



ONTARIO ENERGY BOARD

FILE NO.: EB-2017-0007

Planet Energy (Ontario) Corp.

VOLUME: Volume 3

DATE: November 17, 2017

BEFORE:	Christine Long	Presiding Member
	Cathy Spoel	Member
	Michael Janigan	Member

THE ONTARIO ENERGY BOARD

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

AND IN THE MATTER OF a Notice of Intention to
make an Order for Compliance and Payment of an
Administrative Penalty against Planet Energy
(Ontario) Corp. (ER-2011-0409) (GM-2013-0269).

Hearing held at 2300 Yonge Street,
25th Floor, Toronto, Ontario,
on Friday, November 17, 2017,
commencing at 9:37 a.m.

VOLUME 3

BEFORE:

CHRISTINE LONG	Presiding Member
CATHY SPOEL	Member
MICHAEL JANIGAN	Member

A P P E A R A N C E S

IAN RICHLER Board Counsel

MICHAEL BELL Board Staff

ANDREA GONSALVES Compliance Counsel
JUSTIN SAFAYENI

GLENN ZACHER Planet Energy (Ontario) Limited
GENNA WOOD

ALSO PRESENT:

NINO SILVESTRI Planet Energy
JORDAN SMALL
ELA MEMA

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1 Friday, November 17, 2017

2 --- On commencing at 9:37 a.m.

3 MS. LONG: Please be seated.

4 Good morning, everyone. The Panel continues to sit
5 today in EB-2017-0007. Before we begin with the next
6 witness, Ms. Gonsalves, Mr. Zacher, any preliminary issues?
7 No?

8 MS. GONSALVES: No, thank you, Madam Chair.

9 The next witness for enforcement staff is Mr. Kayvan
10 Nahid, and I will invite him to the witness box. He is
11 going to be assisted by an interpreter, and I have
12 discussed with my friend, Mr. Nahid's English, it's not his
13 first language, but it is sufficiently good that, as I have
14 discussed with my friend, we are prepared to proceed on the
15 basis that he will use the interpreter as required, as he
16 feels necessary to either understand a question or express
17 his answer, but we don't contemplate needing everything
18 interpreted for his benefit. And so we will have the
19 interpreter affirmed, but for the sake of efficiency we
20 will only call on him as needed, if that suits the Panel.

21 So Mr. Interpreter --

22 MS. LONG: Sorry, just before we begin, Mr. Zacher,
23 are you comfortable with that course of action, that Mr.
24 Nahid will determine when he needs the interpreter and when
25 he does not?

26 MR. ZACHER: I am. And Ms. Gonsalves gave lots of
27 notice of this and we are content with that. Obviously
28 there may be need to be some direction from the Panel at

1 times, but I think this sounds like a workable solution
2 and --

3 MS. LONG: Okay. And the interpreter, you are
4 comfortable with their accreditation?

5 MR. ZACHER: Yes, I am.

6 MS. LONG: Okay. Good. And the interpreter's name?

7 MS. GONSALVES: Mr. Interpreter, what is your name for
8 the record? There's a button that you need to push. Thank
9 you.

10 THE INTERPRETER: First name is Hamid, H-A-M-I-D, last
11 name Rezvani, R-E-Z-V-A-N-I.

12 MS. GONSALVES: And Mr. Nahid and Mr. Rezvani, just
13 for both of your benefit, the discussion that just took
14 place amongst counsel and the Chair of the Panel is that,
15 Mr. Nahid, if you require the interpreter's help to
16 understand a question or to give your answer, you are
17 welcome to use him. If you understand what we are saying
18 in English and you are comfortable answering in English,
19 then we will do that, okay?

20 MS. LONG: Mr. Rezvani -- did I say that correctly?

21 THE INTERPRETER: Yes.

22 MS. LONG: You may sit if you'd like, or if you are
23 more comfortable standing, but -- you may sit if you are
24 more comfortable. This might take some time, so have a
25 seat. We are going to ask you as an interpreter to affirm
26 for us that you will faithfully translate from English to,
27 I understand, Farsi.

28 THE INTERPRETER: Yes, that's right.

1 MS. LONG: Okay? Mr. Janigan will administer that
2 affirmation.

3 Hamid Rezvani (Interpreter); Affirmed.

4 --- On commencing in camera at 9:41 a.m.

5 **ONTARIO ENERGY BOARD - ENFORCEMENT PANEL 3**

6 **Kayvan Nahid; Affirmed.**

7 **EXAMINATION-IN-CHIEF BY MS. GONSALVES:**

8 MS. GONSALVES: And Mr. Nahid, I am just going to ask
9 you the keep your voice up, speak directly into the
10 microphone, so that everybody in the room can hear you
11 well, okay?

12 MR. NAHID: Yes.

13 MS. GONSALVES: To begin, Mr. Nahid, I understand you
14 live in [REDACTED], Ontario?

15 MR. NAHID: Yes.

16 MS. GONSALVES: You first immigrated to Canada in
17 2007?

18 MR. NAHID: Yes.

19 MS. GONSALVES: And your work is selling and
20 installing home theatre systems; is that right?

21 MR. NAHID: Right.

22 MS. GONSALVES: What's the name of your business?

23 MR. NAHID: Like, the writing is [REDACTED].

24 MS. GONSALVES: [REDACTED]. That's a business you own?

25 MR. NAHID: Yes.

26 MS. GONSALVES: How long have you been running that
27 business?

28 MR. NAHID: In Canada, ten years.

1 MS. GONSALVES: Describe the kinds of customers you
2 deal with. Who are your clients in that business? Not by
3 name, but the type of customers you deal with.

4 MR. NAHID: So mostly the systems starting from \$15-,
5 \$20,000, must be rich people. Is like the rich people must
6 be doctor, lawyer, or have a big business and love music.

7 MS. GONSALVES: And what is your relationship like
8 with your customers?

9 MR. NAHID: Just friend. Just friend and family,
10 because this business just working with the family and
11 business. We cannot go to the street and knock the door,
12 "I am selling the energy." We cannot.

13 MS. GONSALVES: We've -- we understand in this hearing
14 that you were an ACN IBO, independent business owner, for a
15 few months in 2015; is that right?

16 MR. NAHID: Yeah.

17 MS. GONSALVES: Prior to 2015, were you an ACN IBO at
18 any time?

19 MR. NAHID: Yeah, first I start 2009, but I find it so
20 I needed some people, they know me or I know the people,
21 but after, like, two years when I came from my country I
22 didn't know so many people. That's why I stop it. I
23 didn't work any more, just for my house or my wife's store,
24 something like that.

25 MS. GONSALVES: So am I understanding correctly that
26 you were an ACN IBO in 2009 but you didn't sell very many
27 contracts?

28 MR. NAHID: Yeah.

1 MS. GONSALVES: For what period of time were you an
2 active IBO in 2009?

3 MR. NAHID: I have to tell you the ACN always -- I
4 looked at this job like side job. It wasn't my main job.
5 So my main job, so the audio system installation, I have a
6 customer, so sometimes when I was close to my customer, is
7 like the -- make, like, the friendship, so I offer to them,
8 okay, I have another thing, it's like selling the energy or
9 phone line, or network, so some customer like it, some
10 customer not.

11 MS. GONSALVES: In 2009 did you sell energy contracts
12 for ACN?

13 MR. NAHID: Just for -- I change my -- is like my home
14 contract and my wife's store, that's all.

15 MS. GONSALVES: Okay. So then let's go more recently
16 to 2015, okay?

17 MR. NAHID: Okay.

18 MS. GONSALVES: How did you get introduced to ACN
19 again the second time?

20 MR. NAHID: So the second time, my wife offered to me
21 some person, so she was in my wife customer, and she find
22 it, okay, so Kayvan doing the home automation, home theatre
23 installation for people, so for sure this guy he is good
24 for this business because all the time he is meeting the
25 rich people or big area. So yes, it's like two, three,
26 times, so she offer the ACN job to my wife and of course
27 she told me about ACN. So one day I said, okay, I can meet
28 her about this job.

1 MS. GONSALVES: And who was the name of this person
2 that your wife knew?

3 MR. NAHID: Just I remember the first name is Claire.

4 MS. GONSALVES: Claire. Did you understand that
5 Claire had any connection to ACN?

6 MR. NAHID: Yes.

7 MS. GONSALVES: And what was that connection?

8 MR. NAHID: The connection is like she was an agent
9 for ACN.

10 MS. GONSALVES: An IBO?

11 MR. NAHID: An IBO, yeah. She showed me something,
12 the paper.

13 MS. GONSALVES: You said that you said okay, you'll
14 talk to Claire about ACN. Did you know Claire? Had you
15 met her before speaking to her about ACN?

16 MR. NAHID: No.

17 MS. GONSALVES: When you met with her to talk about
18 ACN, what did she tell you about ACN?

19 MR. NAHID: So she explained for me about this job, so
20 it's selling like energy, like power, like gas, phone line,
21 like digital phone, like network. So I visit the ACN
22 website, and I saw because all the services is over there.

23 MS. GONSALVES: When did your meeting with Claire
24 happen, if you can remember?

25 MR. NAHID: I think 2015, like in the fall time or
26 starting wintertime, I think.

27 MS. GONSALVES: When you say fall, is that fall of
28 2015 or fall of 2014?

1 MR. NAHID: No, 2015.

2 MS. GONSALVES: Did Claire discuss with you how ACN
3 agents find their customers?

4 MR. NAHID: Yes, just this company's working between
5 their family and friend, that's it. Yes, she told me you
6 cannot advertise this job or knock the door, going to a
7 street and knock the door. It's just like a family and
8 friend business.

9 MR. NAHID: After talking with Claire and visiting the
10 website, did you do anymore investigation about ACN before
11 you decided to sign up?

12 MR. NAHID: Yes, actually, so I know about the
13 business. I know that the people doesn't very going to
14 without PowerStream and Enbridge, because just two
15 companies selling the energy in the like Ontario. So I ask
16 her why the price you are telling me is cheaper from the
17 PowerStream? So she said the ACN buying the million
18 contracts from the PowerStream and they pay one times like
19 5, \$6 million to that company, that's why they can sell the
20 cheaper from the main company.

21 I said, oh, okay, it makes sense because -- so I am
22 this business. So when I am buying one project or a
23 thousand dollars, if I am buying the million project or, of
24 course, there's maybe \$300. So I said, okay, makes sense.
25 So if they are doing it this way, I can believe it.

26 MS. GONSALVES: Did you attend any other meetings or
27 information sessions about ACN before you decided to sign
28 up?

1 MR. NAHID: Not before. After, yes.

2 MS. GONSALVES: What was involved in signing up with
3 ACN? What did you have to do?

4 MR. NAHID: Just every agent must be paying around the
5 \$500 and to ACN to be an agent for a start. And then start
6 from their own bill, because each agent need a point. So I
7 started from my own bill, is like the power, like phone
8 line, like gas, network. You can change your mobile
9 service, too.

10 And the second step, my wife's store.

11 MS. GONSALVES: So after a signing up, you switched
12 your own accounts --

13 MR. NAHID: Yeah, yeah it's a start.

14 MS. GONSALVES: Okay. You should have some binders in
15 front of you, Mr. Nahid.

16 MR. NAHID: Yeah.

17 MS. GONSALVES: I'd like you to find the one that's
18 got a sticker on the front, not the big sheet but just the
19 ones with the small white stickers that says Planet Energy
20 documents Volume 3.

21 It may be in front of you, Mr. Interpreter. Do you see
22 that file, the one that says volume 3?

23 THE INTERPRETER: Volume 2, volume 3.

24 MS. GONSALVES: Yes. For the record, it's Exhibit
25 KX.4, volume 3.

26 MR. NAHID: Okay.

27 MS. GONSALVES: And if you could turn, please, to tab
28 196, and then you should see an A at the top, another tab

1 A. Do you see what says "welcome letter, Planet Energy" at
2 the top?

3 MR. NAHID: Yeah, this paper is my -- is like the
4 house, my house.

5 MS. GONSALVES: So you received this letter after
6 switching your home accounts to Planet Energy through ACN?

7 MR. NAHID: Yes, all the customers, when they sign up
8 the contract on line, they send the letter by mail and e-
9 mail, too, because the -- is like the program, the ACN,
10 asking about the phone number, about the e-mail address and
11 actual address.

12 MS. GONSALVES: Okay. And this letter to you is dated
13 March 3, 2015. Do you see that date?

14 MR. NAHID: Yes.

15 MS. GONSALVES: So I just want to help out your memory
16 a little bit with the timing. You told us that you recall
17 meeting with Claire in the fall or the winter of 2015.
18 Seeing that you got this letter in March 2015, does that
19 help your memory on when you met with Claire?

20 MR. NAHID: Maybe one month before March.

21 MS. GONSALVES: Okay. So early 2010, okay.

22 MR. NAHID: Yeah, for sure.

23 MS. GONSALVES: Okay. As part of the process of
24 signing up with ACN, did ACN ask you for references or do
25 any kind of background checks?

26 MR. NAHID: No.

27 MS. GONSALVES: I am sorry, just I didn't hear that.

28 MR. NAHID: No, background check is like the -- like

1 what?

2 MS. GONSALVES: Did they ask for criminal record
3 check? Did they ask for any previous employers to give a
4 reference, anything like that?

5 MR. NAHID: No, no.

6 MS. GONSALVES: Other than Claire, did you speak to
7 anyone involved with ACN before you decided to sign up?

8 MR. NAHID: No, I didn't know some people working with
9 ACN without Claire.

10 MS. GONSALVES: What was your relationship to Claire
11 after you signed up? How did you see her?

12 MR. NAHID: Yeah, like so when I had a problem with
13 sign up the online, so, yeah, a few times I ask her. And
14 two, three times, yeah, because together to some show, like
15 a hotel, so all like the ACN agents it was over there. It
16 was like 100, 200 persons, and just to promote the ACN and
17 how to make the money because they have like a few steps.
18 I don't remember exactly the name, but so some people
19 making money like the monthly \$10,000, some people
20 \$100,000, some people million dollar, but each step has a
21 name. I don't remember the name. Yeah, just -- just like
22 that.

23 And one time it was the, like, teaching to people how
24 to set up the, like, the network or digital phone. So,
25 yeah, two, three times I goes with the Claire. But I told
26 her, so here is nothing for me, because the people just
27 coming here, okay, telling to another agent, we making
28 money and you can make money too, or telling me about the

1 how to set up the network or digital phone. I know about
2 this stuff because it's my main job.

3 MS. GONSALVES: At those, you described them as shows,
4 what day of the week did those take place?

5 MR. NAHID: Sorry?

6 MS. GONSALVES: Do you remember what day of the week
7 those shows happened? Okay. Was there any training about
8 the products that took place at those shows?

9 MR. NAHID: No, just training -- one time it was
10 training about how to set up the digital phone and network,
11 but it's not for me, because I know about this stuff, and
12 another time just, it was present about another agent make
13 bigger money from this business.

14 MS. GONSALVES: Do you remember whether there was any
15 training specifically about the energy industry or Planet
16 Energy contracts?

17 MR. NAHID: No, I goes just two times.

18 MS. GONSALVES: Did you have any background, any
19 experience, in the energy industry?

20 MR. NAHID: No.

21 MS. GONSALVES: Did you understand whether Claire
22 would receive any compensation for you joining ACN? Would
23 she get any money because you joined?

24 MR. NAHID: After I find it, yeah. Not when I start
25 with ACN. After, yes.

26 MS. GONSALVES: Now, you spoke about points. Let me
27 take you to a couple of documents just to unpack that. In
28 the binders in front of you, look for the one that says

1 "Planet Energy documents Volume 1".

2 THE INTERPRETER: Volume 1, here.

3 MS. GONSALVES: For the record, Exhibit KX1.4, Volume
4 1. And we will go to tab 38.

5 Okay. If you turn over to page 2.

6 MR. NAHID: Yeah.

7 MS. GONSALVES: You said there were different levels,
8 and you couldn't remember the names.

9 MR. NAHID: Yeah, yeah.

10 MS. GONSALVES: Looking at that, does that help you
11 remember?

12 MR. NAHID: Exactly, yeah. It's ATT, ATM, yeah, TC.

13 MS. GONSALVES: And if you see the descriptions,
14 starting position, qualified team trainer, and then earned
15 positions, and there's a variety of descriptions. What
16 level did you get to with ACN?

17 MR. NAHID: Actually, when I start, after two months I
18 got around 45 points, so my up line, Claire, it was
19 surprise. So -- so she told me I have it 300 person under
20 my name. I didn't see any people like you after two months
21 getting the -- it's like the 45 points. My level -- you
22 know, I stop after three months. I start, is like, for
23 example, today I stop after three months because -- because
24 all the friend that called me, "Kayvan, this bill is higher
25 from the before. You have to -- you have to stop the --
26 our contract."

27 MS. GONSALVES: Okay, so we will come to that.

28 You said you reached 45 points. If we could just turn

1 ahead in the document you are looking at, you should see
2 some small numbers in the top right-hand corner, and look
3 for the page that says 627.

4 MR. NAHID: 627, okay.

5 MS. GONSALVES: Or number 4 at the bottom.

6 MR. NAHID: Yeah, between the number 1 to 25 is like
7 the 1 percent means the 1 percent money from the, like, 29
8 points from the customer bill.

9 MS. GONSALVES: So there's a box here with different
10 rows, and one of those rows is 40 to 59 customer points
11 equals 5 percent; do you see that?

12 MR. NAHID: Yes.

13 MS. GONSALVES: Is that the level you got to?

14 MR. NAHID: Yeah, after two months, two, three months.

15 MS. GONSALVES: How did you earn customer points? How
16 did you get points as an IBO?

17 MR. NAHID: So the points is coming from the selling
18 the service, from the ACN. So, like, the -- change the
19 power, one point, change the energy, like gas, one point,
20 like, digital phone, three points. I remember network, I
21 think two points, cell phone, I don't remember, one or two.

22 MS. GONSALVES: Did you recruit any other IBOs, anyone
23 else to join ACN as an IBO?

24 MR. NAHID: Yeah, just one person.

25 MS. GONSALVES: Did you --

26 MR. NAHID: But I didn't ask anybody -- one time I
27 goes to the -- my wife's store, so we spoke about the ACN,
28 so she -- he ask after -- when I leave the store, he ask

1 from my wife, "What's going on? What's the ACN?" So my
2 wife told him, "I don't know. Here is Kayvan phone. You
3 can call him about the ACN."

4 So he called me, "What's going on?" I said, "Yeah, we
5 are selling the energy." He came to my house and he paid,
6 again, \$500 something to the ACN, and he start for this
7 business, but after, and he start from the own bill is like
8 the -- his house and his mother house, but is like another
9 customer, after two months he called me, "Kayvan, our bill
10 is more higher from the before." I said, "I stopped this
11 business, you can stop it too, sorry you lose the \$500, me
12 too, but..."

13 MS. GONSALVES: Did you receive -- did you get
14 commission cheques from ACN?

15 MR. NAHID: Yeah, a few times.

16 MS. GONSALVES: And not to the dollar, but
17 approximately what was the amount of those cheques?

18 MR. NAHID: You know, so, for example, for example,
19 December I had ten points, so cheque is coming is like, I
20 don't remember, \$10, \$12, it's like January I have, like,
21 22 points, so my cheque is coming, it's like \$23, \$22,
22 something like that. So the max I think I got 45, \$50.

23 MS. GONSALVES: Did you make back in commissions the
24 \$500 you paid to join?

25 MR. NAHID: Who, ACN?

26 MS. GONSALVES: Yes.

27 MR. NAHID: No.

28 MS. GONSALVES: I want to turn now, Mr. Nahid, to

1 what, if any, training you got through ACN about energy
2 contracts from Planet Energy, okay?

3 MR. NAHID: Okay.

4 MS. GONSALVES: Were you given any training documents
5 about energy contracts?

6 MR. NAHID: I don't remember, but I think some
7 training, it was the online in the ACN website.

8 MS. GONSALVES: Okay.

9 MR. NAHID: But I didn't spend the time for sitting
10 behind the computer, because all the time, the first we
11 start -- I told you, it was my side job, not my main job.
12 I didn't focus every day or all the time to this business.
13 So my main business is another thing.

14 MS. GONSALVES: If you look back at the binder in
15 front of you, still volume 1, tab 6E.

16 MR. NAHID: 6E? Okay.

17 MS. GONSALVES: Do you remember seeing this document
18 or something like it when you were becoming an ACN IBO?

19 MR. NAHID: This one is training or advertising?

20 MS. GONSALVES: I am not going to characterize it. I
21 just want to know if you remember seeing this.

22 MR. NAHID: Yeah, I remember, but I think it's not
23 training, it's advertising.

24 MS. GONSALVES: Okay.

25 MR. NAHID: But ...

26 MS. GONSALVES: Take a look through all of it. And my
27 question is, is this a document you read?

28 MR. NAHID: Yeah, I remember.

1 MS. GONSALVES: You remember reading this?

2 MR. NAHID: Not reading, just something -- like now.

3 MS. GONSALVES: Just flipping through it?

4 MR. NAHID: Flipping, yeah.

5 MS. GONSALVES: Do you recall receiving it on paper

6 like this?

7 MR. NAHID: I don't remember. Received from ACN like

8 that? Maybe, maybe. I don't remember.

9 MS. GONSALVES: Okay. Turn to tab 31, please. Take a

10 look at those pages, Mr. Nahid. My question is: Do you

11 remember seeing a document like this before you started

12 selling energy contracts?

13 MR. NAHID: I think this document I saw online, not

14 like paper.

15 MS. GONSALVES: Okay. You saw it online?

16 MR. NAHID: Yes.

17 MS. GONSALVES: Did you read it?

18 MR. NAHID: Yes. Yeah, like the for example here is

19 page 3 is like selling the digital phone, so I have to know

20 about the price so when I am telling it to my friend and my

21 family.

22 MS. GONSALVES: Turn to page 583 in that document,

23 please. Do you, see there it says slide 33?

24 MR. NAHID: Yes.

25 MS. GONSALVES: And in the picture it shows IBO

26 training, print badge, testing, in that order?

27 MR. NAHID: Yes.

28 MS. GONSALVES: Did you do training, then print your

1 badge, then do testing, in that order?

2 MR. NAHID: No, but I remember this --

3 MS. GONSALVES: Closer to the microphone, sir.

4 MR. NAHID: This test, it was online. So I sit with
5 Claire for to pass the test. So I remember I think around
6 20 questions, and yeah, I answered it online.

7 MS. GONSALVES: Okay, I am going to come to the test
8 in a moment. I am just wondering about the order of
9 things. Was it training, then print your badge, then take
10 the test?

11 MR. NAHID: No, no. Just we did like online. Now
12 training is going to some classes, you are asking me? I go
13 to some classes for training for selling the ACN product?

14 MS. GONSALVES: Well, let's ask that question. Did
15 you, did you go to any classes?

16 MR. NAHID: No.

17 MS. GONSALVES: Okay. Did you speak to anybody about
18 -- excuse me, I will try that again. Did you speak to
19 anybody from Planet Energy to understand Planet Energy
20 contracts before you started selling them?

21 MR. NAHID: When I started, or when I want to close
22 the contract?

23 MS. GONSALVES: Before you took the online test, did
24 you speak to anybody from Planet Energy to understand their
25 contracts?

26 MR. NAHID: No.

27 MS. GONSALVES: Before you took the online test, did
28 you learn anything about the global adjustment?

1 MR. NAHID: No.

2 MS. GONSALVES: Before you took the online test, were
3 you told anything about the Energy Consumers Protection
4 Act?

5 MR. NAHID: No.

6 MS. GONSALVES: Before you took the online test, did
7 you have information about cancellation charges for people
8 who joined, or who sign up to Planet Energy contracts and
9 then want to cancel?

10 MR. NAHID: No.

11 MS. GONSALVES: Before you took the online test, were
12 you told about how your customers should enroll in
13 contracts?

14 THE INTERPRETER: Can you repeat the question?

15 MS. GONSALVES: Before you took the online test, were
16 you told how your customers should sign up to Planet Energy
17 contracts?

18 MR. NAHID: Repeat again.

19 MS. GONSALVES: Sorry. Before you took your online
20 test --

21 MR. NAHID: Okay.

22 MS. GONSALVES: -- did Claire or anybody else tell you
23 how your customers should sign up if they want to join
24 Planet Energy contracts?

25 MR. NAHID: Yes.

26 MS. GONSALVES: Okay. What information did you have?

27 MR. NAHID: For the information, first I needed the
28 bill from the PowerStream and Enbridge. Second I needed an

1 e-mail address, the customer phone number, and billing
2 address.

3 MS. GONSALVES: Where did you get that information
4 from, that that's what you need from the customer?

5 MR. NAHID: So when I login to the program, so I have
6 to do it because the step by step, I have to pass the
7 question and it's like the writing the tick for the blank
8 -- the blank mark close to the question. So I have to pass
9 it. So there's some question, so I have to -- all the
10 questions, like the e-mail address for customer, billing
11 address, customer name, phone number, and then choose the
12 plan. So which plan I have to choose it for customer.

13 MS. GONSALVES: Okay, let's go to the test that you
14 told us you took. Still with the binder in front of you,
15 if you could go to tab 41, please. Does that look familiar
16 to you, sir?

17 MR. NAHID: I don't remember. I don't remember.

18 MS. GONSALVES: Okay. Where were you when you took
19 the test?

20 MR. NAHID: Starbucks.

21 MS. GONSALVES: And I think you have already said that
22 Claire was with you when you took the test?

23 MR. NAHID: Yes.

24 MS. GONSALVES: Did you talk to Claire about the test
25 while you were there at the coffee shop?

26 MR. NAHID: Sorry?

27 MS. GONSALVES: Did you and Claire talk about the test
28 while you were at the coffee shop?

1 MR. NAHID: The talk about the test?

2 MS. GONSALVES: Or any of the questions in the test?

3 MR. NAHID: No, no. Just, I didn't know where --
4 where is the test, is like the online. So she said, "Okay,
5 come with me. It's like the sitting someplace, and you
6 have to do the test and print the badge, that's all."

7 MS. GONSALVES: Did you pass the test?

8 MR. NAHID: Yes.

9 MS. GONSALVES: Did you answer all the questions by
10 yourself?

11 MR. NAHID: Yes.

12 MS. GONSALVES: After you passed that test, did you
13 ever have to take the test again?

14 MR. NAHID: No. I told before, just with work few
15 months. I didn't stay with ACN.

16 MS. GONSALVES: Okay.

17 MR. NAHID: And I came here, it's like the friendly.

18 [Reporter appeals.]

19 MR. NAHID: Like, help the -- help the -- this --
20 yeah, friendly.

21 MS. GONSALVES: Did you have to write or take an
22 online test for any other ACN products?

23 MR. NAHID: No.

24 MS. GONSALVES: Only for the energy contracts?

25 MR. NAHID: Yes.

26 MS. GONSALVES: If you could take a look at the binder
27 in front of you, tab 30.

28 MR. NAHID: Okay.

1 MS. GONSALVES: Is that familiar to you?

2 MR. NAHID: Yeah, is main page when I log into my IBO
3 page.

4 MS. GONSALVES: Do you see under the black box there
5 are three questions -- or three statements with little
6 boxes beside them. They start "I agree", "I affirm", and
7 "I agree"?

8 MR. NAHID: Yes.

9 MS. GONSALVES: Did you check those boxes in order
10 to --

11 MR. NAHID: Yes, I have to do it.

12 MS. GONSALVES: Did you understand what you were
13 checking there?

14 MR. NAHID: Yes.

15 MS. GONSALVES: Okay. What did you understand you had
16 to check there?

17 MR. NAHID: So the first question, only customer can
18 complete the form. Right? But my few customer, they
19 didn't. I did by myself. "I understand the training
20 material"... I don't understand the paragraph 3.

21 MS. GONSALVES: Did you check that box anyway?

22 MR. NAHID: Yes.

23 MS. GONSALVES: If you turn over the page, you see --
24 these ones don't have your name on them, but they appear to
25 be some ACN Planet Energy business cards. Did you print
26 ACN Planet Energy business cards for yourself?

27 MR. NAHID: Yes.

28 MS. GONSALVES: Okay, and what did you do with them?

1 MR. NAHID: I didn't do anything.

2 MS. GONSALVES: Okay.

3 MR. NAHID: Because my customer, it was my friend and
4 family. They don't need my badge. The badge is for
5 showing to people doesn't know you, but I worked just for
6 my friend and family.

7 MS. GONSALVES: Okay. You told us that you at your
8 own home got into Planet Energy contracts after you signed
9 up with ACN. You remember telling us that? The binders in
10 front of you, if you could go to tab -- sorry, I will give
11 you the volume. Volume 3. I just want to go back to that
12 letter we looked at before, tab 196A.

13 So you told us you got that letter, and, sorry, go to
14 tab 198, just two along. You should be looking at
15 something that says "terms and conditions of electricity
16 and natural gas supply customer agreement and agency
17 appointment". Do you remember getting that letter when you
18 signed up with --

19 MR. NAHID: Yeah, I think they mail it to me.

20 MS. GONSALVES: Okay. Did you read it at the time?
21 Sorry?

22 MR. NAHID: No.

23 MS. GONSALVES: Okay. Go to tab 199. Page 1 is a
24 disclosure statement. And then the next two pages are a
25 price comparison for residential electricity consumers. Do
26 you recall getting documents like these when you signed up?

27 MR. NAHID: I don't remember. I don't remember.

28 MS. GONSALVES: Okay. After you personally joined --

1 signed up with Planet Energy, how did your energy bills
2 compare to the amount of your bills before you signed up?

3 MR. NAHID: So I think it's, like, more than before,
4 like, 10, \$20 from the before.

5 MS. GONSALVES: Higher after, you are saying?

6 MR. NAHID: Yeah, higher. But at that time I thought
7 maybe I used the more power, or I goes more shower, that's
8 why the bill is going higher, because it's like a small
9 townhouse, I didn't figure out exactly what's going on, and
10 I didn't spend the time for \$10, \$20, so reading what's
11 going on.

12 MS. GONSALVES: What information did you have -- what
13 did you know about the global adjustment before you started
14 selling Planet Energy contracts?

15 MR. NAHID: I didn't know anything. Right now, I
16 don't know anything about the global adjustment.

17 MS. GONSALVES: Did you ever talk to Claire about
18 global adjustment?

19 MR. NAHID: Yes, one time. When the few customer, my
20 friend called me to say our bill is higher from before,
21 what's going on? So I called Claire, so I have a
22 complaint. So when I read the -- it's like the bill from
23 the Planet Energy -- actually PowerStream, but under the
24 contract with the Planet Energy, so I find that item and I
25 ask her what's that global adjustment. I think she told me
26 it's that this money is for government, not for Planet
27 Energy or for the PowerStream.

28 But when the bill is coming from the PowerStream, you

1 cannot see the global adjustment; they are not writing.
2 But when the bill is coming from the Planet Energy, they
3 separate the price, it's like the global adjustment and
4 electricity and delivery charge, something.

5 MS. GONSALVES: Did she say anything about the amount
6 of the global adjustment?

7 MR. NAHID: Yeah, one time she told me it's never,
8 ever is not going upper than 9.99. So when I calculate,
9 okay, when I choose the fixed contract, it is 4.99 plus
10 9.99 is going to 13.99, so now is price from the
11 PowerStream is 17.99, okay, is at less from the
12 PowerStream.

13 MS. GONSALVES: I just want to make sure everybody is
14 understanding your evidence clearly. You took the amount
15 that Claire told you for the global adjustment, 9.99 --

16 MR. NAHID: Maximum, maximum.

17 MS. GONSALVES: Maximum.

18 MR. NAHID: It is not going above the 9.99.

19 MS. GONSALVES: Okay, and you did the math adding that
20 to Planet Energy's fixed rate?

21 MR. NAHID: Yeah, all the time for a few contract, I
22 did, I used the fixed.

23 MS. GONSALVES: Okay. And when you did that math, you
24 understood that Planet Energy's rate was --

25 MR. ZACHER: Ms. Gonsalves has asked three leading
26 questions in a row.

27 MS. GONSALVES: It's not my intention to be leading;
28 it's my intention to clarify and summarize what I believe

1 is the evidence the witness has already given.

2 MS. LONG: I think we are clear on what he did.

3 MS. GONSALVES: Okay, thank you.

4 MS. LONG: Thank you.

5 MS. GONSALVES: I have lost my train. Okay, let's
6 move on.

7 After you took the online test and printed your badge,
8 Mr. Nahid, approximately how long before you started
9 approaching people to sell Planet Energy contracts to them?

10 MR. NAHID: One month, or one and a half.

11 MS. GONSALVES: Okay. Did you ever go with another
12 ACN agent to sales meetings to see how they did things?

13 MR. NAHID: Just one time with Claire.

14 MS. GONSALVES: Okay.

15 MR. NAHID: Because my customer has a big house, and a
16 big office. It's like the clinic, he is doctor. Yes, one
17 time Claire came with me, because I asked her to come with
18 me and explain to the doctor about this program.

19 MS. GONSALVES: Did that customer ultimately enroll
20 with Planet Energy?

21 MR. NAHID: No. He didn't agree.

22 MS. GONSALVES: Who did most of the talking at that
23 meeting, you or Claire?

24 MR. NAHID: Claire.

25 MS. GONSALVES: Were there any other sales meetings
26 that Claire came to, Claire or any other --

27 MR. NAHID: No, just one time.

28 MS. GONSALVES: Just that one. All right. Sir, if

1 you can take a look, we are switching binders now. This is
2 the one with the white sheet on the front, book of
3 documents of OEB enforcement staff, Exhibit KX1.2.

4 If you could turn, please, sir, to tab 10, and then B.
5 Do you see that list there?

6 MR. NAHID: Yes.

7 MS. GONSALVES: Okay. To help you, it's common ground
8 in this hearing that Planet Energy gave this list including
9 people that enrolled through you, okay.

10 MR. NAHID: Okay.

11 MS. GONSALVES: And if you look at the top portion of
12 the page, there is a column that says "representative
13 name", towards the middle, and it's your name all the way
14 down.

15 MR. NAHID: Yes.

16 MS. GONSALVES: Do you see that?

17 MR. NAHID: Yes.

18 MS. GONSALVES: Okay. If you look towards the left,
19 do you see a column that says "customer name"?

20 MR. NAHID: Yes.

21 MS. GONSALVES: Okay. I want to ask you about some of
22 these people.

23 MR. NAHID: Okay.

24 MS. GONSALVES: [REDACTED]; who is that?

25 MR. NAHID: Yeah, at that time she is my wife, and now
26 is my ex-wife.

27 MS. GONSALVES: Okay. It shows her contract date was
28 February 2015. Was she your wife or your ex-wife at that

1 time?

2 MR. NAHID: Ex-wife.

3 MS. GONSALVES: Ex-wife.

4 MR. NAHID: Yes.

5 MS. GONSALVES: Then we see your name for two rows.

6 MR. NAHID: Um-hmm.

7 MS. GONSALVES: The next name is [REDACTED]. Who
8 is that?

9 MR. NAHID: Yeah, it's my best friend. His name is
10 [REDACTED], but I asked him about to change the contract.
11 He said, okay, but my contract is under my wife's name, so
12 you can do it. But my best friend already knows everything
13 about the ACN, because before his sister worked with the
14 ACN, so he knows about everything. He said, just you can
15 do with like the PowerStream.

16 MS. GONSALVES: Okay. We see your ex-wife's name next
17 again. I --

18 MR. NAHID: Yeah, [REDACTED] is my mother-in-law,
19 the mother of my ex-wife.

20 MS. GONSALVES: Okay. Sorry just give me a second.
21 Okay, the next name, [REDACTED], who's that?

22 MR. NAHID: Yeah, she's not the customer sign up with
23 the Planet Energy. [REDACTED] was the customer I go with
24 Claire to her house about making a contract, but she didn't
[REDACTED] sign it. She didn't sign it because her husband is [REDACTED]
26 [REDACTED] so he is my friend and my customer, too.

27 MS. GONSALVES: [REDACTED].

28 MR. NAHID: That is my ex-wife's store.

1 MS. GONSALVES: [REDACTED].

2 MR. NAHID: I don't remember this person.

3 MS. GONSALVES: Okay. [REDACTED]?

4 MR. NAHID: Yeah, it was my friend, too. He had a
5 store, but now it's closed.

6 MS. GONSALVES: Do you remember your relationship with
7 Narges Rajabi?

8 MR. NAHID: Yeah, [REDACTED] is my ex-wife friend.

9 MS. GONSALVES: [REDACTED], what's your
10 relationship?

11 MR. NAHID: She is my secretary for my family doctor
[REDACTED] from the ten years ago. I know her and [REDACTED]
13 [REDACTED] from ten years ago. The owner is [REDACTED]. He is
14 my friend and my family doctor too.

[REDACTED] MS. GONSALVES: So we see four lines for [REDACTED]
16 [REDACTED]. You have explained that. The next name is
17 Roobinet Andrassin. What's your connection with --

[REDACTED] MR. NAHID: Roobinet is the secretary for [REDACTED]
19 [REDACTED].

20 MS. GONSALVES: I think we just need to clarify, is
[REDACTED] there a connection between Roobinet Andrassin and [REDACTED]
22 [REDACTED]?

23 MR. NAHID: I don't know exactly. Maybe he is husband
24 with Roobinet. I --

25 MS. GONSALVES: Okay. I don't want you to speculate.
26 If you don't know that's okay.

27 MR. NAHID: I don't know exactly.

28 MS. GONSALVES: Okay. [REDACTED], what's

1 your relationship with that person?

2 MR. NAHID: My best friend.

3 MS. GONSALVES: Best friend.

4 MR. NAHID: [REDACTED], he has an office
5 in St. Clair.

6 MS. GONSALVES: Who is [REDACTED]?

7 MR. NAHID: [REDACTED] is the -- ex-wife aunt.

8 MS. GONSALVES: Does she speak English?

9 MR. NAHID: No.

10 MS. GONSALVES: [REDACTED], what's that?

11 MR. NAHID: Yeah, is dental clinic again for Dr.
12 [REDACTED]. But the dental clinic is under the -
13 - the bill is under his wife.

14 MS. GONSALVES: Okay. We see your ex-wife's name
15 again. And finally [REDACTED], who is that?

16 MR. NAHID: She is my wife friend too.

17 MS. GONSALVES: So I am not going to ask individually,
18 but for all of those people, did you meet with them face to
19 face to talk about Planet Energy contracts?

20 MR. NAHID: Yes.

21 MS. GONSALVES: What did you tell them about Planet
22 Energy contracts?

23 MR. NAHID: So it's material for sales person, okay, I
24 can fix your contract for five years, because every year
25 the PowerStream, two times the price is going higher. I
26 can fix it, and you can pay cheaper from the PowerStream
27 and Enbridge to this company. Because for two, three
28 months, I believe this word.

1 MS. GONSALVES: Did you say anything to any of these
2 people about the global adjustment?

3 MR. NAHID: Please repeat?

4 MS. GONSALVES: Did you, when you talked to these
5 people about Planet Energy's contracts, did you say
6 anything about the global adjustment?

7 MR. NAHID: No.

8 MS. GONSALVES: Did you say anything about charges if
9 they cancelled their contract early?

10 MR. NAHID: No. I didn't know too.

11 MS. GONSALVES: Sorry, you didn't know what?

12 MR. NAHID: After -- at that time I didn't know if the
13 people cancelled the contract they have to pay penalty.

14 MS. GONSALVES: Did you say anything about any other
15 charges that would be on their bills if they signed up with
16 Planet Energy? Sorry, the court reporter just needs a
17 spoken word, not shaking your head.

18 MR. NAHID: Say again?

19 MS. GONSALVES: Did you say anything when you met with
20 these customers, these people, about any other charges they
21 might see on their bill if they sign up with Planet Energy?

22 MR. NAHID: No.

23 MS. GONSALVES: After you spoke with your customers,
24 you've already described for us what you told them --
25 sorry, was there anything else -- let me just make sure we
26 are not missing something. Was there anything else you
27 told these people about Planet Energy contracts when you
28 were trying to sell to them?

1 MR. NAHID: No, just, you know, just two, three
2 things, you can fix your price for five years and pay
3 cheaper from the now. They believed me. They said, "Okay,
4 Kayvan, if you are telling us it's better, okay, do it."

5 MS. GONSALVES: Did you show them any documents, any
6 paper?

7 MR. NAHID: Just -- just few times I showed them my
8 own contract, is like before you show it, it's like 4.99
9 fix or 5.99, it's, like, the -- on your bill.

10 MS. GONSALVES: Just to be clear for everybody, back
11 in Volume 3 of the Planet Energy documents, tab 196A, is
12 that what you just referred to?

13 MR. NAHID: Yeah, just this paper I showed people.

14 MS. GONSALVES: Okay. Can you estimate how long each
15 of your discussions were? Were these hours, minutes?

16 MR. NAHID: For -- for make complete the contract? So
17 maybe for online is like the half hour, 45 minutes. For
18 meeting the people, because, you know, for example, my
19 friend is -- his office in the St. Clair, so two, three
20 times I goes over there speaking with him about this
21 program. Yeah, maybe --

22 MS. LONG: Sorry, Mr. Nahid, I think -- I think --

23 MR. NAHID: -- each customer we are talking about --

24 MS. LONG: -- Mr. Nahid, I think what Ms. Gonsalves is
25 asking you is for how long would you discuss with your
26 friends about the contract before they signed up the
27 contract?

28 MR. NAHID: Oh, before they sign up the contract, it's

1 just ten minutes, five minutes.

2 MS. GONSALVES: Okay. Did these customers, after you
3 spoke with them for five or ten minutes, did they go off
4 and sign up by themselves, or were you involved?

5 MR. NAHID: No. All the people I worked with them,
6 they always, like, doctor or busy person, so they give it
7 to me, their own bill, and they said, "Okay, you can do it
8 online because everything is online. We don't have a time
9 for sitting with you behind the computer. It's like one
10 hour and read the contract. If you are telling us it's
11 okay, okay, do it."

12 MS. GONSALVES: Madam Chair, I am sort of in the
13 middle of a topic, but I am mindful of the time. Would you
14 like to break now?

15 MS. LONG: No, you can continue.

16 MS. GONSALVES: Thank you. I would like you, please,
17 Mr. Nahid, to turn to the book of documents of OEB
18 enforcement staff. That's the one with the big white sheet
19 on the front.

20 MR. NAHID: Okay.

21 MS. GONSALVES: And please turn to tab 26. Does this
22 look familiar to you? Flip through it.

23 MR. NAHID: Yes.

24 MS. GONSALVES: What is this?

25 MR. NAHID: It was -- I think it was the document
26 online for sign up the -- the contract.

27 MS. GONSALVES: Okay, so you've told us already that
28 your customers gave you the bill to sign them up. I would

1 like you to turn to page 9, please, in the top right-hand
2 corner.

3 MR. NAHID: Okay, yes.

4 MS. GONSALVES: And you see it says there your --
5 sorry, are you there?

6 MR. NAHID: Yes, I am new customer.

7 MS. GONSALVES: Yes.

8 MR. NAHID: Or I am the existing customer, yes.

9 MS. GONSALVES: So it's asking a series of questions.
10 Did you answer these questions?

11 MR. NAHID: Yes.

12 MS. GONSALVES: For your customers?

13 MR. NAHID: For my customers, yes.

14 MS. GONSALVES: Okay. Did you understand that you --
15 what was your understanding about ACN's policy on you
16 enrolling customers? Were you allowed to do that, or not
17 allowed?

18 MR. NAHID: I'm not allowed.

19 MS. GONSALVES: Okay. Why did you do it?

20 MR. NAHID: My friend asked me. We don't have a time
21 sitting with you for made the contract. I didn't sign any
22 contract without the permission from my customer.

23 MS. GONSALVES: If you turn to page 24, please --

24 MR. NAHID: Yes.

25 MS. GONSALVES: -- you'll see there "disclosure
26 statements and price comparisons acceptance". Did you
27 print those out for any of your customers?

28 MR. NAHID: I think I e-mailed it to some -- because I

1 saved it for sure, but sometimes I thought I e-mailed it to
2 my customer. I don't remember exactly.

3 MS. GONSALVES: Did any of your customers look at
4 these questions while you were answering them, the
5 questions in the online enrolment?

6 MR. NAHID: No.

7 MS. GONSALVES: For any of your customers, did you
8 give them -- sorry, I am just going to find the page.
9 Sorry, go to page 44, please. Do you see there, "terms and
10 conditions"?

11 MR. NAHID: Yes.

12 MS. GONSALVES: For any of your customers, did you
13 give them a copy of this before you enrolled them?

14 MR. NAHID: No.

15 MS. GONSALVES: Did any of your customers sign any
16 documents before you enrolled them?

17 MR. NAHID: No.

18 MS. GONSALVES: And if you go ahead and look at pages
19 53, 54, 55, those are the disclosure statement and price
20 comparison. Did you give those to your -- to any of your
21 customers, or require them to read those before you
22 enrolled your customers?

23 MR. NAHID: No.

24 MS. GONSALVES: In the binder you're at, go to tab 40,
25 please, and then page 15 in the top right-hand corner. In
26 the top left-hand corner, we see [REDACTED]. Do you
27 recognize that, professional installation services with
28 your name?

1 MR. NAHID: Yes.

2 MS. GONSALVES: What is that?

3 MR. NAHID: My business card.

4 MS. GONSALVES: Did you give a Planet Energy or ACN
5 business card to any of your customers?

6 MR. NAHID: No, all my customers know about me.

7 MS. GONSALVES: And I think your evidence has already
8 been that you were not wearing a Planet Energy ID badge.
9 Did you show it to anybody during your meeting?

10 MR. NAHID: No.

11 MS. GONSALVES: Okay. This is a convenient time for
12 me to take a break, Madam Chair. I will only need probably
13 maximum another ten minutes with Mr. Nahid when we resume.

14 MS. LONG: Okay, we will break for 20 minutes.

15 --- Recess taken at 10:54 a.m.

16 --- On resuming at 11:19 a.m.

17 MS. LONG: Please be seated.

18 Ms. Gonsalves, are you ready to continue?

19 MS. GONSALVES: I am, thank you.

20 Mr. Nahid, I just wanted to ask you two questions
21 about the online test for energy contracts. Okay? First
22 question is, did you study any materials before you took
23 the online test?

24 MR. NAHID: No.

25 MS. GONSALVES: Second question. Why did Claire sit
26 with you when you took the test?

27 MR. NAHID: She show me where is the page for test and
28 explain for me if I am not understand the question.

1 MS. GONSALVES: Do you still have in front of you the
2 binder with the white cover sheet?

3 MR. NAHID: Yes.

4 MS. GONSALVES: Exhibit KX1.2? Can you please turn to
5 tab 21. This is in enforcement staff's book of documents.
6 Do you see there a single sheet, double-sided, that says
7 "independent business owner agreement ACN" at the top?

8 MR. NAHID: Yes.

9 MS. GONSALVES: Do you remember signing an agreement
10 like this when you signed up with ACN?

11 MR. NAHID: Yes.

12 MS. GONSALVES: Do you a copy with your signature on
13 it?

14 MR. NAHID: No.

15 MS. GONSALVES: Okay. I understand you're no longer
16 an ACN IBO; is that right?

17 MR. NAHID: Right.

18 MS. GONSALVES: Why did you stop working as an IBO?

19 MR. NAHID: So all the time I work with my friend or
20 my family, I don't want it to be angry with me for is,
21 like, the little money. It's like, why? So all the time
22 that I am working, I am going the right ways, like, my main
23 job too, so I am not telling to people is the -- choosing
24 the -- the -- is like the bad contract or bad system what I
25 am selling to people, because I understand, when I am
26 selling to people, like, the bad system, I have to go for
27 fix that system so many times. But when I am selling to
28 people it's like the good home theatre system, so I am

1 going for installation just one time, and my customer be
2 happy for next few years.

3 So I don't like work with the people, so the people
4 act, like, angry with me. I don't want to lose my friend
5 or my family for not a few hundred bucks, for million, I am
6 not selling to my friend for money. That's why I stopped
7 ACN.

8 MS. GONSALVES: And I just want to be sure that,
9 because I am not sure that it's clear, were your friends
10 and family angry with you about their Planet Energy
11 contracts?

12 MR. NAHID: Yeah, they called me and complain, so,
13 "Kayvan, now we are pay more from before, so please, please
14 cancel our contract."

15 MS. GONSALVES: Did you speak to either Planet Energy
16 or the Ontario Energy Board on behalf of any of your
17 customers?

18 MR. NAHID: Yes.

19 MS. GONSALVES: Why did you do that?

20 MR. NAHID: Two times, so one time I spoke for my ex-
21 wife, and the second time I spoke for my friend, Dr.

22 [REDACTED], because the bill for his office under
23 the -- his wife, [REDACTED], she is very busy
24 person, and the two times I ask doctor, "Your wife must be
25 call to Planet Energy for cancel this agreement," he said,
26 "I cannot tell her. We did this job, you have to fix it."
27 So that's why I called the Energy Board.

28 MS. GONSALVES: So for both [REDACTED] and for

1 your ex-wife, did you have their permission to call on
2 their behalf?

3 MR. NAHID: Yeah, yeah, they told me.

4 MS. GONSALVES: Were you ever disciplined by Planet
5 Energy or ACN?

6 MR. NAHID: No.

7 MS. GONSALVES: Was there ever any consequences for
8 you from ACN or Planet Energy because you enrolled a
9 customer online yourself?

10 MR. NAHID: No.

11 MS. GONSALVES: Do you have -- do you have any
12 knowledge of being suspended by ACN or Planet Energy?

13 MR. NAHID: Sorry. I think so, but it was at that
14 time I -- I stopped my work for ACN. Yeah, it was the same
15 time.

16 MS. GONSALVES: Other than when you called Planet
17 Energy to help out your customers, did you have any other
18 direct contact with Planet Energy?

19 MR. NAHID: I think so. It's like the few times for
20 asking about the penalty, because the -- my aunt ex-wife, a
21 few times she complained the Planet Energy asking her about
22 the, pay 500-something for penalty. And the agency is
23 like, "The Planet Energy passed that this penalty pay,
24 like, the bill, to collection agency," and the collection
25 agency called her about, "You have to pay penalty to the
26 Planet Energy. If you are not pay, your credit score or
27 credit bureau going down something." Yeah, I remember a
28 few times she called me.

1 MS. GONSALVES: So that was after you were already
2 selling?

3 MR. NAHID: Yes.

4 MS. GONSALVES: Okay. Are you still at your own home
5 under contract with Planet Energy?

6 MR. NAHID: Yes.

7 MS. GONSALVES: Just a couple final questions. Mr.
8 Nahid, do you have any personal gain from testifying here
9 today? Personal benefit?

10 MR. NAHID: Yeah, actually I came here -- oh, me? No,
11 no, I don't have any benefit for this time or another time
12 I spend for like another lawyer. No.

13 MS. GONSALVES: Why are you giving your time to
14 testify?

15 MR. NAHID: Actually I figured out this is a fake job.
16 Just some people has some contact with some person and make
17 the million dollars every month. Because I hear some
18 person, for example, his cousin is the owner for Costco,
19 and all the Costco in Canada are under his name for power,
20 for gas, for phone, for everything that Costco has as a
21 service and he making million dollars every month.

22 I hear it again that some person has a few highrises
23 under his name, it's like 10,000, maybe, a bill under his
24 name and he making a million dollars without anything,
25 without anything, like no like education, no spend time or
26 working like the handiwork. Why the people is making
27 money?

28 So I'm an electronic engineer, so I learned it around

1 16 years with my school. So the last job, I worked in CBC
2 Radio Canada, my salary -- it was like start from \$22, the
3 max I go to \$34, full-time. I cannot run my life like pay
4 everything with that salary, but some people just have some
5 contacts with some person.

6 I hear that Esso gas is under the -- under some
7 person, every Esso gas, making money without doing nothing,
8 just some contact with some person. Yeah, I came here Just
9 -- I'm telling you so, yeah, you have to stop this fake
10 job. For me it's a fake job.

11 MS. GONSALVES: Thank you, those are all the questions
12 I have for you. I am sure Mr. Zacher will have some
13 questions.

14 MR. NAHID: Yes, sure.

15 MR. ZACHER: Madam Chair, Ms. Wood is going to ask the
16 questions.

17 MS. LONG: All right. Mr. Nahid, Ms. Wood is going to
18 ask you some questions now.

19 MR. NAHID: Sure.

20 **CROSS-EXAMINATION BY MS. WOOD:**

21 MS. WOOD: Mr. Nahid, you said this morning that
22 [REDACTED] was your wife's acquaintance.

23 MR. NAHID: My wife's friend.

24 MS. WOOD: Yes, your wife's friend, and you said that
25 she told you that you couldn't enroll customers online,
26 they had to do it themselves?

27 MR. NAHID: No, she didn't.

28 MS. WOOD: She didn't tell you that?

1 MR. NAHID: She didn't told me you can do it online by
2 myself.

3 MS. WOOD: Right, she told you that you can't do it
4 online by yourself.

5 MR. NAHID: No.

6 MS. WOOD: Just to be clear, she told you don't sign
7 other people up, they have to do it themselves?

8 MR. NAHID: Yes, yes.

9 MS. WOOD: I think you say in your witness statement
10 that the online test that you took also said that, that you
11 couldn't sign other people up, they had to do it
12 themselves?

13 MR. NAHID: Sorry?

14 THE INTERPRETER: I couldn't hear, sorry.

15 MS. WOOD: Sorry about that. I will break it down.
16 Do you recall signing a witness statement on December 20th,
17 2016?

18 MR. NAHID: I don't remember. To sign up what?

19 MS. WOOD: A witness statement for this proceeding
20 with Andy Chung.

21 MR. NAHID: Oh, yes, yes.

22 MS. WOOD: Okay. And in that statement it said that
23 the online test that you took also said that you weren't
24 allowed to sign up, enroll people online, they had to do it
25 themselves. It was one of the questions.

26 MR. NAHID: Yes.

27 MS. WOOD: Yes, that's true.

28 MR. NAHID: Yeah.

1 MS. WOOD: Okay. And you also said this morning that
2 you were -- you've been an IBO, or you first signed up as
3 an IBO in 2009?

4 MR. NAHID: Yeah, yeah.

5 MS. WOOD: And you had enrolled your -- you had
6 contracts for your own property in 2009?

7 MR. NAHID: Yes.

8 MS. WOOD: Okay. And those went for five years, the
9 full term of the contract?

10 MR. NAHID: Yeah, a five years contract.

11 MS. WOOD: Okay. And you didn't make any complaints
12 over the term of the contract to Planet Energy?

13 MR. NAHID: Me?

14 MS. WOOD: Yes.

15 MR. NAHID: A small house, \$10, \$20 between the
16 previous, no.

17 MS. WOOD: Okay. And one thing you mentioned this
18 morning -- so you only ever spoke to friends and family,
19 and you knew that you weren't allowed to go door to door
20 and sell to people?

21 MR. NAHID: I cannot go, yes --

22 MS. WOOD: Right.

23 MR. NAHID: -- door to door. Just friends and family.

24 MS. WOOD: And that was something that Claire had told
25 you that you can't go door to door? That's not
26 permissible?

27 MR. NAHID: Yes. And it's like the advertise.

28 MS. WOOD: Right. And when you were speaking with

1 your friends and family, if they didn't speak English, you
2 would be speaking in Farsi?

3 MR. NAHID: No, all my customers almost are Persian.

4 MS. WOOD: Okay. So you would just be speaking Farsi.

5 MR. NAHID: Yeah, because a family business. It's a
6 friend business.

7 MS. WOOD: So they understood what you were saying all
8 the time, basically.

9 MR. NAHID: Yeah. For example, my ex-wife's aunt, she
10 doesn't know anything about the English.

11 MS. WOOD: Okay.

12 MR. NAHID: Yeah, just, I told him -- I told her you
13 can save the money from your bill, that's it.

14 MS. WOOD: Okay. And when you went and you were
15 signing people up, you said you'd put in -- you'd have
16 their bill and you would put in their information in the
17 online portal.

18 MR. NAHID: Yes, the information, for example, is like
19 the full name, e-mail address, cellphone number, and
20 mailing address, that's it.

21 MS. WOOD: Okay.

22 MR. NAHID: Yeah.

23 MS. WOOD: And so they would be receiving any -- you
24 mentioned there would be like a confirmation letter and e-
25 mail, that would go directly to them.

26 MR. NAHID: After the contract, the Planet Energy or
27 ACN sent the paper to the customer's address.

28 MS. WOOD: Okay. And so I just had another question

1 about timing. You said -- do you recall calling Planet
2 Energy in March of 2015?

3 MR. NAHID: I don't remember the time.

4 MS. WOOD: You don't remember?

5 MR. NAHID: You know, it was my side job. I didn't
6 focus on like exactly what's going on. So if you asked me
7 about my job, the main job from five years ago, I remember.
8 But this job, no.

9 MS. WOOD: I am just asking because you mentioned on
10 that phone call that [REDACTED] was your wife at the time, so
11 I just want to confirm the timing, like if you two were
12 still married in March of 2015 and April. I just want to
13 confirm the date.

14 MR. NAHID: The date, yes, we separated in 2014, but
15 today we are friends, too, because we have kids, you know.
16 So if she has a problem, she's asking me. Yesterday she
17 asked me please to bring my car to the gas station and put
18 the air in, I have a flat tire. I said okay, I am going,
19 you know.

20 MS. WOOD: Okay. So are you separated and not
21 divorced?

22 MR. NAHID: No, divorced.

23 MS. WOOD: Okay. And you also mentioned this morning
24 you were told to go -- or you said in your witness
25 statement that you were told to go online for training
26 before taking the test.

27 MR. NAHID: Yeah, I watched some video.

28 MS. WOOD: Okay.

1 MR. NAHID: Yeah, the ACN website, if you log in you
2 can find like some training video.

3 MS. WOOD: We looked at a document this morning with
4 the blue back pages that you said you recalled seeing?

5 MR. NAHID: The blue back?

6 MS. WOOD: Yeah, I can -- it's -- oh, thank you very
7 much. If you look at the screen in front of you, it was
8 this one we were flipping through earlier.

9 MR. NAHID: Yeah, yes, I remember it.

10 MS. WOOD: Right. And you said you remember flipping
11 through those, but you didn't review them in detail?

12 MR. NAHID: Oh, exactly.

13 MS. WOOD: Okay. And when you signed up, you had
14 access to the ACN IBO portal online?

15 MR. NAHID: Yes.

16 MS. WOOD: You remember that? Okay. And I just want
17 to ask you a couple questions about the enrollments that
18 you did, quickly.

19 So if you can turn to Document 2A in the Planet Energy
20 -- or, sorry, in 10B in the enforcement team's binder. So
21 I know it's kind of small print, but I think the contracts
22 there are the ones -- there's about eight that were signed
23 up either for you or for your ex-wife?

24 MR. NAHID: Which one?

25 MS. WOOD: If you look at the list where it says the
26 customer name?

27 MR. NAHID: Yeah, okay.

28 MS. WOOD: Right. At the top it's --

1 MR. NAHID: Avisheh Pourjoupari.

2 MS. WOOD: Yeah. So the first two are for your ex-
3 wife, the next two were for you personally.

4 MR. NAHID: Um-hmm.

5 MS. WOOD: And I believe there's another five that
6 were either for you personally or for your ex-wife?

7 MR. NAHID: Um-hmm.

8 MS. WOOD: So there were eight in total that you had
9 signed up, you had enrolled for your own properties?

10 MR. NAHID: Sorry?

11 THE INTERPRETER: Sorry, I couldn't hear you. That
12 microphone doesn't amplify your voice somehow.

13 MS. WOOD: Oh. Sorry about that. I will get closer.

14 So you had done the enrollments -- where it says your
15 own name, you had signed yourself up, and you had gone
16 through the online portal where you had to click through?

17 MR. NAHID: Yes.

18 MS. WOOD: And if we could just go to the online
19 portal. It's Staff Document 26. And if you can just look
20 at page 13. I'm sorry, if you could, sorry, go to page 11.
21 Oh, sorry, if you could go to page 7. And you see at the
22 bottom there where it mentions the global adjustment?

23 MR. NAHID: Yeah, the first time I am reading this
24 paragraph.

25 MS. WOOD: Okay. So when you did the sign-ups before,
26 you would click the boxes, but you didn't read the piece
27 about the global adjustment? Okay. Sorry, can you say yes
28 on the record?

1 MR. NAHID: No.

2 MS. WOOD: No, you didn't read it?

3 MR. NAHID: I didn't read it.

4 MS. WOOD: Okay. But you clicked the box?

5 MR. NAHID: Yeah.

6 MS. WOOD: Okay. And can you go down to page 43 and

7 44 in the document.

8 MR. NAHID: Okay, 43?

9 MS. WOOD: Sorry, I just realized I am using a

10 different page number system. So if you can go to page 40

11 of the document.

12 MR. NAHID: Yes, I am.

13 MS. WOOD: Yeah, and there it says:

14 "You will find the terms and conditions for your

15 chosen services. Please read them carefully

16 before clicking on the agreement button."

17 MR. NAHID: Yes.

18 MS. WOOD: And I understand you have to scroll down

19 through the terms and conditions the whole way?

20 MR. NAHID: Yes.

21 MS. WOOD: Okay, and then you click "I have read the

22 terms and conditions"?

23 MR. NAHID: No. Read the condition?

24 MS. WOOD: So did you read them?

25 MR. NAHID: Oh, after I have to click it because I

26 cannot pass the next page.

27 MS. WOOD: Right. Okay. So you would click it

28 without reading them?

1 MR. NAHID: Yes.

2 MS. WOOD: Okay. And can you just go over to the next
3 page.

4 MR. NAHID: Okay.

5 MS. WOOD: And you see the click box. It says:

6 "I understand that entering a contract with
7 Planet Energy does not guarantee savings."

8 MR. NAHID: Yes.

9 MS. WOOD: So you would click that --

10 MR. NAHID: I have to -- I click it without reading.

11 MS. WOOD: Okay. And that's the same for all of the
12 boxes, pretty much?

13 MR. NAHID: Yes.

14 MS. WOOD: Okay. And you would have done this for
15 every -- you know, over ten times?

16 MR. NAHID: Every contract, yes.

17 MS. WOOD: Every contract, okay.

18 Thank you, those are all my questions.

19 MS. LONG: Thank you, Ms. Wood.

20 The Panel has no questions for this witness. Ms.
21 Gonsalves, any redirect?

22 **RE-EXAMINATION BY MS. GONSALVES:**

23 MS. GONSALVES: Very, very brief. Mr. Nahid, I think
24 just to clear up for everybody's benefit, do you remember
25 the month and the year when you and your wife divorced?

26 MR. NAHID: The year 2014.

27 MS. GONSALVES: Okay.

28 MR. NAHID: Physically, I think October 2014.

1 MS. GONSALVES: Okay.

2 MR. NAHID: But the paper thing after, for sure one
3 year or year and a half.

4 MS. LONG: Sorry, I am less clear on that. I am
5 sorry, Mr. Nahid. Are you saying that the paperwork for
6 your divorce came through when?

7 MR. NAHID: So physically we separated in like October
8 2014.

9 MS. LONG: So October 2014 you were living in
10 different houses?

11 MR. NAHID: Yeah, we separated. She goes to another
12 house, and I go to another house.

13 MS. LONG: Okay, and then --

14 MR. NAHID: And then after one year or one year and
15 half, we had -- like we applied in Newmarket, like the
16 court, and I signed it over there after one year, I think,
17 or one year and half.

18 MS. LONG: So around October 2015, or later than
19 October 2015, you would have got the formal divorce papers?

20 MR. NAHID: 2014? you are talking about October 2014?

21 MS. LONG: You said that you and your wife separated
22 physically, and lived in different places in October 2014.

23 MR. NAHID: Yeah, October 2014.

24 MS. LONG: And I thought I understood that you said
25 that about a year or so later --

26 MR. NAHID: Yes, yes.

27 MS. LONG: -- you got the paperwork.

28 MR. NAHID: I signed it, yeah.

1 MS. LONG: So that would make it -- a year later would
2 be October 2015.

3 MR. NAHID: I don't remember exactly the date when I
4 signed for divorce, but I remember two or three times I go
5 to the Newmarket court, like the family court, to sign some
6 paper. The final sign I think was after one year or one
7 year and a half; exactly, I don't remember.

8 MS. LONG: Okay, thank you.

9 MS. GONSALVES: Thank you, Madam Chair. Last area,
10 Mr. Nahid. You will recall that Ms. Wood asked you about
11 online training and you mentioned that you watched a video.
12 Do you recall that question and your answer?

13 MR. NAHID: I didn't watch exactly, just like a few
14 minutes.

15 MS. GONSALVES: Okay. In watching that video, did you
16 get detailed information about Planet Energy contracts?

17 MR. NAHID: I don't remember.

18 MS. GONSALVES: Okay. That's all I have by way of re-
19 examination, thank you. Thank you, Mr. Nahid, for your
20 time.

21 MS. LONG: Thank you, Mr. Nahid, for coming and
22 providing your evidence.

23 MR. NAHID: My pleasure.

24 MS. LONG: I am going to remind you, as we do all
25 witnesses, that we would ask that you not speak to anyone
26 else who is going to be appearing as a witness about your
27 testimony today.

28 MR. NAHID: Sure, sure.

1 MS. LONG: And Mr. Rezvani, thank you very much for
2 your assistance.

3 THE INTERPRETER: You're welcome.

4 MS. LONG: You are excused. Ms. Gonsalves, do you
5 want to take five minutes to get your next witness up?

6 MS. GONSALVES: Yes, I need to call her, she had
7 arrived for 9:30 and we knew it would be a couple hours,
8 but I think she may have gone shopping. So I wonder,
9 although it's a bit early, I am in the Panel's hands.

10 MS. LONG: We can certainly take our one-hour lunch
11 break now, if that would be best.

12 MS. GONSALVES: Why don't we do that? I don't expect
13 she will be all that long. If we resume at one, we will
14 certainly finish her well before the usual end of day, and
15 she is the only other witness we have planned for today.

16 MS. LONG: Okay. So you want to be back at one?

17 MS. GONSALVES: If that suits the panel, sure.

18 MS. LONG: That suits us fine. Mr. Zacher, is that
19 fine with you?

20 MR. ZACHER: Yes.

21 MS. LONG: Okay.

22 -- Luncheon recess taken at 11:53 a.m.

23 --- On resuming at 1:07 p.m.

24 MS. LONG: Please be seated.

25 Ms. Gonsalves, are you ready with your next witness?

26 MS. GONSALVES: I am, thank you. Staff's next witness
27 is Ms. Roobinet Andrassin. She's already in the witness
28 chair.

1 MS. LONG: Great.

2 ONTARIO ENERGY BOARD - ENFORCEMENT PANEL 4

3 Roobinet Andrassin; Affirmed.

4 EXAMINATION-IN-CHIEF BY MS. GONSALVES:

5 MS. GONSALVES: Ms. Andrassin, you currently -- you
6 live in [REDACTED], Ontario?

7 MS. ANDRASSIN: Yes, I do.

8 MS. GONSALVES: And you are a homeowner there?

9 MS. ANDRASSIN: I am.

10 MS. GONSALVES: I understand you work as an office
11 manager at [REDACTED]; is that right?

12 MS. ANDRASSIN: Yes, that's correct.

13 MS. GONSALVES: And you have taken time off work to
14 come here and testify today?

15 MS. ANDRASSIN: Yes.

16 MS. GONSALVES: Who is the account holder for the
17 electricity bills at your home?

18 MS. ANDRASSIN: My husband and me.

19 MS. GONSALVES: Do you have any background working in
20 the energy industry in Ontario?

21 MS. ANDRASSIN: Not at all.

22 MS. GONSALVES: Do you know Mr. Kayvan Nahid?

23 MS. ANDRASSIN: Yes, I do.

24 MS. GONSALVES: How do you know him?

25 MS. ANDRASSIN: He is a patient in our clinic.

26 MS. GONSALVES: How long have you known him?

27 MS. ANDRASSIN: A couple of years.

28 MS. GONSALVES: We understand in this hearing that you

1 were enrolled in a Planet Energy electricity contract; is
2 that right?

3 MS. ANDRASSIN: Yes, that's right.

4 MS. GONSALVES: And Mr. Nahid helped you do that?

5 MS. ANDRASSIN: Directed me, yes.

6 MS. GONSALVES: Please tell us about your discussions
7 with Mr. Nahid before you enrolled with Planet Energy.
8 What did -- what was said, what did he say to you?

9 MS. ANDRASSIN: He came to our office. It was an
10 evening, so he mentioned that he got a good deal for
11 electricity, and the main thing I remember was 4.99 per
12 kilowatt, and he spoke with the -- can I mention names?

13 MS. GONSALVES: Yes.

14 MS. ANDRASSIN: Okay, spoke to the doctor, [REDACTED],
15 first, and just, he -- after [REDACTED] said, "Just can we
16 give him the bills of our electricity and Enbridge Gas? So
17 this guy is going to be just doing good for us and save
18 some money," so because I hold all the bills I am kind of
19 account payable and, like, receivable as well in that
20 office, so [REDACTED] asked me to pull those -- the very
21 recent bills and give it to Mr. Kayvan. So we had two
22 electricity, two gas from office. So I gave four bills to
23 Mr. Kayvan and [REDACTED].

24 So after he came to my desk and just, so I thought
25 maybe it's a good saving, I am missing it. So I ask again,
26 and he mentioned, "Yes, you can get a flat rate, 4.99." I
27 said, "Okay, Kayvan, can I bring my bill to you just -- or
28 just how we can enroll?" He said, "Just enough, you bring

1 me your very recent bill or one of your bills and write
2 down your e-mail address and that's enough." I said,
3 "Okay, I will do that."

4 So I give office papers to him that night, and I gave
5 my bill -- I brought two bills, actually. I couldn't find
6 my most recent one, so I believe I gave my February 2015
7 electricity bill to Mr. Kayvan, but maybe one or two days
8 after that discussion.

9 So he looked at electricity, he said, "It's fine, I
10 can do this for you, but your Enbridge bill is not that
11 high," it was about maybe 131, 136, something, "so forget
12 about that, your electricity will be taken care of." I
13 said, "Okay."

14 So that was it. I wrote my e-mail address and I asked
15 for his card. He gave me a card, which is attached to all
16 the documents, one of my, actually, bills, the bill that I
17 gave him -- gave him, I made a copy, and I attached his
18 card on top of it.

19 MS. GONSALVES: Okay. So I am just going to stop you
20 there to ask some follow-up questions.

21 First of all, this conversation with Mr. Nahid, to the
22 best of your memory can you give us the month and the year
23 when that took place?

24 MS. ANDRASSIN: Yes, April 2015.

25 MS. GONSALVES: And you spoke about Mr. Nahid giving
26 you a business card that you attached to your bill. In
27 front of you, you should have a binder that says "book of
28 documents of OEB enforcement staff". It's Exhibit KX1.2.

1 Please turn to tab 40 if you are not already there.

2 MS. ANDRASSIN: I'm here.

3 MS. GONSALVES: Okay. And in the top right-hand
4 corner, look for page number 15, please.

5 MS. ANDRASSIN: Yeah, that's the card. I do have the
6 original still, yeah.

7 MS. GONSALVES: Okay, well, just wait for -- I think
8 if everyone's there. Okay. So that business card in the
9 top left, [REDACTED], is that the card Mr. Nahid gave
10 you?

11 MS. ANDRASSIN: Yes, he did.

12 MS. GONSALVES: And if I understand your evidence
13 correctly, this is a copy of the bill that you gave to him;
14 is that right?

15 MS. ANDRASSIN: Yes, yes.

16 MS. GONSALVES: Did Mr. Nahid give you any other
17 business card?

18 MS. ANDRASSIN: No, he did not.

19 MS. GONSALVES: Do you remember if he was wearing an
20 ACN Planet Energy identification badge?

21 MS. ANDRASSIN: I cannot remember.

22 MS. GONSALVES: In your discussions with Mr. Nahid did
23 he say anything to you, give you any information about the
24 global adjustment?

25 MS. ANDRASSIN: No, he did not.

26 MS. GONSALVES: Did he give you any information about
27 charges or fees if you wanted to cancel this contract
28 before the five years were over?

1 MS. ANDRASSIN: I asked him. He said, "Just call me.
2 I will do it in a second for you. You have my phone
3 number."

4 MS. GONSALVES: Did he discuss with you any other
5 charges that you should expect to see on your bill if you
6 sign up with Planet Energy?

7 MS. ANDRASSIN: He did not.

8 MS. GONSALVES: Okay, now, you told us you gave him a
9 copy of your bill.

10 MS. ANDRASSIN: Yes.

11 MS. GONSALVES: What happened next?

12 MS. ANDRASSIN: Copy of my bill and my e-mail address,
13 as you could see, and my home phone number. And I wrote
14 whatever he told me. Should I go on?

15 MS. GONSALVES: If you could read your writing,
16 please, yes.

17 MS. ANDRASSIN: Sure. Fixed rate for five years, 4.99
18 cents. In case of, like, question or cancellation, call
19 Kayvan.

20 MS. GONSALVES: What, if anything, did Mr. Nahid tell
21 you you had to do to enroll in the contract?

22 MS. ANDRASSIN: He said he will do it on -- in the
23 Internet, online, he will do it online. He would do it
24 online.

25 MS. GONSALVES: Did you, yourself, visit the ACN
26 website?

27 MS. ANDRASSIN: I did not.

28 MS. GONSALVES: Were you present with Mr. Nahid when

1 he enrolled you?

2 MS. ANDRASSIN: No, I was not.

3 MS. GONSALVES: Did you look at any contracts, any
4 terms and conditions, any documents to give you information
5 about the Planet Energy contract before he enrolled you?

6 MS. ANDRASSIN: No, I did not.

7 MS. GONSALVES: Why did you decide to let him enroll
8 for you?

9 MS. ANDRASSIN: It was looking to me a very good deal.
10 So I could save money and he could do it for me. I trusted
11 him.

12 MS. GONSALVES: Had you, before this Planet Energy
13 contract, had you ever been enrolled in a flat-rate retail
14 energy contract before?

15 MS. ANDRASSIN: No, never.

16 MS. GONSALVES: In the document binder you've got in
17 front of you there, can you please turn to tab 1, and then
18 the A behind number 1?

19 MS. ANDRASSIN: Sorry, could you repeat again?

20 MS. GONSALVES: Yes, tab 1A.

21 MS. ANDRASSIN: Yes.

22 MS. GONSALVES: Okay. There is a line towards the top
23 of the page and under that line after forwarded message, it
24 says "from welcome at PlanetEnergy.ca", with a date of
25 April 29, 2015, to [REDACTED]. Do you
26 remember receiving an a copy of this e-mail on or about
27 April 29, 2015?

28 MS. ANDRASSIN: Yes.

1 MS. GONSALVES: Did you read the e-mail when you
2 received it?

3 MS. ANDRASSIN: No. Can I say something?

4 MS. GONSALVES: Please.

5 MS. ANDRASSIN: Because usually I am a bit late to
6 check my e-mails, and I got the original letter of the
7 congratulation, I believe, on 30th of April or May, the
8 first week of May.

9 So I got the congratulations letter from couple pages
10 of terms and condition. So later on when I looked at my
11 e-mails, I didn't check properly or even look at it
12 properly because I thought, oh, it's the same thing, you
13 know, that I got in the mail. It's good enough. I know
14 what is happening.

15 MS. GONSALVES: The letter that you just mentioned, is
16 that a letter that came in the mail?

17 MS. ANDRASSIN: Yes.

18 MS. GONSALVES: Okay. So I am going to make you jump
19 back to tab 40, please.

20 MS. ANDRASSIN: Yes.

21 MS. GONSALVES: And then turn to page 35, please.
22 That shows at the top "Planet Energy welcome letter", it's
23 got your name and a date of April 30, 2015. Is this the
24 letter you were referring to?

25 MS. ANDRASSIN: Yes.

26 MS. GONSALVES: If you turn over the page to pages 36
27 and forward, you also referred to terms and conditions. Is
28 this the terms and conditions document you received in the

1 mail?

2 MS. ANDRASSIN: Yes, it is.

3 MS. GONSALVES: Did you read it when it came to you?

4 MS. ANDRASSIN: I'm sorry, I did not.

5 MS. GONSALVES: Now again I apologize, we are going to
6 go back to tab 1, but this time I would like you to look at
7 tab 1C.

8 MS. ANDRASSIN: Yes.

9 MS. GONSALVES: Do you see that document where the
10 first page says disclosure statement?

11 MS. ANDRASSIN: Yes, I do.

12 MS. GONSALVES: Do you remember receiving a copy of
13 this document after you were enrolled?

14 MS. ANDRASSIN: No. This came to me after I spoke to
15 Mr. Barrington on January 27, 2016. He directed me to
16 demand a copy of the contract, which I called Planet Energy
17 and they sent me this without my signature.

18 MS. GONSALVES: Barrington is an employee, or was an
19 employee of the Ontario Energy Board?

20 MS. ANDRASSIN: Yes.

21 MS. GONSALVES: Okay. Turning over the page, pages 2
22 and 3 -- still the same tab, just turning over the page --
23 price comparison for residential electricity consumers. Do
24 you remember receiving this document after you were
25 enrolled with Planet Energy?

26 MS. ANDRASSIN: No, I did not.

27 MS. GONSALVES: Ms. Roobinet, we've just looked at the
28 terms and conditions document, the disclosure statement and

1 the price comparison. Did you receive or read any of those
2 documents before Mr. Nahid enrolled your contract?

3 MS. ANDRASSIN: I did not receive, I did not read none
4 of them.

5 MS. GONSALVES: After you were enrolled in the
6 contract, did you receive any kind of a confirmation phone
7 call from Planet Energy?

8 MS. ANDRASSIN: Sorry, could you repeat?

9 MS. GONSALVES: After you were enrolled in the
10 contract in April 2015, did you receive any kind of phone
11 call from Planet Energy to confirm that you wanted to enter
12 the contract?

13 MS. ANDRASSIN: No, I did not.

14 MS. GONSALVES: All right. Back to tab 40, please,
15 and I think we will stay there. And then if you could
16 please turn to tab -- excuse me, page 12.

17 MS. ANDRASSIN: Yes.

18 MS. GONSALVES: It's a PowerStream bill, it's got your
19 name in the top left, and a statement date in the top right
20 of September 11, 2015. Is this the first bill you received
21 after -- that you received with Planet Energy's flat rate
22 charges?

23 MS. ANDRASSIN: Yes. It was, yes.

24 MS. GONSALVES: When you received this bill, what if
25 anything did you notice about it?

26 MS. ANDRASSIN: It was higher than I used to pay to
27 PowerStream, a lot higher.

28 MS. GONSALVES: And looking at page 13, which is on

1 the right-hand side of the binder, was that the bill, the
2 last PowerStream bill you received before your September
3 bill?

4 MS. ANDRASSIN: Yes.

5 MS. GONSALVES: Did you take any steps after you
6 received this September 2015 bill with Planet Energy's flat
7 rate program?

8 MS. ANDRASSIN: Yes. I called Planet Energy. As you
9 can see my handwriting, I checked the time, 9 to 7 they are
10 open. So I called them.

11 MS. GONSALVES: Why did you call Planet Energy?

12 MS. ANDRASSIN: I called them to get an explanation or
13 at least they can explain to me why I am paying higher
14 instead of I was promised that my bill will go lower.

15 MS. GONSALVES: At tab 41A in your binder, there is a
16 transcript of a phone call between you and a Planet Energy
17 representative on October 5, 2015. To the best of your
18 memory, is that around the time that you called Planet
19 Energy?

20 MS. ANDRASSIN: Could you repeat the date one more
21 time, please?

22 MS. GONSALVES: Yeah, look at the top middle of the
23 page, the very top. It says inbound 2015, 1005.

24 MS. ANDRASSIN: Yes, October 2015.

25 MS. GONSALVES: Okay. And, Madam Chair, I don't think
26 there is a dispute between myself and my friend and subject
27 to the other comments we have made about minor changes to
28 these transcripts, this is the transcript of the audio of

1 that call which was recorded by Planet Energy.

2 MS. LONG: Okay.

3 MS. GONSALVES: And so, Ms. Andrassin, the Panel will
4 be able to read the transcript of exactly what was said.
5 But if you could just summarize your recollections of what
6 took place on that call?

7 MS. ANDRASSIN: I wanted to know what was happening.
8 But just -- I believe there was maybe a twenty-minute phone
9 call, but I didn't get a proper answer. So I said if you
10 cancel this, he said, "No, ma'am, wait and next month or
11 the next bill will be better. You are going to save money,
12 just wait."

13 I believe that's the summarize.

14 MS. GONSALVES: Did you know before making that phone
15 call that you had a right to cancel this contract without
16 penalty because it was less than 30 days since you received
17 your bill?

18 MS. ANDRASSIN: I did not.

19 MS. GONSALVES: And did the agent tell you that you
20 had that right?

21 MS. ANDRASSIN: No. When my bill came high, I called
22 Kayvan. He came to the office, as your previous -- I
23 questioned Kayvan as well. And he said that he can't
24 explain it to me. It should have been 4.99. I have his
25 handwriting, 4.99, in my September 11th bill. He said he
26 cannot explain it to me. I said, "Okay, I am going to go
27 call Planet Energy to see why I am paying more." And then
28 I made that call, and I believe the person who answer me,

1 Shahab or Shahad, which I can see the name here as well, so
2 he couldn't explain it to me. He was saying that this is
3 the money I have to pay to government, so I was kind of
4 lost, so I said, "Can I just cancel or -- like, let me go."
5 He said, "No, wait, it's going to get better," so I waited
6 for my next bill.

7 MS. GONSALVES: Okay, if you go back to tab 40. And
8 this time you can turn to page 11. We see a bill there
9 with a statement date of November 11, 2015. Was this your
10 next bill?

11 MS. ANDRASSIN: Just give me a sec, sorry.

12 MS. GONSALVES: Sorry.

13 MS. ANDRASSIN: Page 11, November -- yes, due date
14 November 30th, yes, that's my next bill.

15 MS. GONSALVES: And did the bill go down?

16 MS. ANDRASSIN: No.

17 MS. GONSALVES: You see on the September bill or the
18 November bill, under your electricity charges there are
19 some lines that say "global adjustment". Do you see that?

20 MS. ANDRASSIN: Yeah.

21 MS. GONSALVES: Did you understand what those charges
22 were for before you called the agent at Planet Energy?

23 MS. ANDRASSIN: Still I don't.

24 MS. GONSALVES: Did you ask Mr. Nahid what "global
25 adjustment" means?

26 MS. ANDRASSIN: Yeah.

27 MS. GONSALVES: And what did he tell you?

28 MS. ANDRASSIN: He couldn't explain it. He said, "I

1 don't know myself. It's supposed to be 4.99."

2 MS. GONSALVES: After you got the November bill what,
3 if anything, did you do?

4 MS. ANDRASSIN: I started to call PowerStream, because
5 I could see the logo of PowerStream on my bill, so I
6 thought maybe these people can help me how much extra,
7 because I was confused. If the price has gone up, maybe
8 Planet Energy's right, they are charging me right, even if
9 I was staying with PowerStream I was paying the same amount
10 or almost the same. So I called PowerStream. I asked
11 them, "If I was with you, how much my bill would have
12 been." And I called so many times. Some of them, they
13 were helpful, some of them, just, they were so busy.

14 Anyway, just -- one guy helped me. So I just realized
15 that every month I am paying maybe around 200, 150, 175
16 higher than if I was staying with PowerStream. And one
17 girl told me, "You can go to PowerStream, go online
18 account, go my profile, right click, whatever." I did that
19 night. I just came to nowhere, because she showed me the
20 way that I can compare that my electricity usage bill with
21 PowerStream would have been how much, okay. I couldn't get
22 there.

23 So I called again a couple of times to PowerStream,
24 and they helped me, just, I was satisfied, I was sure that
25 I am paying extra, because I didn't want to accuse anybody
26 before I know something.

27 MS. GONSALVES: Did you call Planet Energy in the
28 November time period?

1 MS. ANDRASSIN: Hmm... I -- maybe I did --

2 MS. GONSALVES: Okay --

3 MS. ANDRASSIN: -- I can't remember properly --

4 MS. GONSALVES: Have a look at --

5 MS. ANDRASSIN: -- because I was calling -- sorry to
6 interrupt -- I was calling Planet Energy PowerStream.

7 MS. GONSALVES: Okay. If you can have a look at tab
8 41B.

9 MS. ANDRASSIN: Yes.

10 MS. GONSALVES: Again, Mr. Zacher can jump in if he
11 has any concerns, but for the benefit of the Panel, I think
12 it's common ground that there was a recorded phone call
13 between Ms. Andrassin and a Planet Energy representative on
14 November 24, 2015, and this is the transcript.

15 And so, again, Ms. Andrassin, we will let the Panel
16 read the detail at another time. But I will ask this
17 question. Going forward from your November bill, were you
18 satisfied, were you getting the information you wanted,
19 were you happy with your Planet Energy contract?

20 MS. ANDRASSIN: No, I was not.

21 MS. GONSALVES: Okay. What further steps, if any, did
22 you take after November 2015?

23 MS. ANDRASSIN: After November 2015? I called Planet
24 Energy to cancel. I have been told there is a charge, \$250
25 plus tax. So I said, "Why should I pay? I paid extra
26 already. Why should I pay 250 plus tax to let me go?"

27 MS. GONSALVES: If you turn to tab 40 in your binder
28 again.

1 MS. ANDRASSIN: Um-hmm.

2 MS. GONSALVES: And then page 10.

3 MS. ANDRASSIN: Yes.

4 MS. GONSALVES: We see a bill there for January 11,
5 2016.

6 MS. ANDRASSIN: Yeah.

7 MS. GONSALVES: Again, under your electricity charges
8 it shows electricity provided by Planet, and is this your
9 handwriting on the page?

10 MS. ANDRASSIN: Yes, it is.

11 MS. GONSALVES: So reviewing that bill and the
12 handwriting, does that help you remember any steps you may
13 have taken in January 2016?

14 MS. ANDRASSIN: Yeah, January 2016, because nobody
15 could explain to me what global adjustment is, and they
16 were asking me 250 plus tax for cancellation. So I started
17 to call -- after couple of calls to Planet Energy I called
18 PowerStream, and one of the girls gave me the Ontario
19 Energy Board -- the phone number for Ontario Energy Board.
20 So I called.

21 On 26th of January I called Planet Energy maybe two,
22 three times -- I have this in my mind. I asked them, "Just
23 cancel and that's it, but I am not going to pay a penny for
24 penalty, because I didn't do anything wrong. You got me.
25 Okay. You've got me. And you -- I paid you extra, okay.
26 Let me go with no cancellation fee."

27 Then I believe after talking to lots of them I asked
28 for manager, a couple of times I asked for manager. They

1 said she's not available. One time they said she won't
2 talk to people. Okay. "You cannot give me anyway, okay,"
3 so one night, it was late, maybe around seven-ish, a lady
4 called, and she said, "I am the manager from Planet Energy,
5 and what was your concern you are calling to Planet
6 Energy?" I said, "Please cancel this contract with no
7 penalty." She said, "No. You have to pay 250 plus tax."
8 I said, "You know what, I am not going to pay that."

9 MS. GONSALVES: What did you do after that?

10 MS. ANDRASSIN: On 27th of January I called the Ontario
11 Energy Board. I spoke with Mr. Barrington.

12 MS. GONSALVES: In the binder you have there, please
13 turn to tab 1. And once you are there, if you could turn
14 to tab 2, please. This is a document that would not be
15 familiar to you, because it's created by the Ontario Energy
16 Board --

17 MS. ANDRASSIN: Sorry, I am not there. I am so sorry.

18 MS. GONSALVES: No, don't apologize.

19 MS. LONG: Are you at tab 1, page 2? Is that --

20 MS. GONSALVES: Tab 1, page 2, yes. Tab 1, page 2. I
21 apologize. I misled everybody.

22 MS. ANDRASSIN: Okay. Tab 1, page 2, yes, I am looking
23 on it.

24 MS. GONSALVES: All right. I would like you just to
25 yourself read what's under the heading "synopsis", and then
26 I will ask you my question.

27 MS. ANDRASSIN: You want me to read it for you?

28 MS. GONSALVES: Read it in your head; you don't have

1 to read it out loud.

2 MS. ANDRASSIN: Okay. Should I go to February 2nd as
3 well?

4 MS. GONSALVES: Why don't you pause just before
5 February 2nd, at the dotted line.

6 MS. ANDRASSIN: Sure.

7 MS. GONSALVES: My question is, in paragraphs numbered
8 1 to 6, does that accurately reflect what you told
9 Barrington when you called the Energy Board?

10 MS. ANDRASSIN: Yes.

11 MS. GONSALVES: Okay. Then read number 7 and 8 after
12 February 2, after the dotted line.

13 MS. ANDRASSIN: Yes, I read it.

14 MS. GONSALVES: Does 7 and 8 accurately record what
15 you told Barrington on February 2nd?

16 MS. ANDRASSIN: Yes.

17 MS. GONSALVES: Okay. I'm going to turn back again to
18 tab 40, please, and this time page 21.

19 MS. ANDRASSIN: Yes.

20 MS. GONSALVES: It's an e-mail, the subject is ACN
21 Planet Energy case number #15114900. The date is February
22 5, 2016, and it's to Roobinet Andrassin from Joanne Elie-
23 Terrell. Do you remember receiving this e-mail?

24 MS. ANDRASSIN: Yes, I did.

25 MS. GONSALVES: The first line says: "ACN's
26 compliance department is requesting to speak with you
27 regarding your complaint with Planet Energy."

28 Did you speak with any representative of ACN about

1 your complaint?

2 MS. ANDRASSIN: I believe I called, but then they -- I
3 have been told Joanne is not available, and they started to
4 passing maybe a couple of times. One of them I remember
5 told me, "Who is Joanne?"

6 I said I got an e-mail and she asked me to call and
7 speak to her. So that's all maybe I believe I remember.
8 Yeah, I spoke with Aseeka (ph), Charlie. I have my note; I
9 usually write down most of the things with the dates.

10 MS. GONSALVES: Pages 19 and 20 of this tab show some
11 handwritten notes. Take a look. Are those notes that you
12 took in the time period?

13 MS. ANDRASSIN: Okay, yeah. I called her, yes. I
14 called, but I never was successful to speak to Joanne.

15 MS. GONSALVES: What happened with your Planet Energy
16 contract after you made the complaint to the Energy Board?

17 MS. ANDRASSIN: It's still continuing.

18 MS. GONSALVES: Was your contract ever cancelled?

19 MS. ANDRASSIN: Yes.

20 MS. GONSALVES: Okay. If you look at page 18 of this
21 same tab, there's a letter there of February 22, 2016, on
22 Planet Energy letterhead; it says cancellation
23 confirmation.

24 MS. ANDRASSIN: Yes.

25 MS. GONSALVES: Did you receive that letter?

26 MS. ANDRASSIN: I did.

27 MS. GONSALVES: Was this the first you learned that
28 your contract had been cancelled, or did you know before

1 you got that letter?

2 MS. ANDRASSIN: I believe a gentleman called me and
3 just told me that it's been cancelled with no penalty, your
4 contract has been cancelled with no penalty. But I cannot
5 recall that it was before this letter or after. It was
6 almost at the same -- maybe week.

7 MS. GONSALVES: Okay. We have looked at your bills up
8 to January 11th, 2016; that was page 10. If we turn to
9 pages 9 and 8, we see bills for March and May.

10 MS. ANDRASSIN: Yes.

11 MS. GONSALVES: And those both show your electricity
12 being provided by Planet Energy, is that right?

13 MS. ANDRASSIN: Yes.

14 MS. GONSALVES: And then page 7 has a bill for July
15 2016; that's your bill?

16 MS. ANDRASSIN: Yes.

17 MS. GONSALVES: And under your electricity charges, it
18 shows summer on-peak, summer mid-peak and summer off-peak.
19 Was that your first bill back with PowerStream after your
20 Planet Energy contract was cancelled?

21 MS. ANDRASSIN: Yes, it was.

22 MS. GONSALVES: Now, you've testified, Ms. Andrassin,
23 that your Planet Energy contract was cancelled without
24 charges. Was that a satisfactory resolution for you?

25 MS. ANDRASSIN: It was not.

26 MS. GONSALVES: Why not?

27 MS. ANDRASSIN: I feel that I was misled, and taken
28 advantage, to be pushed in a false contract which caused me

1 financially -- which caused me loss financially and
2 emotionally.

3 Number two, I just called so many times to get
4 cancellation, okay. They didn't let me go; every time I
5 got rejected. So many phone calls, so much waste of time,
6 too much stress and frustration for me. It's not the
7 money. It is the frustration.

8 And number three, my family did not approve and did
9 not -- did not approve nor appreciate that I got involved
10 in this contract. So kind of I feel that I am a failure.
11 I cannot make good decisions, even though I am the one who
12 makes financial decision with my husband always. Okay.

13 And so my family, so I just think they kind of lost
14 their trust to me because I did this. And just that gave
15 me sometimes depressed mood. I didn't -- every time I got
16 this, the bill, like for couple of weeks before and after,
17 I was angry with myself.

18 And my last word, I don't want this happen to anybody
19 in this beautiful and peaceful country, especially for
20 people whose second language or third language is English
21 and they are hardworking people, they can hardly find time
22 to go after these contracts.

23 MS. GONSALVES: I just have two more questions for
24 you.

25 MS. ANDRASSIN: Please.

26 MS. GONSALVES: Did you -- do you remember telling
27 Planet Energy at any point that you had been satisfied with
28 the resolution of your matter?

1 MS. ANDRASSIN: When they called and cancelled, I said
2 thank you very much, thank you, because that moment I got
3 relief. One year, okay, started July 2015, ending May
4 2016, one year. It was enough for my nerves. So when they
5 say it's cancelled I said, "Okay, thanks, God. I just one
6 step done." But afterwards I felt why, why should I -- I
7 had to pay them more.

8 MS. GONSALVES: My last question for you is, have you
9 ever been reimbursed for the money that you paid under all
10 those Planet Energy bills?

11 MS. ANDRASSIN: No, I did not.

12 MS. GONSALVES: Thank you. One of the lawyers for
13 Planet Energy will have some questions for you.

14 MS. ANDRASSIN: Sure.

15 **CROSS-EXAMINATION BY MS. WOOD:**

16 MS. WOOD: There we go. Ms. Andrassin, I just have
17 two quick questions for you.

18 MS. ANDRASSIN: Sure.

19 MS. WOOD: So you mentioned before you had given Mr.
20 Nahid permission to sign you up?

21 MS. ANDRASSIN: Yes, he did, online.

22 MS. WOOD: Right, okay. And so you authorized -- you
23 gave him your bill and you said, "You can go and sign me up
24 on my behalf."

25 MS. ANDRASSIN: Yes, my bill and my e-mail address.

26 MS. WOOD: Okay. And he put in your e-mail address,
27 so you received an e-mail -- a confirmation e-mail, you
28 said?

1 MS. ANDRASSIN: Yes.

2 MS. WOOD: Okay. And if you can just look at the last
3 page of tab 40 in front of you.

4 MS. ANDRASSIN: Sure, just give me one second. Which
5 page you mentioned?

6 MS. WOOD: It's page 43. It's the last page.

7 MS. ANDRASSIN: Yes.

8 MS. WOOD: So this is the e-mail that you gave to
9 Board Staff when they asked for all your documents?

10 MS. ANDRASSIN: On May 2016.

11 MS. WOOD: Yeah, you gave it to them on May 5th, a
12 package? And this -- this is the confirmation e-mail that
13 you received?

14 MS. ANDRASSIN: I received this e-mail.

15 MS. WOOD: Okay, and -- yeah, I just want to confirm
16 the date. So you received the e-mail on April 29, 2015?

17 MS. ANDRASSIN: Yes, I did.

18 MS. WOOD: And if you go again to the last page, it
19 says there is two attachments there?

20 MS. ANDRASSIN: Yes.

21 MS. WOOD: And one is the terms and conditions?

22 MS. ANDRASSIN: Yes.

23 MS. WOOD: And the other one, it says "disclosure
24 price" and then a few other letters?

25 MS. ANDRASSIN: Yes.

26 MS. WOOD: Okay. And I believe you said earlier you
27 didn't open either of the attachments.

28 MS. ANDRASSIN: I did not open none of the attachments.

1 MS. WOOD: That's all my questions. Thank you very
2 much.

3 MS. ANDRASSIN: Thank you.

4 [Reporter appeals.]

5 MS. WOOD: Sorry, Ms. Andrassin, could you repeat your
6 answer?

7 MS. ANDRASSIN: I did not open none of the
8 attachments.

9 MS. LONG: The Panel has no questions.

10 MS. GONSALVES: Thank you. And I have no re-
11 examination, so thank you, Ms. Andrassin, for your time
12 today.

13 MS. ANDRASSIN: You are more than welcome.

14 MS. LONG: Thank you, Ms. Andrassin. The Panel
15 appreciates you taking the time --

16 MS. ANDRASSIN: My pleasure.

17 MS. LONG: -- to come and give your evidence. I am
18 going to ask you, as I have asked all witnesses, not to
19 speak to anyone about the testimony that you gave today, so
20 by that I mean anyone that's participating in this hearing.

21 MS. ANDRASSIN: Sure.

22 MS. LONG: Okay? So you are excused and can leave,
23 thank you very much.

24 MS. ANDRASSIN: Thank you.

25 **PROCEDURAL MATTERS:**

26 MS. LONG: Are there any other matters that we need to
27 deal with today with respect to scheduling?

28 MS. GONSALVES: I don't think there are. I was just

1 discussing with Mr. Safayeni, unfortunately, we weren't
2 sure how long these two witnesses would take, so we didn't
3 line up Mr. Hawkins to come today. He will be our first
4 and likely last witness on the 27th --

5 MS. LONG: 27th, I believe.

6 MS. GONSALVES: -- and I don't think between direct
7 and cross that he will be much more than an hour and a half
8 that day, so we will be into Planet's case.

9 MR. ZACHER: And I wouldn't anticipate we will have
10 any difficulty getting through the balance of our case in
11 the time that we have allotted.

12 MS. LONG: Okay. So we are back on schedule and we
13 think we can do it in six days?

14 MR. ZACHER: Right. And I will talk to my friends in
15 the meantime to make sure about that, but I don't see any
16 problem.

17 MS. LONG: Okay. Good. Then thank you, everyone, and
18 have a good weekend, and we will see you on November the
19 27th.

20 --- Whereupon the hearing adjourned at 1:52 p.m.

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