



Public Notice of Specified Penalty

Date of issue: November 7, 2019	Payment due date: December 9, 2019	AUC penalty number: AUC2019-074
Entity required to pay: Direct Energy Marketing Limited	Total penalty amount: \$175 Amount per day (if applicable):	
Amount payable to General Revenue Fund: \$175	Customer name: [REDACTED] Customer Site ID: [REDACTED]	

Contravention date(s): May 3, 2019	AUC rule(s) contravened: AUC Rule 003, Subsection 3.4.1(4)	Contravention(s) within the 120-day rolling period: First								
Description of conduct that resulted in the contravention	<p>AUC Rule 003: <i>Service Standards for Energy Service Providers</i>, Subsection 3.4.1(4) states: An ESP must not refer a customer to a credit agency unless the customer's account is in arrears.</p> <p>Direct Energy Regulated Services (DERS) self-disclosed that it had referred a customer to a credit agency in error. DERS reported that errors were made when it attempted to make a correction on an account. An uncashed cheque, that had not been cancelled prior to the correction being made, had caused the charges to sit stagnant on the account while it was out of balance. This caused the account to be moved to collections as it aged and made the account appear to be delinquent. DERS referred the customer to a collections agency on May 3, 2019. The customer was sent a letter from the collections agency on May 6, 2019. DERS corrected the account and removed it from collections on May 16, 2019.</p>									
Facts relied upon	DERS self-disclosed that it had contravened AUC Rule 003, Subsection 3.4.1(4). DERS stated that it had paid the customer a \$150 service guarantee as required by Subsection 3.4.2(1) of AUC Rule 003. The Commission is satisfied that a contravention has occurred.									
Adjustments made to specified penalty Payment of service guarantee: Yes Self-disclosed: Yes	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">First contravention of AUC Rule 003, Subsection 3.4.1(4) within 120 days</td> <td style="text-align: right;">\$500</td> </tr> <tr> <td>Payment of service guarantee to customer</td> <td style="text-align: right;">(\$150)</td> </tr> <tr> <td>*Reduction for voluntary disclosure</td> <td style="text-align: right;">(\$175)</td> </tr> <tr> <td>The final adjusted penalty amount</td> <td style="text-align: right; border-top: 1px solid black;">\$175</td> </tr> </table> <p>*The Commission has further reduced the penalty by 50 per cent because the contravention was voluntarily disclosed and the actions taken by the entity subsequent to its becoming aware of the contravention.</p>		First contravention of AUC Rule 003, Subsection 3.4.1(4) within 120 days	\$500	Payment of service guarantee to customer	(\$150)	*Reduction for voluntary disclosure	(\$175)	The final adjusted penalty amount	\$175
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Commission order	<p>The Commission orders that \$175 be paid to the General Revenue Fund, further to Section 63.1(5) of the <i>Alberta Utilities Commission Act</i>.</p> <p>Mark Kolesar, Chair Signature: <u> (original signed) </u> Date: <u>November 7, 2019</u></p>									
Payment instructions	<p>Payments made to the General Revenue Fund are to be made payable to the "General Revenue Fund c/o Minister of Finance." All payments to the General Revenue Fund are to be made by cheque or certified funds and delivered to the Alberta Utilities Commission at: 1400, 600 Third Avenue S.W., Calgary, Alberta, T2P 0G5 and must reference the AUC penalty number.</p> <p>All other payments are to be made payable to the person(s) named above in "Amount payable to." If the person named above is a customer of the utility, then the amount payable may be credited to that person's utility account. For all other circumstances, including payment to a third party, the amount payable must be made to the person named by cheque, certified funds or electronic funds transfer. A copy of the payment or credit with reference to the AUC penalty number must be provided to the Alberta Utilities Commission by email at enforcement@auc.ab.ca.</p> <p>Questions can be directed to enforcement@auc.ab.ca, 310-4AUC in Alberta, or 1-833-511-4282 outside of Alberta.</p>									
Dispute or failure to pay	A party may dispute this notice prior to the payment due date by notifying enforcement@auc.ab.ca . Dispute of this notice or failure to pay the total penalty amount by the due date will result in a hearing or other proceeding before the Commission.									