

James Hymas
10 Page Avenue
YORK, Ontario
M6S 2P5

Ontario Energy Board
Via Email: ConsumerRelations@oeb.ca

January 6, 2020

Sirs,

Re: File # 2019-0006848

Enbridge's response to my complaint (see Annex 1) indicates a culture of contempt for its customers and for the Ontario Energy Board and indicate that a full inspection of this affair is necessary under the auspices of the OEB Act (see <https://www.oeb.ca/industry/rules-codes-and-requirements/compliance-and-enforcement-processes>).

The response provides no evidence to support any of its assertions, no quantification of the scope of the "campaign" and no explanation of an admitted error. Most glaringly, the response does not address in any way the substance of my complaint, that through its actions Enbridge has breached both the Ontario Energy Board's Consumer Charter (see https://www.oeb.ca/sites/default/files/OEB_Consumer_Charter.PDF) and their own Conditions of Service document (see <https://www.enbridgegas.com/About-Us>). To reiterate (see page two of my letter of complaint, under the heading "My Complaint"):

It is clear that this regulated company has engaged in a deliberate policy of changing its customers' billing preferences without their knowledge or consent; that post-facto inquiries by these customers is met not just with obfuscation, but with deliberate falsehoods; and that Enbridge's internal Ombudsman's office is complicit in this scheme as evidenced by its 'high volume of calls' and not finding it necessary to speak with me directly about the situation.

Customers of any firm should not be lied to; this is particularly true when the company is a regulated monopoly. Enbridge not only changed my 'delivery preference' without my knowledge or consent, they did not deal with the problem in the "fair, reasonable and timely manner" specified by the Ontario Energy Board's consumer charter, choosing instead obfuscation and deliberate falsehoods; this was part of a larger scheme affecting many customers.

The board must act in order to ensure that natural gas consumers in Ontario are dealt with in a transparent manner, free of falsehoods, and that the edicts of the Ontario Energy Board are not flouted so lightly.

Enbridge claims that the "Terms and Conditions for the My Account service do provide for [converting customers who were recent users to electronic billing, using the email address noted on their Enbridge

profile]" but do not provide any evidence that this is the case. Now that I am aware of Enbridge's extremely aggressive use of these Terms and Conditions, I will not be using the My Account service again and will endeavor to have it cancelled in the near future!

The legality of such a provision is open to question (see, for example, the US case of Schnabel v. Trilegiant, <https://law.justia.com/cases/federal/appellate-courts/ca2/11-1311/11-1311-2012-09-07.html>), but even if legal the OEB should conduct a formal Inspection into these actions, which constitute another violation of Enbridge's Conditions of Service with respect to acting "in a responsible, fair, honest and ethical manner". It is difficult to see how consumers are treated in such a manner when, after refusing offered rewards for conversion to electronic billing¹, they find themselves converted anyway! At a minimum, customers should have been informed, in prominent bold writing on their 'last' paper bill, that they were being converted to electronic billing, together with the eMail address being used and valid instructions on how to convert back to paper.

However, I suggest that the focus of an OEB Inspection should be on an aspect of my complaint that Enbridge could not be bothered to address in its pitifully inadequate response: the obfuscations and falsehoods that met my attempt to convert back to paper billing.

As reported in Annex 1 of my December 24 complaint, I approached Enbridge's social media team via Facebook and was told "*Go into My Account, and then go to your Bill Delivery preferences and switch there*". It appears that all the on-line methods of converting back to paper billing – if they ever in fact existed – have been disabled and clients referred to the general customer service line (see Annex 3 of my December 24 complaint). This customer service line is only available Monday through Friday, 8am to 6pm, times when a large proportion of customers will be either at work or in transit (see Annex 2 of this letter).

An OEB Inspection of the options purportedly available for switching back to paper billing is necessary to determine whether this deliberate complication in the process is consistent with Enbridge's supposed commitment to '*excellent service and to ensuring that relationships with customers are conducted with integrity and in a responsible, fair, honest and ethical manner*' (Conditions of Service, Section 6.10, <https://www.enbridgegas.com/About-Us>) and with their purported desire to '*keep gas rates low for our customers*' (Enbridge response to my complaint, Annex 1 of this letter). Why insist on inconvenient telephone contact when the procedure could be quite readily accomplished by clicking a button on-line?

However, I persisted and contacted customer service as advised. As reported in Annex 1 of my December 24 complaint:

After guessing my way through a very poorly designed menu, I eventually spoke to somebody who identified herself only as "Deb". She claimed not to have a rep ID number or anything along the lines of what was expected.

"Deb" claims that paper billing is no longer an option. She disclaims any knowledge of what Enbridge has told me on its own website and on Facebook.

¹ See, for example, <https://www.forestontario.ca/blog/2014/07/17/enbridge-gas-distribution-thanks-its-e-billing-customers-by-planting-50000-trees/> : "To further incent customers, Enbridge often offers cash prizes and other rewards for customers who switch to e-bill."

As specified in my December 24 complaint, *my ‘phone records indicate the call to 1-877-362-7434 was placed on October 23, 2019, at 4:22pm and lasted a little under sixteen minutes.*

This aspect of my complaint was not addressed by Enbridge in its grossly inadequate response (Annex 1 of this letter). An OEB Inspection is necessary to:

- Review the conversation, assuming that it was taped and is still available
- Interview “Deb” and determine why she made such a claim
- Review all pertinent internal memoranda and other communications with customer service staff and determine just what instructions were provided to company representatives.
- Based on the results of the above inquiries, to determine whether Enbridge has acted in a manner consistent with the OEB’s expectations for customer service.

Enbridge’s response (see Annex 1 of this letter) emphasizes that “*you were contacted in November and at that time an apology was provided for the delay in our response time*”. An apology without an explanation and a clear statement to improve matters is worthless. An OEB Inspection is necessary to determine:

- If the delay was due to complaints regarding the Campaign “*to convert customers who were recent users of our MyAccount online service to electronic billing*” – or to any other single source of complaints – what action was taken to reduce the number of occasions on which customers had valid reason for complaint?
- Is calling the Ombudsman’s office the only method of converting from electronic to paper billing? If so, is it appropriate for the Ombudsman’s office to take sole responsibility for execution of such a routine aspect of customer service?

Thank you for consideration of my complaint. I strongly urge that OEB Inspections, as suggested above, commence as a matter of some urgency, and that Administrative Penalties be imposed on Enbridge as suggested in my original complaint.

Sincerely,

James Hymas
416-604-4204
jiHymas@himivest.com

Annex 1: Enbridge's Response to My Complaint

Subject: 10 PAGE AVE TORONTO
From: Vie Headridge <Vie.Headridge@enbridge.com>
Date: 2020-01-03, 2:05 p.m.
To: "jihymas@himivest.com" <jihymas@himivest.com>

Good afternoon Mr. Hymas;

Further to your recent complaint to the Ontario Energy Board;

As part of an effort to reduce paper waste and keep gas rates low for our customers, Enbridge undertook a campaign to convert customers who were recent users of our MyAccount online service to electronic billing, using the email address noted on their Enbridge profile. The Terms and Conditions for the My Account service do provide for this.

Unfortunately, in some cases, the email addresses were not current. We regret the confusion this may have caused and this element of the campaign is now discontinued. Any customer who is enrolled in electronic billing and wishes to switch to a paper bill can do so.

Our records confirm you were contacted in November and at that time an apology was provided for the delay in our response time. Your Enbridge account was removed from paperless billing and you were provided with copies of your bills.

A response will be provided to the Ontario Energy Board;

Regards;

Vie Headridge
Ombudsman Advisor
Enbridgegas.com
Integrity.Safety.Respect.

ENBRIDGE GAS INC
TEL: 416-753-7410| FAX: 416-495-5021
500 Consumers Road North York, Ontario M2J 1P8

Annex 2: Enbridge Customer Service Line Hours



★ **IMPORTANT NOTICE:** Enbridge Gas Distribution and Union Gas have merged into one company, Enbridge Gas Inc. We are working to serve our customers better by combining our websites. If you are unsure which website you need, use our [postal code lookup tool](#) to get to the right information.

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Smell gas? 1-866-763-5427

What kind of help do you need?	Billing
Billing	 <p>Try our Virtual Assistant! Did you know you can ask our new virtual assistant, cozE™ anything about your bill? Try it today.</p> <hr/> <p>Residential and small commercial customers 1-877-362-7434 Monday to Friday 8:00 a.m. - 6:00 p.m.</p> <hr/> <p>Large business customers 1-855-311-2522 Monday to Friday 8:00 a.m. to 5:00 p.m.</p> <hr/> <p>How to pay your bill Learn about the options available to you.</p>

Office location



Toronto (Head Office)

500 Consumers Road
North York, Ontario
M2J 1P8

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