

# Alberta Utilities Commission Enforcement

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June 25, 2020

Nicole Black  
Senior Manager, Government and Regulatory Affairs  
Direct Energy Marketing Limited  
2500, 530 Eighth Avenue S.W.  
Calgary, Alta. T2P 3S8

Dear Ms. Black:

## **No notice of specified penalty issued**

1. The Utilities Consumer Advocate (UCA) referred a matter to the Alberta Utilities Commission under Rule 032: *Specified Penalties for Contravention of AUC Rules*, related to a possible contravention by Direct Energy Regulated Services (DERS) of Subsection 3.4.1(2) of Rule 003: *Service Standards for Energy Service Providers*. That subsection states:

- 3.4.1(2) An ESP must not issue
- (a) an incorrect customer bill;
  - (b) a late customer bill;
  - (c) an unexpected customer bill; or
  - (d) more than one customer bill in a calendar month unless it has a reasonable explanation for issuing multiple bills.

2. DERS is an energy service provider (ESP) as defined in Rule 003. An “unexpected customer bill” is defined in Subsection 1.3(f) of Rule 003 to mean a bill issued by an ESP to a person who is not a customer of the ESP, or is a customer of the ESP but is not the person financially responsible for the bill.

3. The UCA reported that [REDACTED] had received two unexpected bills for gas service from DERS for a property that she has never lived at or owned. Information provided by the UCA confirmed that DERS had mistakenly conducted a land title search on Ms. [REDACTED]’s property and then billed her for two months in error. DERS later reversed all related charges.

4. Rule 032 enables the Commission to issue a specified penalty for a contravention of Rule 003, subsection 3.4.1(2). That rule also provides that the Commission may consider, among other things, 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.

5. In this instance, the Commission will not issue a notice of specified penalty for this contravention as no harm occurred to Ms. [REDACTED] beyond two incorrect bills and DERS took corrective action to reverse all related charges.

6. If you have any questions, please contact the undersigned at 403-592-4529 or by email at [greg.andrews@auc.ab.ca](mailto:greg.andrews@auc.ab.ca).

Sincerely yours,

Greg Andrews  
Senior Enforcement Analyst