: You don't have to put attention to anybody.

Customer: Right, okay, I don't have to put anybody's attention. Okay, so put that on it. And then you're gonna still charge me a high rate for the next what, next month's bill?

Summit: It depends on how soon the utility takes this off. So we usually do...

Customer: How soon do you contact the utilities once you receive the cheque?

Summit: Oh immediately.

Customer: Okay, so you get the cheque Monday morning...

Summit: And then we would terminate the program, we would send the information on Monday.

Customer: Okay, so I'm gonna hand deliver the cheque to you Monday morning. I'm gonna hand deliver it Monday morning. I'm gonna wait there while you make correspondence with Oakville Hydro and cancel it. That's what I'm gonna do Monday, alright? Because I want this cancelled quick. Alright, is that okay with you?

Summit: Yeah, that's fine. If you...

Customer: And you'll be able to do that while I wait?

Summit: Basically, what you'll do is, because you'll be going to our reception and they're not the ones who do this, but if you ask to speak with somebody who can do it, then they should be able to have someone speak with you and do that for you.

Customer: And who should I ask for?

Summit: Just ask at reception whoever is available to do that for you. So just let them know that you need somebody who's gonna initiate the cancellation

Customer: Yep.

Summit: Okay and then somebody should be able to assist you from there. Now is it going to be a certified cheque, you said?

Customer: Yep.

Summit: Okay, so there should be no problem with that then.

Customer: Right, because it should be cleared funds [mumbling]. Okay, cool, so somebody that can initiate a cancellation. Okay, thank you.

Summit: You're very welcome have a good day.

Customer: Bye.

Summit: Bye.