

**EB-2010-0221**

Complainant Witness Binder – Index

Witness PK (Agent GS – Contract number A565566)

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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

COMPREHENSIVE ENERGY PRICE PROTECTION PROGRAM

A565566

Summit Energy, 100 Midway Dr., Suite 608, Mississauga, ON L5R 4H1  
905.366.7058, 1.877.222.9520, fax 905.366.7083, www.summitenergy.ca, customerservice@summitenergy.ca

<b>ACCOUNT HOLDER INFORMATION</b>		GRE001												
<input checked="" type="checkbox"/> Mr. <span style="background-color: black; color: black;">[REDACTED]</span> <input type="checkbox"/> Mrs. <span style="background-color: black; color: black;">[REDACTED]</span> <input type="checkbox"/> Ms. First Name of Account Holder (from Bill) Last Name of Account Holder (from Bill)														
<input type="checkbox"/> Business Business Name <span style="background-color: black; color: black;">[REDACTED]</span>														
Street Address <span style="background-color: black; color: black;">[REDACTED]</span>														
City <span style="background-color: black; color: black;">[REDACTED]</span>	Province <span style="background-color: black; color: black;">[REDACTED]</span>	Postal Code <span style="background-color: black; color: black;">[REDACTED]</span>												
<b>SUMMITT ENERGY NATURAL GAS PROGRAM (Includes Blend &amp; Extend Option) License #QM-2005-0542</b> I select the following term (the "Term of the Agreement") and price (the "Price"): <input type="radio"/> 5 Years at 46.8 cents/m <sup>3</sup> <input type="checkbox"/> ENBRIDGE ACCOUNT # <span style="background-color: black; color: black;">[REDACTED]</span> <input type="checkbox"/> UNION ACCOUNT # <span style="background-color: black; color: black;">[REDACTED]</span> First 4 Alpha-Numeric (from Name on Bill) <span style="background-color: black; color: black;">[REDACTED]</span> Postal Code (from Bill) <span style="background-color: black; color: black;">[REDACTED]</span>														
<b>SUMMITT ENERGY ELECTRICITY PROGRAM (Includes Blend &amp; Extend Option) License #ER-2005-0541</b> I select the following term (the "Term of the Agreement") and price (the "Price"): <input checked="" type="radio"/> 5 Years at 8.98 cents/kWh UTILITY ACCOUNT # <u>161038141001</u> Utility Name <u>Hydro One</u> First 4 Alpha-Numeric (from Name on Bill) <span style="background-color: black; color: black;">[REDACTED]</span> Postal Code (from Bill) <span style="background-color: black; color: black;">[REDACTED]</span>														
<b>SUMMITT GREEN ENERGY PROGRAM</b> 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">           By registering for Summit Energy's Green Energy Program, I agree to enroll in either of Summit Energy's Natural Gas and/or Electricity Price Protection Programs. The Summit Energy Green Energy Program will appear on my utility bill at the time of commodity billing. Pricing is per month, set at commodity enrolled and is for the same term as noted above.         </td> </tr> <tr> <td>0% <input checked="" type="radio"/></td> <td>0 \$0 <input type="radio"/></td> </tr> <tr> <td>25% <input type="radio"/></td> <td>\$5-\$5 per month <input type="radio"/></td> </tr> <tr> <td>50% <input type="radio"/></td> <td>\$9-\$9 per month <input type="radio"/></td> </tr> <tr> <td>100% <input type="radio"/></td> <td>\$15-\$15 per month <input type="radio"/></td> <td></td> </tr> </table>			green electricity	green natural gas	By registering for Summit Energy's Green Energy Program, I agree to enroll in either of Summit Energy's Natural Gas and/or Electricity Price Protection Programs. The Summit Energy Green Energy Program will appear on my utility bill at the time of commodity billing. Pricing is per month, set at commodity enrolled and is for the same term as noted above.	0% <input checked="" type="radio"/>	0 \$0 <input type="radio"/>	25% <input type="radio"/>	\$5-\$5 per month <input type="radio"/>	50% <input type="radio"/>	\$9-\$9 per month <input type="radio"/>	100% <input type="radio"/>	\$15-\$15 per month <input type="radio"/>	
green electricity	green natural gas	By registering for Summit Energy's Green Energy Program, I agree to enroll in either of Summit Energy's Natural Gas and/or Electricity Price Protection Programs. The Summit Energy Green Energy Program will appear on my utility bill at the time of commodity billing. Pricing is per month, set at commodity enrolled and is for the same term as noted above.												
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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 m <sup>3</sup> of gas or 150,000 kWh of electricity, this Agreement will not be in effect unless I reaffirm it in accordance with Section 89 of the Ontario Energy Board Act, 1978 (the "Act") after the 10th day and before the 15th day following the day on which I receive a written copy of the Agreement. Unless agreed to in writing by Summit, no amendments, other written or verbal, to this Registration Form or Terms and Conditions will be acceptable.														
Phone # <span style="background-color: black; color: black;">[REDACTED]</span> Other Phone # <span style="background-color: black; color: black;">[REDACTED]</span> Ext. <span style="background-color: black; color: black;">[REDACTED]</span>														
Signature (I have the authority to sign on behalf of the Applicant) <span style="background-color: black; color: black;">[REDACTED]</span>		Date Signed <u>03/06/08</u> MM DD YY												
Print Name <span style="background-color: black; color: black;">[REDACTED]</span>		Relationship to Account Holder (if applicable) <u>Self</u>												
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 <span style="background-color: black; color: black;">[REDACTED]</span>	Representative Name <span style="background-color: black; color: black;">[REDACTED]</span>	Representative Number <span style="background-color: black; color: black;">[REDACTED]</span>												

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

CN\_OR\_03161712

**TAB B**

**TAB C**

**TAB D**



March 25, 2009

[Redacted Address]  
Dear [Redacted Name]

Invoice #: 382726  
Bill Date: 03/25/2009  
Account Number: 603814-001  
Contract ID: A565566

We are sorry to have received your request for the early cancellation of the price protection program that you signed up for on 08/06/2008. Customers who choose long term protection for their energy will typically gain the greatest benefits over the latter part of their term, and cutting your term short can mean that you're missing out on potential savings - 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 Blend & Extend. 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		Electricity Account	
Liquidated Damages:	\$0.00	Liquidated Damages:	\$158.81
GST:	\$0.00	GST:	\$7.94
Total Due:	\$0.00	Total Due:	\$166.75

To complete the cancellation of your contract, please send a certified cheque, bank draft or money order for the full amount 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 Address]

Invoice #: 382726  
Client ID: 247096

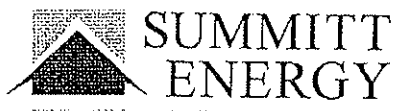
Contract ID	Bill Date	Total Due Gas	Total Due Electricity	Total Due	Amount Paid
A565566	03/25/2009	\$0.00	\$166.75	\$166.75	

Certified cheque

Bank Draft

Money order

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



November 20, 2009



Dear [Redacted]

Invoice #: 746248  
Bill Date: 11/20/2009  
Account Number: 603814-001  
Contract ID: A565566

We are sorry to have received your request for the early cancellation of the price protection program that you signed up for on 08/06/2008. 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 \$0.070 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		Electricity Account	
Liquidated Damages:	\$0.00	Liquidated Damages:	\$140.30
GST:	\$0.00	GST:	\$7.02
Total Due:	\$0.00	Total Due:	\$147.32

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



Invoice #: 746248  
Client ID: 247096

Contract ID	Bill Date	Total Due Gas	Total Due Electricity	Total Due	Amount Paid
A565566	11/20/2009	\$0.00	\$147.32	\$147.32	

Certified cheque

Bank Draft

Money order

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





October 29, 2009

[Redacted Address]

Invoice #: 721386  
Bill Date: 10/29/2009  
Account Number: 603814-001  
Contract ID: A565566

Dear [Redacted Name],

We are sorry to have received your request for the early cancellation of the price protection program that you signed up for on 08/06/2008. 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 \$0.070 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		Electricity Account	
Liquidated Damages:	\$0.00	Liquidated Damages:	\$146.64
GST:	\$0.00	GST:	\$7.33
Total Due:	\$0.00	Total Due:	\$153.97

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 Address]

Invoice #: 721386  
Client ID: 247096

Contract ID	Bill Date	Total Due Gas	Total Due Electricity	Total Due	Amount Paid
A565566	10/29/2009	\$0.00	\$153.97	\$153.97	

Certified cheque

Bank Draft

Money order

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



September 11, 2008

[Redacted Address]

Invoice #: 382726  
Bill Date: 09/11/2008  
Account Number: 603814-001  
Contract ID: A565566

Dear [Redacted Name],

We are sorry to have received your request for the early cancellation of the price protection program that you signed up for on 08/06/2008. Customers who choose long term protection for their energy will typically gain the greatest benefits over the latter part of their term, and cutting your term short can mean that you're missing out on potential savings - 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 Blend & Extend. 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 per section 7 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		Electricity Account	
Liquidated Damages:	\$0.00	Liquidated Damages:	\$450.00
GST:	\$0.00	GST:	\$22.50
Total Due:	\$0.00	Total Due:	\$472.50

To complete the cancellation of your contract, please send a certified cheque, bank draft or money order for the full amount 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 Address]

Invoice #: 382726  
Client ID: 247096

Contract ID	Bill Date	Total Due Gas	Total Due Electricity	Total Due	Amount Paid
A565566	09/11/2008	\$0.00	\$472.50	\$472.50	

Certified cheque

Bank Draft

Money order

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

**TAB E**

TAB F

**Ontario Energy Board**  
**COMPLAINT FILE SUMMARY**

Date Printed:	Page 1 of 2
Time Printed:	June 22, 2010 3:10:27PM

**File Number:** 2009-0002700

**Date Received:** 04/03/2009

**File Status:** Closed

**Consumer Information**

---

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

**Utility/LDC Information**

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**Account Number:** 603814-001  
**Licence Type:** Electricity Distributor  
**Utility Name:** Horizon Utilities Corporation

**Marketer/Retailer Information**

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**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:** No  
**Wearing Uniform:** Unknown  
**Privacy Consent Confirmed:** Yes

**Ontario Energy Board**  
**COMPLAINT FILE SUMMARY**

Date Printed:  
Time Printed:

Page 2 of 2  
June 22, 2010  
3:10:27PM

**Complaint Information**

**Complaint Details:**

Caller says when she asked the Summitt agent at her door on August 6, 2008 whether he was with Horizon and the agent said yes. He told her that she was paying too much money and led her to believe that she was signing to get her rate lowered. She signed the contract and he left her a copy, which she did not read because they were both in a hurry. It turns out that the agent filled out the registration form in the customer's father's name, although he is deceased. Summitt called her within a month and she asked them again if they were with Horizon and they said yes, so she accepted their offer. However, she later found out that she had been misled when her daughter looked at the contract and pointed out to her that it was not from Horizon. Her daughter called Summitt about a month after the contract was signed but Summitt said it was too late to get out of it.

**Requested Action:** Cancel Contract Without Penalty

**OEB Action:** CCR Form sent to Licensee

**Classification**

Agent Conduct  
Agent Conduct

Contract

**Topic**

Misrepresentation of identity  
Mislead about the nature of the document  
Reaffirmation

**Sub Topic**

Claim utility representation  
Sign to get rebate  
Invalid reaffirmation

**TAB G**

Date Printed : June 22, 2010  
Time Printed: 10:17:57AM

## Consumer Complaint Response

2009-0002700

### 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** [REDACTED]

**Agent ID** [REDACTED]

**Date Received**

03/04/2009

**Sent to Licensee Date**

03/04/2009

**Licensee Date Due**

03/25/2009

**Licensee Response Date**

03/04/2009

### Complaint Details

**Reference Number**

2009-0002700

**Consumer Name**

[REDACTED]

**Representative Name**

[REDACTED]

**Energy Type**

Electricity

**Consumer Address**

[REDACTED]

**Representative Address**

[REDACTED]

**Account Number**

603814-001

[REDACTED]

[REDACTED]

[REDACTED]

**Consumer Phone**

[REDACTED]

**Representative Phone**

[REDACTED]

**Consumer Email**

**Representative E-mail**

[REDACTED]

**Classification**

Agent Conduct

**Topic**

Misrepresentation of identity

**Sub-Topic**

Claim utility representation



---

**Synopsis**

Caller says when she asked the Summitt agent at her door on August 6, 2008 whether he was with Horizon and the agent said yes. He told her that she was paying too much money and led her to believe that she was signing to get her rate lowered. She signed the contract and he left her a copy, which she did not read because they were both in a hurry. It turns out that the agent filled out the registration form in the customer's father's name, although he is deceased. Summitt called her within a month and she asked them again if they were with Horizon and they said yes, so she accepted their offer. However, she later found out that she had been misled when her daughter looked at the contract and pointed out to her that it was not from Horizon. Her daughter called Summitt about a month after the contract was signed but Summitt said it was too late to get out of it.

---

**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 6, 2008. The contract was reaffirmed on August 22, 2008.

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

Summitt Energy left a message for the customer on March 5, 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.

The customer contacted Summitt Energy on September 10, 2008 requesting cancellation of their contract.

Summitt Energy mailed the customer an exit fee letter on September 10, 2008.

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

Summitt Energy is of the opinion that the contract is valid. The customer signed the contract and confirmed enrollment during reaffirmation. The price and term was provided to the customer. Summitt can cancel the contract; however, exit fees apply.

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 and retraining purposes.

What is the timing for resolution to be implemented?

The contract is currently not flowing 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 a letter on March 25, 2009 outlining the exit fees to cancel the contract. Summitt Energy also mailed the customer a copy of their contract and reaffirmation call on March 25, 2009.

Attach same copies as above to OEB.

Please see attached for a copy of the contract, reaffirmation call, and the exit fee letter.

**Supporting Material****Licensee Closure**

**Resolution**  
Contract and Reaffirmation Valid

**Action**  
No Further Action

**CCR Completed By**  
Nmatadin

**Reimbursement Amount**

**Additional Comments**

TAB H

# REGISTRATION FORM

COMPREHENSIVE ENERGY PRICE PROTECTION PROGRAM

A565566

Summit Energy, 100 Milverton Dr., Suite 608, Mississauga, ON L5R 4H1  
905.366.7058, 1.877.222.9520, fax 905.366.7083, www.summitenergy.ca, customerservice@summitenergy.ca

## ACCOUNT HOLDER INFORMATION GRE001

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

☐ Business

Street Address

City

## SUMMIT ENERGY NATURAL GAS PROGRAM (includes Blend & Extend Option) License #GAS-2005-0542

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

☐ 5 Years at 46.8 cents/m<sup>3</sup>

☐ ENBRIDGE ACCOUNT #

☐ UNION ACCOUNT #

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

## SUMMIT ENERGY ELECTRICITY PROGRAM (includes Blend & Extend Option) License #ER-2006-0541

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

☒ 5 Years at 6.98 cents/kWh

UTILITY ACCOUNT # 61038141001

Utility Name Horizon Utilities

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

Under this program you may be entitled to the Ontario New Protected Refund and/or Potential Benefit Refund. Under this program you keep these "Refunds," etc.

## SUMMIT GREEN ENERGY PROGRAM

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

green electricity

0% ☒

25% ☐

50% ☐

100% ☐

green natural gas

0% ☐

\$5-\$5 per month ☐

\$9-\$9 per month ☐

\$15-\$15 per month ☐

To register for Summit Energy's Green Energy Program, I must enroll in either of Summit Energy's Natural Gas and/or Electricity Price Protection Programs. The Summit Energy Green Energy Program will appear on my utility bill at the time of commodity billing. Pricing is per month, per commodity enrolled and is for the same term as noted above.

CUSTOMER DETAILS

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 65,000kWh of gas or 150,000kWh of electricity, this Agreement will not be in effect unless I confirm it in accordance with Section 88.9 of the Ontario Energy Board Act, 1998 (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, other written or verbal, to this Registration Form or Terms and Conditions will be accepted.

Phone: 1-877-222-9520 Other Phone # 1-70 Ext. 1

Signature (I have the authority to sign on behalf of the account holder) Date Signed 08/06/08

Relationship to Account Holder (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 [Signature] Repre [Signature] Representative Number MA1002

REGISTRATION FORMS<sup>PK</sup>

BINDER 1

(Summitt Energy Sales Kit)

TAB 1 (a)

PK

TERMS & CONDITIONS

BINDER 1

(Summitt Energy Sales Kit)

TAB 2 (a)

PK

CERTIFICATES / BUSINESS  
CARDS

BINDER 1

( Summit Energy Sales Kit)

TAB 3 (a)



**TAB I**

Reaffcalls in mp3

Complainant Name: P.K. [name redacted]  
Contract Number: MA1002 GS ~~A565566~~-9055431740\_080822\_174311.MP3  
Date and Time of Call: August 22, 2008 @ 5:43:11 pm  
Transcribed by: Sherry Piercey

Summit: Is P.K. [name redacted] there please?

P.K. [name redacted] Speaking.

Summit: Hi P.K. [name redacted] . It's Summit Energy calling. We were at your home on the 6<sup>th</sup> of August.

P.K. [name redacted] Oh yes.

Summit: We have the confirmation call for your enrolment in the electricity price protection program that's supplied to the Hamilton Hydro bill. We have the address as [address redacted]. Is that correct?

P.K. [name redacted] Yes.

Summit: Now, do you remember the visit from the representative leaving the brochure and signed agreement?

P.K. [name redacted] Yes.

Summit: OK good. Now Summit's going to be supplying the electricity rate of 8.98 cents per kilowatt hour and that's your five-year rate guaranteed not to increase. For us to be able to complete the application correctly we just need a confirmation. If you can confirm that agreement by responding "yes".

P.K. [name redacted] Yes.

Summit: Thank you very much for choosing Summit. You have a good weekend. Bye bye.

P.K. [name redacted] OK.

**OEB Order EB-2010-0221**

Complainant Name: P.K. [name redacted]  
Contract Number: A565566-1  
Date and Time of Call: 08/22/2008 5:44 p.m.  
Transcribed by: Dora Chow (transcribed on August 18, 2010)

Summitt Energy, Sayer speaking.

Woman: Hello.

Summitt: Hi there.

Woman: I am responding on my mother's behalf and she had I guess somebody come to the door and she was under the impression that it was relating to the utility Program.

Summitt: Oh I see.; OK.

Woman: And, it's not - it's your different program.

Summitt: Ya, we supply gas & hydro for a fixed rate for her utilities.

Woman: Well, we want to make sure that's not going to take place.

Summitt: When did she sign the registration form?

Woman: How long is your, like your, how long do they have to cancel if you wish to cancel. I read the whole file.

Summitt: It would be within the first 10 days; she can send a fax or email to our Cancellations Dept. So, once they received it, if she doesn't send a fax or email; they will call her after 10 days when they have the information in the system to find out what her decision is. She can accept or decline over the phone.

Woman: OK.

Summitt: So she can do it either or.

Woman: So, before 10 days, she can fax it in?

Summitt: Yes, she can send a fax or email.

Woman: After 10 days, then what?

Summitt: They call her to find out what her decision is.

Woman: I see.

Summitt: Ya.

Woman: I see. So, if she hasn't heard from anybody as of the date of 08-06-08,

Summitt: 08-06?

Woman: Ya.

Summitt: August 6?

Woman: Correct.

Summitt: What's her phone number?

Woman: [telephone number redacted]

Summitt: OK, hold on a moment please. That's [telephone number redacted], correct?

Woman: Correct.

Summitt: Hello, ... her name is P.K. [name redacted]?

Woman: Yes.

Summitt: OK. Actually, her hydro company had put a reject on it; she is in arrears right now. So they are not going to proceed with the price reduction program at the moment.

Woman: I see.

Summitt: They had contacted her though; they contacted her on August 22; she reaffirmed the program. Even though she reaffirmed, we cannot do anything because they put a reject on it at the moment, so we can't proceed with it.

Woman: Now you are saying at the moment, so can we consider it null and void?

Summitt: At the moment, ya, ya. If they remove the arrears, if they remove the reject status, then it is going to go through.

Woman: OK, now if we want to cancel this and make sure that it does not go through, what do I have to do?

Summitt: We have no control over that, actually the Hydro company will automatically be enrolling. We have already got information that it has been accepted. As soon as she ... I think she probably behind her bills a little bit; may be that why she is in arrears. And if they remove that, that is going to go through.....

Woman: How do we stop that from going through; she doesn't want the service.

Summitt: Is she a senior?

Woman: Yes.

Woman: Is she over the age of 75?

Woman: No.

Summitt: She is obligated to pay a cancellation fee if she wishes to cancel.

Woman: What is the cancellation fee? You understand exactly what I am saying. So, let's \_\_\_\_\_

Summitt: I do understand what you are asking.

Woman: What I am saying here is she thought she was getting a price reduction with Horizon. I remember her telling me this a while back that ...

Summitt: Ya you do realize what I just advised you, right? They called her on August 22 at 5:44 pm which was recorded. They advised her what the rate is, what the term is, and who the company is, and she accepted it. So, we don't know; we can't really confirm what has happened; we were not there. That's why we make that verbal confirmation call.

Woman: Now, what I am asking you is – how does she cancel; she does not want the service. She thought that she was getting a service with Horizon at a discounted rate.

Summitt: She would pay a cancellation if she wishes to cancel.

Woman: And that is?

Summitt: How much is the cancellation fee?

Woman: Yes!

Summitt: \$450 plus GST to break the contract.

Woman: Ok, you are on crack!

Summitt: Ma'am, I would watch what you say before I disconnect the phone. I do not appreciate the way you're speaking to me.

Woman: OK, well,

Summitt: If you don't like hearing what is being told to you, the same procedure as any market, they are not going to tell you something different.

Woman: Now, did you tell her that at the door?

Summitt: I wasn't at the door. I didn't come to her door.

Woman: Ok, when your representative comes and represents your Company at the door, do you tell people that there is \$450 cancellation fee?

Summitt: I don't know; I wasn't at the door. That's why they leave the terms and conditions, brochure and contract at the door.

Woman: And it says absolutely nothing on here about cancellation or that there is a \$450 cancellation fee.

Summitt: Read the "Terms and Conditions", there is a cancellation fee there; this is the Quotation Damage, section 8 on the "Terms and Conditions" brochure.

Woman: OK, well, the good thing about this is that it is in the wrong name anyways. So, we'll get to the bottom of it. Thank you.

Summitt: Bye.

\*\*\*\*\* end of recording \*\*\*\*\*

**OEB Order EB-2010-0221**

Complainant Name: P.K. [name redacted]  
Contract Number: **A565566-2**  
Date and Time of Call: 09/10/2008 2:58 p.m.  
Transcribed by: Dora Chow (transcribed on August 18, 2010)

**Summitt**                      **You are calling Summitt. How can I help you?**

Customer                      I am calling on behalf of my mother. Let's see; Ok.  
We've been trying to deal with this for quite some time.  
She was approached by (I am not even exactly sure of  
the date, but I believe in August 2008) and when the  
sales guy came to the door. He misrepresented. She  
thought it was her energy company coming to the  
door. Cos she has just called to complain that her cost  
was so high. Anyways, at the time the contract is put  
under the name of "P.K. [name redacted]". Now, he's  
deceased.

Summitt                      Alright. I am sorry to hear that, give me one moment  
please. Is that your father?

Customer                      It's my mother's father, my grandfather.

Summitt                      What is the phone number of the account that we  
would have on file

Customer                      [telephone number redacted]

Summitt                      If you just bear with me for one moment, if you don't  
mind.

Customer                      Ok.

Summitt                      I do apologize. What was the name that we would  
have on the account here?

Customer                      Well, it keeps getting sent out to P.K. [name redacted].  
OK. P.K. [name redacted] is deceased. So this  
account should be, should not have ...

Summitt Can I place you on a brief hold? I just wanted to look at this for you. You said you are trying to deal with this.- correct? Get caught in the foot. Now, are you trying to have it put into your mother's name, or just have the same one cancelled?

Customer No. The thing is it's been coming off her hydro bill now; or because of the \_\_\_\_\_

But it wasn't in her name at a time; it was in P.K. [name redacted]'s name.

So it should never have been, you know what I mean, it should never have gone over to her.

Summitt Because now that it's in her name. Alright.

Can I have you wait a few moments, if you don't mind; OK? Thank you.

Customer

Summitt Hello. Hi, thank you for your patience. Ok. What I am going to do is I am sending a letter to this address on file; I am sending this off for process to the management team. Actually, the other one is I am going to send a cancellation letter to you. And all that letter is going to advise you what needs to be sent back in order to cancel this account. OK?

Customer OK.

I got in touch with the Ontario Energy Board and I explained all of the stuff to them. They wanted to me send in the death certificate, everything. I didn't actually hear back from them. Now I don't know - I faxed everything in, so I don't know if they've got it or not; but I did read again where you know it says, when I went into the website, it says to try to rectify this with the company itself first. So I thought, well, to call you guys again and see if I can try and get it straightened out.

Summitt Like I said – I am going to send that letter and send this out for processing; this is actually done by our management team. So within the next 7 – 10 days, you are going to receive that in the mail and it is going to give you all the information in regard to having this account cancelled.



Customer OK. So I feel cancelled and reimbursed, because I mean the hydro was not in her name.

Summitt At the time that this was signed, was your father deceased?

Customer No, his ...

Summitt What's your mother's name; sorry, is that Paureen?

Customer Yes.

Summitt Because, we do have her name on this account; unless she calls in to cancel, we can do that. I am going to send this off to processing. But she can call in any time to have this done, without even sending like ....even though. I know it is unfortunate her father has passed away; but we have her name on the account. That's possibly why it still kept coming in her name.

Customer Her name was put on the account after she phoned; and switched it over with Horizon, into her name, but that doesn't mean it was her contract. You know what I am saying?

Summitt Correct.

Customer So. But are we going to get a letter saying that she owes money and trying to get out of the contract?

Summitt Unfortunately, what I am doing is as I said I am leaving a detailed note on the account for you guys and I am sending this out for processing from management; so I am not sure what they are going to send you out.

Customer What I am saying is that we have called and done this process before in P.K. [name redacted], saying that in order for him to get out, he has to pay \$166.75; but he is deceased.

Summitt That's what I was saying; unfortunately I don't know what they are going to say in this letter. As I said, I am going to send this off to our management team. I am putting the fact that P.K. [name redacted] is deceased. Alright; however P.K. [name redacted]'s name is in the account.

Customer Can you ... I am going to give you my address and get you to send it c/o me, because she can't deal with all

the stuff; I'm going to take care of it all.

Summitt                      Unfortunately, this has to go to the address that we have on file; I can't update the address like that. I can put in your new address on that, but I cannot guarantee. If you don't mind giving me a few moments, I'll see if it will be sent out to that address.

Customer                     OK.

Summitt                      Give me a moment.

Customer                     Alright.

Summitt                      Alright.

Summitt                      Hello.

Customer                     Hello.

Summitt                      Sorry, I cannot do it by mail. But do you have email address by any chance?

Customer                     Yes, I do.

Summitt                      I can have it emailed to you if you like.

Customer                     Ok, that's great.

Summitt                      I do apologize.

Summitt                      What's your email address?

Customer                     Leahlive123@hotmail

Summitt                      .com

Customer                     Correct

Summitt                      So that will be done for you, OK?

Customer                     OK.

Summitt                      Did you have any other questions or concerns for me today?

Customer                     Well, no. I just wanted to see if she can be, you know, get this cancelled and be reimbursed for what all this extra money that she ended up having to pay on her hydro bill under her contract, you know.

Summitt                      I understand. Ya.

Customer	So, that's all.
Summitt	Alright, not a problem.
Customer	OK.
Summitt	OK. Not a problem.
Customer	Thank you.
Summitt	You're welcome. Take care. Bye.
Customer	You too, bye.

Contract #: A565566

Date and Time of Call: Wednesday, August 18, 2010 @ 2:00

TRANSCRIPTION P.K. [name redacted]

37347-53

SIS	P.K. [name redacted]
P	Yes
SIS	Oh hi P.K. [name redacted] it is Stephen Selznick calling, how are you?
P	Okay.
SIS	I am calling you with a young lady from my office Joanna Lindenberg who I believe spoke with you a couple of days ago about setting up a time to speak with me.
P	Yes.
SIS	Right, and I am with the law firm in Toronto of Cassels Brock & Blackwell, and we represent a company called Summitt Energy and we are defending Summitt Energy in an administrative matter that has been brought before the Ontario Energy Board concerning some of their practices, and your name has been mentioned in that as someone who has filed a complaint with the Ontario Energy Board concerning the conduct of Summitt Energy in signing you up for a fixed rate energy contract, I believe.
P	Yes.
SIS	You recall that?
P	Yes.
SIS	Can you just give me for my benefit because I know I have a difficult name to pronounce, how do you pronounce your last name.
P	_____ the K is silent.
SIS	Okay great thanks. And I just have a couple of questions. We have been given some material by the Ontario Energy Board including a witness statement that you signed and I just have a couple of questions about that. Can I ask them of you now.
P	Yes
SIS	And we are recording this call. Joanna is here with me only because I have 28 people, there is 28 sort of allegations that have been made against Summitt

	Energy and I have to speak to everyone and I sort of have to keep these straight. Do you mind that we record this call. I am recording it too.
P	I am recording it too.
SIS	Okay, good, excellent. So the first thing is that I notice that you signed the contract and it was for the electricity program I don't recall it was for gas as well, I think it was just for electricity?
P	Just electricity
SIS	And I know your daughter had been in communication with both Summitt Energy and the OEB is she around with you now?
P	No.
SIS	Oh okay. Because I think, is she the one who filled out the complaint form for the OEB or was it you?
P	It was me.
SIS	Okay, and did she help you fill it out.
P.	Yes.
SIS	Okay, and when you say she helped you fill it out, what did that entail? Did she write what you submitted or did she ask you to write it.
P	She wrote what I submitted.
SIS	Thank you, and I note that this contract was in 2008 and I am just flipping here the witness statement that you signed for the Ontario Energy Board was dated in May 11, 2010. Do you remember who you spoke to at the OEB about the complaint?
P	No, I don't
SIS	Okay, and would your daughter know who you spoke with?
P	No
SIS	Would she have had any conversations with them in preparing the witness statement?
P	No.
SIS	Okay and do you recall how long ago you received a call from the OEB?
P	Oh a couple of months I guess.
SIS	Okay, and when the complaint was filed, I am just looking at the complaint record here, the complaint appears to have been filed, bear with me as I just flip through these pages here, it looks like it was filed in April 2009 does that

	ring a bell to you?
P	Well, there was a few complaints before that.
SIS	Well I know that you contacted the company, but I am just trying to determine when was the first time that you contacted the Ontario Energy Board, and it looks like, to me from this, it was, oh sorry, in March 4, 2009, sorry March 4, 2009 was when the first contact at the Energy Board was, does that ring a bell to you?
P	No, I am not sure that of the day.
SIS	Do you remember the name of the agent who appeared and was the agent in question?
P.	The guy that came to the door?
SIS	Yes.
P	I've got his signature written down here. But I haven't got it handy.
SIS	Okay, so when this complaint was filed, did you file it online or did someone, or did you call the Energy Board?
P.	I called the Energy Board.
SIS	And was your daughter with you when you made that call?
P	No
SIS	Okay and did she tell you what to say in the call?
P	No
SIS	You said a little earlier in this call that she helped you prepare the complaint, what did she help you do?
P	Just put the right words down. I told her what I wanted to say and she just made it sound better, you know.
SIS	So did she write something down for you to read to the complaint officer, or did she, how did she do that?
P	No, she didn't write nothing down. She just told me how to word it rather than with the words that I was writing. I was angry so.
SIS	Okay and what has been the ultimate outcome, are you a Summitt Energy customer today, or what happened at the end of the day with this contract?
P	They cancelled it.
SIS	And did they say why they cancelled it.

P	Well I moved.
SIS	Okay
P	And they wanted me new address and I wouldn't give it to them
SIS	Okay
P	And then when I got in touch with the Energy Board they sent me a letter cancelling the contract
SIS	And the original contract, I know this was mentioned a couple of times by your daughter I think, that I think she had some conversations on the telephone with Summitt Energy. The original contract with Summitt Energy was filed out for P.K. [name redacted], sorry how do you pronounce that again?
P	_____ the c is silent
S	So it was filed out for P.K. [name redacted] _____ which I understand from what your daughter has communicated is your father, was your father?
P	Yes
SIS	And did the agent get that off the bill? Did you give him a copy of your electricity bill to pull that information? How did he get that information?
P	How did he get it?
SIS	Yes
P	I told him my dad was dead.
SIS	Yes, but he filled out the application showing that P.K. [name redacted] _____ was the customer of the hydro service. Did he get that off your hydro bill?
P	Yes. He told me he was with Horizon Utility.
SIS	But you gave him a copy of your utility bill and he took that information in filling out the registration form of that utility bill?
P	Yes.
SIS	Alright, that is really all I, I guess I have one more question for you. Between I guess January, sorry in March of 2009 when you filed the complaint with the Ontario Energy board and May of 2010 when you sent the witness statement in. Did you have any contact with the Ontario Energy Board in between in the year in between?
P	Yes.
SIS	Do you know roughly how often you communicated with them?

P	Actually, I had a lawyer on it so.
SIS	Do you know who that is?
P	Pardon?
SIS	Do you know his name, can I have his name?
P	He is not representing me now.
SIS	No, I just want his name. I am not suggesting he does represent you now, but do you have his name handy?
P	He worked for, I am trying to think of his name, McCluscheon,
SIS	is he a lawyer in Hamilton?
P	Yes.
SIS	Okay, do you remember what his first name is?
P	I am trying to think of his first name.
SiS	Can I ask you a favour? Do you have a pen handy?
P	Yes.
SIS	If I give you my telephone number, could you maybe call me with his name if you recall it?
P	Okay
SIS	Let me give you my number now so you will have it, it's 416 860 6883
P	Okay
SIS	My name is Selznick and if you could just check your records and maybe just give me a call at your convenience with the name of the lawyer, I can probably find his telephone number, if you can just give me his name.
P.	Okay
SIS	That would be great, and then, I take it he doesn't act for you today?
P	Pardon
SIS	He doesn't represent you know?
P	No
SIS	Okay. And did he have any communications with the Ontario Energy Board that you are aware of?



P	I am not aware of it.
SIS	Okay, do you know if he contacted Summitt Energy? I don't have anything here that says he did, but I am just wondering whether you recall that he did.
P.	No, I don't think so.
SIS	Okay, and then you were contacted I guess some time in 2010 by the Ontario Energy Board concerning the preparation of a witness statement.
P	Yes
SIS	And then, did they, I take it that they prepared this witness statement as two pages that you signed. Is that correct?
P.	I don't recall that.
SIS	I am looking at a two page witness statement that is dated May 11, 2010
P	I wrote it?
SIS	I've got a copy of a letter here that you sent the Board
P	Yes
SIS	And then the next thing I have so I have a letter to Chris Marigen dated May 11, that says, as requested I am sending extra information in case you don't have them. And it is like in a letter and then I have next, you know, a more formal witness statement that has numbered paragraphs that you have signed. And did you prepare that or did someone else prepare that?
P.	I prepared it.
SIS	Okay, and you typed it as well? Or,
P	Yes, nobody else was involved after I got hold, after the Energy Board got a hold of me.
SIS	Okay, so you typed this witness statement?
P	Yes
SIS	Okay, and then you sent it to Chris Marigen at the Ontario Energy Board?
P	Yes. I don't recall the name but
SIS	Okay.
P	I did, yeah.
SIS	Have you been contacted recently the Ontario Energy Board about appearing as a witness in this matter?

P.	Yes.
SIS	And have they given you any indication of when that might be, when that hearing might be?
P.	Yes.
SIS	Can you share that date with me?
P.	Well, I'd rather not, you should know that.
SIS	Okay, well I am not sure we do know the dates, I am just trying to determine what the Board's impression is. I believe it could be as early as August 30 <sup>th</sup> but I am not sure that will happen on that date.
P.	Well, it is this month anyway.
SIS	Okay, so they have indicated they are going to be calling you as a witness?
P.	Yes.
SIS	Okay, well that is all my questions for now. I may have other questions of you but right now we are just trying to get some background information and I appreciate your taking the time to speak with me. And if you do get the name of that lawyer, recall the name of that lawyer, I would appreciate your calling me back just with his name and we can find the other information.
P.	Alright
SIS	Okay and thanks a lot.
P.	Okay, bye
SIS	Bye, bye.