

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

AND IN THE MATTER OF Planet Energy (Ontario) Corp. (Planet Energy)
Licence Numbers ER-2011-0409 and GM-2013-0269

WITNESS STATEMENT OF [REDACTED]

My name is [REDACTED] and I reside in the Town of Aurora in the Province of Ontario.

1. I attended an ACN meeting at a private residence with a number of other interested people in 2012. I paid \$500 to become an independent business owner (IBO). This fee included access to a designated website that enabled me to sell ACN products. I was actively selling different services for ACN, on and off, from 2012-2015.
2. I was provided with some materials and documents about various ACN products and referred to the website for additional information. One of the products sold were energy contracts on behalf of Planet Energy.
3. In terms of information about these energy contracts, all that I received from ACN was an example of an electricity contract and gas contract. I did not receive any further information or training about energy contracts or the energy industry from ACN.
4. I attended a few ACN rallies, but the focus at those events was growing your business, making money and signing others up for ACN. There was some discussion about the products ACN was offering, but there was no training about the details of those products (including energy contracts).
5. I was required to take a test before I could start selling energy contracts. My online course and testing was completed with another, more experienced ACN IBO by my side (who had signed me up for ACN, and who stood to benefit financially from my sales). That IBO told me the correct answers for the test questions, which I then marked on the online form.
6. At some point in time, I took the online test again. At that point, another more experienced ACN IBO (but not the same person who signed me up for ACN) provided me with the correct answers.

7. In my initial witness statement, I referred to “training” by ACN/Planet Energy. I wish to be clear that I did not recall receiving any training from Planet Energy or ACN, including on:
 - a. the structure or operation of the electricity market;
 - b. charges associated with energy contracts (including cancellation fees);
 - c. rules and regulations of energy market; and
 - d. rules and regulations governing how to sign consumers up for energy contracts; or
 - e. anything else to do with the energy industry.
8. What I did receive in terms of “training” or information came after I asked questions about the Global Adjustment, from both the person who signed me up for ACN and from a “Senior Vice-President” at ACN (who I believe was just another IBO). The message I received from both of them was not to worry about the Global Adjustment, that it would even itself out over time and that the average cost would be around 5 cents per kWh. During the time I was selling contracts on behalf of Planet Energy, I did not receive any other information about the Global Adjustment, from any other source at ACN. I now understand that the information I was given about the Global Adjustment was not true.
9. In total, I enrolled approximately 12 – 15 consumers into energy contracts on behalf of Planet Energy, for their personal residences and/or for commercial accounts. All of these consumers were my friends or family.
10. I met with and spoke to consumers about how much they could save on their energy contracts. Another ACN IBO provided me with a type of ‘script’ that set out a sales approach to take when approaching consumers, which I largely followed. I would have consumers pull out their own electricity bills, and then I would then advise them that a Planet Energy contract could offer them a fixed rate of 4.99 cents per kWh for five years (except for larger commercial accounts, where the rate might be less). I normally did not tell these consumers anything about the Global Adjustment, and if the subject came up, I told them what I was told by other ACN IBOs and believed to be true (i.e. not to worry about it, that it would even itself out over time and that the average cost would be around 5 cents per kWh.)

11. In every case (except one), these consumers agreed to sign up for energy contracts with Planet Energy during our physical meeting together, after I explained to them the benefits of the contract (e.g. saving money).
12. I did not wear any form of ID badge or provide consumers with any kind of business card during our meetings. Although someone else at ACN advised me that I should technically wear a badge and hand out business cards, I never witnessed anyone else at ACN doing so – and instead witnessed other ACN IBOs signing up consumers without wearing badges or handing out business cards.
13. After the consumers agreed to sign up, I would request to see their utility bill and contact information. Based on that information, I enrolled them on my own, using my IBO website. I used my laptop for most enrollments. For further clarity, in all cases, I signed consumers up on my own, without them being present.
14. I did not receive any information from ACN or Planet Energy advising me that I could not enroll consumers on my own, without the consumer being present. Although I was aware that I should not be enrolling consumers on my own, I did hear from other ACN IBOs working on behalf of Planet Energy that this was being done as common practice.
15. The day after enrollment, I would print out the contract documents and deliver them to the consumers I enrolled. However, I did not provide consumers with a copy of the contract at any point before they were enrolled, nor did I have the consumers sign any kind of acknowledgment. Again, I was never instructed to do so.
16. At no point did any of the consumers I enrolled with Planet Energy provide their physical or electronic signatures (or check off any boxes) on any contract, disclosure statement or price comparison having to do with the contract with Planet Energy. At no point was I told their signatures were necessary, or that they had to check off any boxes.
17. After I enrolled consumers with Planet Energy, I advised them that they might receive a call from Planet Energy asking them questions, and also advised them of the answers they should give if they receive such a call. In particular, I advised them that they may be asked if they realized they signed a five year

contract (answer "yes"); that they signed up on their own (answer "yes"); whether an agent was in the room when they signed up (answer "no"); and whether the agent had a badge and business card (answer "yes").

18. One day, I was speaking to my friend, [REDACTED] about signing electricity contracts with Planet Energy for his five properties. As per the 'script' I was provided, I told [REDACTED] he could save money by signing up with Planet Energy.
19. After securing [REDACTED] agreement to sign energy contracts with Planet Energy, I enrolled [REDACTED] into five electricity contracts covering all his properties. [REDACTED] was not with me during the enrollment.
20. Robert sold one property in December of 2015. [REDACTED] started to receive collection notices from Planet Energy right after he informed Planet Energy of the sale. I tried to help him cancel the contract because [REDACTED] was very upset. I had not told him (or any other consumer) about the cancellation fees at the time of enrollment. Up until [REDACTED] raised the issue, I was not even aware that the Planet Energy contracts could result in cancellation fees, and nobody had ever brought this to my attention.
21. I contacted Planet Energy on [REDACTED] behalf. Over several months, I spoke to several people at Planet Energy to try and get the cancellation fees waived. Eventually, after much back and forth, it appears that the fees were waived.
22. [REDACTED] sold a second property and again received a notice advising him that he must pay cancellation fees. This matter remains outstanding.
23. I prefer not to provide the names of any other consumers I enrolled on my own.
24. Eventually, after receiving questions from consumers that I had signed up for energy contracts with Planet Energy, I noticed that I was not correct about energy savings and started to research the impact of the Global Adjustment on my own. This is when I discovered that the information I had been provided about the Global Adjustment was inaccurate. I stopped selling energy contracts about one year ago in 2015.

Signature

Date

Jan 11/2017