

**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**

FURTHER WITNESS STATEMENT OF [REDACTED]

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

1. In the process of preparing for this hearing, I have reviewed my previous Witness Statement dated January 11, 2017 ("**January Witness Statement**").
2. Paragraph 8 of my January Witness Statement states:

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.
3. In the course of reviewing my records in response to Planet Energy's requests for documents and its third party records motion, I came across a binder of material that I had assembled while I was selling Planet Energy contracts as an ACN IBO ("**Sales Binder**"). I disclosed the Sales Binder to the OEB Enforcement Team on or about August 4, 2017, and I understand that they provided it to Planet Energy shortly thereafter.
4. The Sales Binder includes certain documents that I would show to prospective customers when trying to sell them a Planet Energy contract, such as a "Before and After" account comparison, testimonials from the Keg and Tom & Jerry's Bistro, and a picture of a billboard saying that hydro rates were increasing.
5. The Sales Binder also included certain other documents I had accumulated over time that I would not show any prospective customers. These documents included an "FAQ" document (3 pages), an IESO "Price Overview" document (2

pages) and a "Product Guide" document (4 pages) (together, the "**Documents**"). The Documents make reference to the Global Adjustment.

6. Now that I have reviewed the Documents in the Sales Binder, I have had my memory refreshed as to what information I received from sources at ACN with respect to the Global Adjustment.
7. In each case, either the Document was provided to me in hard copy by another ACN IBO, or the website address was provided to me by another ACN IBO and I printed the Document out on my own. These ACN IBOs did not provide me with copies or links to the Documents in any kind of formal or "training" capacity, and only provided me with the Documents after I asked them questions.
8. I received each of the Documents on or about the dates indicated on the Documents. With the exception of the FAQ (retrieved on or about September 8, 2012), the Documents were all retrieved on April 28-29, 2015 – long after I had enrolled customers in most of the contracts that I understand to be at issue in this proceeding.
9. I may have reviewed the Documents at the time, but I did not read them carefully.
10. At the time I reviewed and agreed to paragraph 8 of my January Witness Statement, I did not have my Sales Binder with me, and did not remember that the Documents existed. I had not looked at the Sales Binder for approximately 2 years, and only discovered the Documents again when searching through my records in response to Planet Energy's request for further documents.
11. In terms of how ACN works, this was my experience and understanding:
 - a. Compensation for ACN IBOs works on a commission basis, based on the number of "points". Points are based on the number of customers an ACN IBO signs up, and what products they are sold. I continue to receive on average \$50-\$60/month commission on the customers that I enrolled into various products, including Planet Energy contracts.
 - b. From the time I joined ACN, the major focus was to sign people up to be ACN IBOs (which I never did). If you sign someone up as an ACN IBO, you receive a portion of their commissions. This is the main source of revenue for highly successful ACN IBOs – signing others up to be ACN IBOs and taking a share of their commissions.

- c. When you sign up as an ACN IBO, you normally join the same "group" of other ACN IBOs that the person who signed you up has joined. That is what I did. Within this group are the other ACN IBOs that I had regular contact with, and the people who offer tips or advice in terms of how to sell products and how ACN works more generally.
- d. ACN IBOs hold regular rallies in Toronto, which are designed to entice people into signing up as ACN IBOs. I attended four of five of these rallies at a facility in Don Mills. The focus of these rallies was two-fold. First, it was on convincing people how successful and rich you can become as ACN IBO. Second, it was on describing the products ACN had to offer for sale (but offered no detailed information about those products).
- e. Apart from paying approximately \$500 to sign up, signing an IBO Agreement with ACN and completing ACN's "Product Training" online, there was no other barrier or vetting for people to become ACN IBOs. (In order to sell Planet Energy contracts, there was a test that had to be completed, as discussed in my earlier Witness Statements.) To be clear, I would not consider "Product Training" to be training at all: it was nothing more than a basic explanation of each product and how much it costs. I did not read the Product Training information in any detail, but that did not prevent me from obtaining my "Certificate of Completion".
- f. Up until I started trying to help Mr. [REDACTED] deal with his cancellation penalty, I did not have any contact with anyone at ACN's corporate office. My only interaction was with other ACN IBOs.

[REDACTED]

Signature

SEPT 18/2017

Date