

Alberta Utilities Commission Enforcement

December 20, 2019

Thomas Haber
Senior Manager, Stakeholder Relations
EPCOR Energy Alberta GP Inc.
2000, 10423 - 101 Street N.W.
Edmonton, Alta. T5H 0E8

Dear Mr. Haber:

No notice of specified penalty issued for self-reported contraventions

1. On August 20, 2019, Encor by EPCOR (Encor) self-disclosed three events to the Alberta Utilities Commission under Rule 032: *Specified Penalties for Contravention of AUC Rules* related to billing errors. On September 25, 2019, Encor self-disclosed 19 events related to customers being improperly charged a deposit.
2. Rule 032 provides that the Commission may consider, among other matters, the following factors when making the decision on whether to issue a specified penalty:
 - a. The impact on any person adversely affected by the contravention.
 - b. The timeliness of the action taken by the person who committed the contravention to address the conduct, activity or omission that resulted in the contravention.

Billing errors

3. Encor self-disclosed that [REDACTED] had called to end service; however, Encor failed to end the service properly and the customer was billed for an additional two months in error. Encor reversed the charges when the customer called to inquire. In this instance, the Commission has exercised its discretion to not issue a notice of specified penalty for the wrongful billing on the basis that other than receipt of two incorrect bills and the time taken by the customer to inquire into the matter, no financial harm resulted to the customer.
4. Encor self-disclosed that it had enrolled [REDACTED] at an incorrect address which resulted in him being incorrectly billed for two days. In this instance, the Commission has exercised its discretion to not issue a notice of specified penalty on the basis that the customer was charged in error for only two days and those charges were quickly reversed.
5. Encor self-disclosed that [REDACTED] had enrolled for service at an incorrect address. Encor later removed the incorrect site from the customer's account; however, when doing so Encor did not update the customer's mailing address which resulted in one bill being issued with an incorrect address. In this instance, the Commission has exercised its discretion to not issue a notice of specified penalty on the basis that Encor quickly corrected the error and no harm occurred beyond the one incorrect bill.

Billing errors related to deposit charges

6. Encor self-disclosed that in 19 instances its agents failed to waive deposit amounts when customers were moving to a new address, setting up a new energy plan or changing an existing energy plan. In each of these cases, Encor stated that its agents had been coached and there was no financial or service impact to the customer. The Commission has exercised its discretion to not issue a notice of specified penalty for these instances because, in all 19 cases, the deposit was corrected within one month of being detected and due to the timeliness of the correction, 17 customers were issued only one incorrect bill and two customers were issued two incorrect bills.
7. The Commission notes that on July 25, 2019, Encor self-disclosed eight similar events that occurred between April and June of 2019. On October 18, 2019, the Commission issued a letter advising that no notice of specified penalty would be issued for those eight occurrences; however, the Commission further stated that it may consider the issuance of penalties in the future if the impugned conduct was ongoing.
8. Although the Commission has exercised its discretion to not issue a specified penalty related to this offence, and despite Encor's assertions that its agents have been coached, this issue appears to persist. Further, in all but three cases it was the customer, not Encor, who detected the error. Consequently, AUC enforcement staff request that Encor provide by **January 17, 2020**, a detailed description of the coaching that it has provided agents along with a compliance plan to address how Encor will prevent this issue in the future.
9. Should you have any questions, please contact the undersigned at 403-592-4529, or by email at greg.andrews@auc.ab.ca.

Sincerely yours,

Greg Andrews
Senior Enforcement Analyst