

PUCO EXHIBIT FILING

FILE

Date of Hearing: November 4, 2010

Case No. 02-1828-GA-CRS

PUCO Case Caption: In the Matter of:

Commerce Energy, Inc., dba Just Energy,
for a Certification as a Competitive
Natural Gas Provider.

List of exhibits being filed:

Company Exhibit #1 - Application for Renewal Certification
OCC Exhibit #1 - Call Log of Complaints Received by OCC

Reporter's Signature: Carolyn M. Burke

Date Submitted: November 17, 2010

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BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

- - -

In the Matter of the :
Application of Commerce :
Energy, Inc. dba Just : Case No. 02-1828-GA-CRS
Energy for Certification :
as a Competitive Retail :
Natural Gas Provider :

- - -

PROCEEDINGS

before Scott E. Farkas, Attorney Examiner, at the
Public Utilities Commission of Ohio, 180 East Broad
Street, Room 11-C, Columbus, Ohio, called at 10:01
a.m. on Thursday, November 4, 2010.

- - -

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Case Number 02-1828-GA-CRS

The following exhibit(s) were prefiled and can be located with the pleadings:

Exhibits

Date Filed

COMPANY EXHIBITS

1 - Application for Renewal
Certification

Aug 12. 2010

No.	Date	Contact ID Number	City	Utility Name	Consumers' Comments
42	08/07/10	150278424	Toledo	COH	I spoke to this consumer on 9/2. The consumer is unhappy that Just Energy came to his door marketing their services the previous day and the representative was very forceful and would not take "no" for an answer. He said the rep told him nothing would change, but if he stayed as he was his rates would go up. The rep pressured him to sign the contract until he relinquished and gave them his COH account number and signed the contract. He is not happy with his decision and wants to stay with G3 for his supplier. 27/2010. Apparently, he signed a 5-yr. agreement (rate unknown), but the individual kept certain parts of documents covered/hidden during his presentation and at first made it seem as though he was representing COH. She was supposed to speak with her parents again this about canceling the agreement, but she cannot reach them at their cell #. The landline ph. is currently inactive (several days), but a repair tech. should be dispatched shortly. Her parents were with Direct Energy b/c switching to Just Energy. I dialed the consumer's # and she reiterated that the Just E. (also operating as US Energy) rep. (named William Portelc or Parker) came to her parents home at around 7:30 pm. - 8:00 pm. (after dark on 8/27/10) to solicit. Her parents were offered and agreed to 5-yr. @ \$0.899. She called the City Commissioners off. and discovered that this supplier didn't obtain a (solicitation permit) to go door-to-door as required(?). Just Energy has been certified to operate in the state of OH through the PUCO - unsure if a separate operating permit is necessary at the city level. Her parents were able to
43	08/28/10	150279286	Salem	COH	

Consumers' Comments				
No.	Date	Contact ID Number	City	Utility Name
37	07/01/10	150275824	Youngstown	DEO
				The customer stated that this past Mon., June 28, 2010, a Just Energy rep. named Phil Oliver came to her home soliciting for business. She's a DEO cust. and had no intention of switching her DEO service, but Mr. Oliver (independent contractor #45102354) insisted that her 18-yr. old minor child sign a document agreeing to switch to Just Energy in a contracted 5-yr. arrangement. Her son maintains that Mr. Oliver clearly knew that he was a minor, but told his superiors back at the office that the child was over 18-yr. of age. The son contacted his Aunt, who in turn contacted Mrs. She called to cancel the enrollment and is furious that this even occurred in the first place. A Just Energy rep. at the office apologized for this situation, but she's still upset. She feels that this type of behavior is "outrageous" and needs to stop. If it could happen to her, what about the elderly who more than likely would have no idea what was taking place? She is requesting a call back from a supervisor and or manager.
38	07/09/10	150276078	Kent	DEO
				Customer received call from Just Energy, claiming that he was "in contract" with them. The call arrived on June 30th. Wife told them that she didn't handle these issues and denied knowing anything about it. The call originated from Ontario, Canada. Just Energy called back on July 5th at 4 PM, speaking to a "woman" from Just Energy, who stated that customer "had a contract" with them for 5 years, but notifying him that there was going to be a rate change on the account. Customer again denied any knowledge of having an agreement with Just Energy, since he had already confirmed SouthStar, DBA Ohio Natural Gas, was his contracted supplier. Customer challenged the company to provide a signed contract or any other verification that he had enrolled with them and rep agreed to send him something. Nothing has been received. He called Just Energy on July 6th, reiterating that he was in contract with SouthStar, not Just Energy, and the rep indicated that it appears that a change order was "in motion" on the account to change him to Just Energy. Customer vehemently denied Customer contacted the OCC regarding her gas supplier, Just Energy. She explained that she wishes to cancel with the supplier and return to Columbia Gas. Customer believes she was misled with the supplier's offer, believing she would save money if she enrolled. Customer is on a very limited social security income and is concerned that the early cancellation fee will only contribute to her already challenging financial situation.
39	07/12/10	150276139	Zanesville	COH
				I spoke with the consumer's daughter. The consumer is elderly and a man came to her home on July 11 to sign her up for Just Energy. She told him no several times, but he persisted, telling her it would not charge anything about her service. The customer is on the PIPP program and cannot switch suppliers while on PIPP. He still insisted on signing her up for his service. The consumer is worried this sign up will remove her from PIPP. The JE representative was also very pushy and bullied her into signing his contract. She does not want JE, nor to be removed from PIPP.
40	07/15/10	150276310	Uhrichsville	DEO
				The consumer is disputing charges with Just Energy. He enrolled with Just Energy 8-3-2010 at \$.89 per CCF, however, the billing is already in effect.
41	09/03/10	150278352	Columbus	COH

Consumers' Comments				
No.	Date	Contact ID Number	City	Utility Name
31	04/26/10	150273176	Grove City	COH
The customer said a solicitor from Just Energy came to her door today and told her something to the effect that COH would be selling accounts to another company since they would no longer be in business (the customer was paraphrasing and could not remember exactly). The customer was busy, so the sales rep left a card (no name) with the phone number 1-866-567-8674. It was a 5 year contract at \$0.8739. The customer felt the sales rep was trying to scare her into switching companies.				
32	05/21/10	150274265	Columbus	COH
The customer said a Just Energy marketer came to her door with a copy of a COH bill with what looked like a COH logo and asked to see her COH bill. She was under the impression the solicitor was trying to appear like they were associated with COH, but she felt uncomfortable showing her bill to a stranger.				
33	06/02/10	150274609	Columbus	COH
The customer stated a representative from Just Energy came to his residence and offered a 5 year fixed rate of \$.99/cf. He stated the representative stated he had to make a choice on a supplier because COH is no longer selling natural gas.				
34	06/09/10	150274945	Toledo	COH
The customer contacted the Office of the Ohio Consumers' Counsel regarding a Just Energy employee that came to his home. He stated a Just Energy employee came to his home and demanded to see his bill. He stated he felt very uncomfortable and asked the employee to leave. He stated he has lived in his home for 55 years and has never had this happen before and believes it should against the law for companies to send people door to door and intimidate retired people. I advised I could contact the company and asked he be removed from there solicitation list but he declined. He just asked I document his concerns.				
35	06/14/10	150275118	Columbus	COH
The customer states that Just Energy has been in her neighborhood soliciting gas choices. They are telling individuals if they don't choose a supplier Columbia Gas will make the decision in a couple of months. Are they allowed to come door to door? Just Energy -The customer called the Ohio Consumers' Counsel because Just Energy solicited their rate of \$.899 for 5 years. She told the sales representative she was on PIPP. The representative gave her a look like he didn't know what she was talking about and continued the solicitation, and she signed the agreement. After he left she was concerned about the difference in her being on PIPP and going with a supplier. I explained that as long as she was on PIPP she could not go with a supplier, that if the application is process it will be denied. I spoke with Betsy from COH and she confirmed that the customer is on PIPP for \$85 per month, she has a credit balance of \$724.08. I explained that she has a credit balance and could go off PIPP and use up the credit or get a refund check. She stated that she felt gas prices are going to go up due to the oil spill and she wanted to continue to stay on PIPP.				
36	06/30/10	150275771	Wakeman	COH

Consumers' Comments				
No.	Date	Contact ID Number	City	Utility Name
27	04/06/10	150272151	Eastlake	DEO
Just Energy - The customer called the Ohio Consumers' Counsel because she wanted to log a complaint about Just Energy. She stated that the sales representative, Edward Washington, used high pressure sales tactics to encourage her to enroll with Just Energy, yesterday, Monday, April 5, 2010. She stated that she called Just Energy and was finally able to cancel the agreement after further sales pressure to remain in the agreement from telephone sales representatives. I am sending this complaint to you as I thought Just Energy may be interested for training purposes.				
28	04/12/10	150272412	Medina	COH
Customer called on February 3rd to cancel her agreement with Just Energy. Was given a confirmation number and told it would take 1-2 billing cycles for change to occur. Customer's billing cycle is on the 22nd, so at the latest, she should have reverted to C&G's rates as of her March 22, 2010 billing cycle. When she received the March bill, she was still getting billed at Just Energy's rates. When she called to inquire, she was told that there had been an error in the cancellation and that it had not been processed (reportedly Just Energy had just switched systems and her cancel order was in the "old" system) but that they would process her cancellation immediately. When she was told about the error, she inquired about an adjustment and was told that none would be forthcoming. Customer questioned this, since the bill she will receive in April will be her third since calling to cancel.				
29	04/22/10	150272947	Reynoldsburg	COH
The customer contacted the Office of the Ohio Consumers' Counsel regarding a salesman from Just Energy. She stated the salesman came to her door and insisted he wasn't selling anything only trying to protect her. She stated he explained COH would no longer be selling gas and she needed to enroll with a supplier or she could risk losing gas service. He went on to explain that he would ensure her gas service for 5 years if she signed the contract. She stated she tried to decline and advised her husband needed to make the decision but he would not leave until she signed it. She eventually signed it, but called Just Energy immediately to explain she did not want to sign the contract but she was not in the system yet. The customer stated she is elderly and felt intimidated by the salesman. She would like to verify she was not enrolled with Just Energy and would like to be removed from its solicitation list.				
30	04/22/10	150272965	Reynoldsburg	COH
The customer contacted the OCC regarding a Just Energy solicitation. She stated a salesman stopped by her home and advised COH was going to stop selling gas and she needed to sign-up or else risk losing gas. She told him to come back in 30 minutes that she needed to verify his information.				

No.	Date	Contract ID Number	City	Utility Name	Consumers' Comments
23	03/25/10	150271697		COH	The customer called regarding a gas marketer who solicited her business. She stated the salesperson was very pushy and claimed she was from Columbia Gas. When she asked to see an ID, the ID actually said Just Energy. She feels the salesperson misrepresented herself and provided incorrect information. She did not sign up with the company, but worries how many other people were tricked into the sales pitch. She has already contacted Just Energy and was advised the salesperson was subcontracted and they have no control over their actions. She believes gas marketers should have stricter regulations to prevent this from occurring.
24	03/26/10	150271739	Baltimore	COH	The customer received a visit from a Just Energy representative who told her he was with Columbia Gas and attempted to switch her gas supplier to Just Energy. She did not authorize JE to be her supplier, but she is concerned he may have signed her up anyway. She did show him her Columbia Gas bill, which allowed him to obtain her account #. She wants to verify she does NOT get switched to JE.
25	03/26/10	150271765	Euclid	DEO	The customer stated that 2 Just Energy representatives came to his home at around 8:00 pm, last evening, March 25, 2010, attempting to solicit his business. It was cold and raining outside, so Mr. told the pair that he suffers from emphysema and didn't want to stand in his doorway long, but the reps. talking. He closed his door, but noticed that one of the reps. was still there writing up a contract. The customer opened his door and the rep. advised that he could offer a 5-year fixed rate with a savings from what he was currently paying. He practically wouldn't take "no" for an answer, but Mr. finally had to just close the door and walk away. He feels that "high-pressure tactics" are irresponsible and diminishes the cause of this company's efforts to gain customers. He called Just Energy and was told that nothing had been changed/switched and he remains a DEO customer. He attempted to contact DEO, but to no avail.
26	03/26/10	150271767	Crooksville	COH	The customer is very unhappy that Just Energy came to her door soliciting for her business. She is sick and it is a great inconvenience for her to receive door-to-door sales people at her home.

No.	Date	Contact	City	Utility Name	Consumers' Comments
		ID Number			
17	02/11/10	150269622	N/A	N/A	The customer called regarding a gas marketer that came to her home. She stated the marketer promised her a lower rate for 5 years, but the rate was actually higher than what she currently pays with DEO. She asked the salesperson to provide a business card, but they would not. She advised the salesperson she was going to report the misleading information that was being provided, and she left. She did not have any information about the salesperson, only that she was a woman.
18	03/12/10	150271364	Westerville	COH	The customer called the Ohio Consumers' Counsel because there were 2 women that solicited for Just Energy. He had a number of complaints about both of them but he got the badge number and name of only one of them, Adrienne Carter. Badge Number 45141610. Their information was vague. They didn't mention a cancellation fee (which is \$100). They told him they did not have time to answer questions. They didn't understand a gas bill or the billing process for instance when he asked if there was a flat fee they told him yes (he meant monthly amount as in a budget for the entire bill) their offer was for \$.99 fixed for 1 year. They did not offer brochures on what they were soliciting.
19	03/19/10	150271547	East Liverpool	COH	The customer was solicited by a Just Energy employee to switch her service. She felt the person was pushy and misleading and believes gas marketers need more restrictions. She does not want me to contact the company, but asked that her concerns be documented.
20	03/22/10	150271595	Fostoria	COH	Just Energy - The customer called the Ohio Consumers' Counsel on behalf of his sister in law. The sister in law was solicited by Just Energy on Friday, March 19, 2010, however, she is in her senior years, was confused and did not intend to switch away from COH. She was concerned that her cancellation would not be processed in the 7 day rescind period.
21	03/23/10	150271615	Alliance	COH	The consumer has been with Commerce/Just Energy since May 2009; however, been charged this entire time incorrect rate (.879 per CCF). The customer does not have paperwork on the road with him he thinks that is the rate. He pays his bills on line and notice a difference in rate. He has contacted supplier several times to resolve the billing error but not getting any results. They have acknowledged the rate is wrong but have not corrected it. He has tried faxing over bills but fax number incorrect. He mention representative have broken English cannot understand his concerns completely
22	03/24/10	150271648	Kent	DEO	The consumer is disputing the time of night a solicitor from Just Energy came to house. They were not expecting anyone and choose to not answer the door but after the 4th knock on door answered it. The representative from Just Energy stated could SAVE money on gas bill. The tenant advised that the landlord handles the utilities you would need to discuss with him. The consumer inquired why you coming to homes so late, representative are responded our office keeps us at till 9:30 some evenings. They have requested do not come onto property again. The consumer did not get name of representative of Just Energy.

No.	Date	Contact ID Number	City	Utility Name	Consumers' Comments
13	01/20/10	150266560	Columbus	COH	The customer called Just Energy on Nov. 1 2009 to cancel his contract with them as of Dec. 15, 2009 when his contract was expiring. He called them more than once more to confirm this was in place and he called Columbia Gas to advise also. Now the customer received another CG bill and still shows the customer with Just Energy, so he called Just Energy and Columbia Gas and neither show the cancellation with Just Energy that was supposed to occur on 12/15/09. So he cancelled again today but is very unhappy that he now has to wait another 1-2 bill cycles for Just Energy to be off of his bill
14	01/22/10	150266691	Toledo	COH	The customer stated she has contacted Just Energy to cancel her service with them 2 times, the last time being 30 days ago, and has not gotten a written cancellation confirmation. She asked for written confirmation both times. She was told the first time she would be charged a \$50.00 early termination fee and the 2nd time she cancelled she was told there was no early termination fee. She still has not received confirmation in any way that her service with Just Energy has been cancelled.
15	02/01/10	150269092	Perrysburg	COH	The customer attempted to contact Columbia Gas of Ohio (COH) directly, but was unable to navigate through its automated voice system, so she dialed the OCC to relay her concerns. According to the customer, a Just Energy supplier/marketer employee came to her door this morning, February 1, 2010, attempting to solicit her business. She informed the gentleman (no name) that she wasn't interested, but he insisted on viewing her bill. When she refused the second time, he stated, in a threatening tone, that the police gave his company the authority to request customer bills to determine if there was a noticeable savings on gas charges. The customer refused again and this last time, the gentleman left and went to her neighbor's door. She felt compelled to report this incident b/c she fears that other COH customers could be accosted by this gentleman and made to feel that they have to provide their billing statements to a complete stranger against their will.
16	02/01/10	150269103	Columbus	COH	The customer contacted the Office of the Ohio Consumers' Counsel regarding an ongoing issue with Just Energy. She stated she has been trying to cancel her account with Just Energy since April of 2009. Every time she has called she has been told a different story, until last month. She stated last month she was advised since she is a senior citizen she could cancel with no fee, but it would take one to two billing periods. The customer is recently widowed and cannot afford any additional expenses, but just received a \$250 gas bill. She stated that when she called last year she was promised a lower rate, but recently compared her rate to the COH rate and realized she was paying double. She stated the customer service representative advised she would be mailed a refund for the difference, but she cannot wait for a check to process. She is worried her gas will be disconnected, and she cannot afford her most recent bill.

No.	Date	Contact ID Number	City	Utility Name	Consumer's Comments
9	12/03/09	150267324	Lima		The customer contacted the Office of the Ohio Consumers' Counsel regarding Just Energy. She stated on November 11, Arnold Taylor a representative for Just Energy solicited her business. She stated Mr. Taylor explained she could save money by switching to Just Energy and asked her to agree to a 2 year contract with no cancellation fee. She explained that her husband pays the bills and she would need to provide him with the information so he could make a decision. She stated Mr. Taylor agreed and explained that he needed her to sign a paper so he could show his supervisor how many people he spoke with that day. The customer signed the paper provided and was later informed it was a contract. She was also informed that it was a 5 year contract with a \$100 cancellation fee. The customer stated she has been trying to speak with someone to cancel her contract, but has been unable to reach one.
10	12/04/09	150267366	Cleveland	DEO	The customer seems concerned about the lateness in door to door contact. Just Energy representative contacted him 9-9:30 p.m. offering gas choice best offer. There are a lot of homes in his area in foreclosure and may not feel safe answering door. The customer did feel he had time to research on this subject.
11	12/08/09	150287465	Lima	DEO	The customer enrolled with Just Energy back on November 14, 2009 for a 5-yr. duration period @ \$9.25 per Mcf. At the time, she was advised that this rate was lower than Dominion East Ohio Gas (DEO) @ \$7.00 + and that she'd see a significant savings on her bills each month. According to the customer, this information is incorrect and now she wants to cancel the agreement. She was advised that to do so, she'd be charged an early termination fee of \$100.00 as agreed to in her contract. She stated that she wasn't made aware of this information at the time of her enrollment nor was she told that she could rescind within 7-days of that date. She feels that Just Energy reps. purposefully misled her in order to obtain her business.
12	01/14/10	150286384	Dover	DEO	The customer called the Ohio Consumers' Counsel because he had a complaint about a representative from Just Energy, Nathan Newton, badge number 45101563, who he stated went into their home uninvited. He stated that their home has an "add-on" (constructed room addition not built when the house was originally built) with solid walls and it is sealed with one window. Nathan Newton came through that first door, through the add-on and met his wife at the second door and was pushing the second door that was cracked somewhat for about 2 minutes and then left. Nathan Newton did not go through the second door but frightened his wife who was shaken when he returned home from work. His wife did not provide any information, to Nathan Newton, and told him she was not interested. The customer is so upset about the ordeal that he is also filing a complaint with the police department.

Consumer Comments				
No.	Date	Contact ID Number	City	Utility Name
5	11/13/09	150266896	Norwalk	COH
Customer called in very upset. Customer claims he has a contract 2 years fixed rate of 93 cents per ccf with Just Energy. Customer is stating that he is being charged \$1.19 per ccf and this is the incorrect rate. Customer claims he has contacted company and they do not show him on a 93 cent rate. Company told him this would need to be researched. Customer claims he has all the paperwork showing he is correct.				
6	11/16/09	150266929	Elyria	COH
The customer said two Just Energy employees came to her door to "see if she would qualify for better rates". They told the customer to get her bill, but she refused, since she found the people suspicious. They told the customer to get her bill, but she refused, since she found the people suspicious. They told the customer to get her bill, but she refused, since she found the people suspicious.				
7	11/25/09	150267173	Parrysburg	COH
I have had an extremely bad ongoing experience since I renewed with Commerce Energy, now called Just Energy. I renewed with Commerce Energy for a better rate on natural gas back in March 2009. I never received a written contract, and it took repeated phone calls, surprising and unprofessional methods from their employees on the phone, until finally in August I received the new rate. I was also promised that a particular supervisor (Samuel) would call me back at mutually agreed upon appointed times during the evenings, and each time, they did not call back. By the time I finally started to receive the new rate, which took 6 months, they had a new lower rate. I understood in March that I was renewing into the "Sure Choice Plus" plan, which had no cancellation fee. While it may not have been referred to as that, I mentioned that I had understood there was a plan for that rate, and he agreed. My friend received a written agreement calling it that, and it states there is no cancellation fee. I did not receive any confirmation in the mail.				
8	11/30/09	150267192	Maumee	COH
report indicated that Commerce Energy offered a base rate of \$0.93. I called them on March 10, 2009 and spoke with them to switch to the cheaper rate. He waived any cancellation fee and said the rate would go into effect in two billing periods. Nothing happened. In July, the Apples report showed they had a cheaper rate of \$0.899 so I called on July 16, 2009 and spoke to Doug (who was much easier to understand). Doug informed me that they also had a rate of \$0.93 at that time that had a 7% rebate and no cancellation fee. That plan was actually better than the cheaper rate of \$0.899. I agreed to the \$0.93 rate and it was to take another two months before it would go into effect. The change became effective with the September 2009 billing. Since that time natural gas rates have continued to fall so today I called and canceled my contract with Commerce Energy completely so that I could take advantage of the cheaper rates with Columbia Gas. I spoke with Symrel and he confirmed the cancellation (#39288) and again said it would take one to two billing periods to become effective.				

Occ EX 1

No.	Date	Contact ID Number	City	Utility Name	Consumers' Comments
1	10/01/09	1502864515	Genoa	COH	Customer called in claims she renegotiated a new rate on 6/10/09 of 93 per ccf. Customer claims she spoke to a representative Isabel and received a confirmation number of 8810. The customer never received this rate. What rate do show customer is on? If customer is on 93 please re-rate to time this took place. Also we are requesting customer to have cancel fee waived if she was not put on the correct rate.
2	10/19/09	150286053	Toledo	COH	Customer called in claims that a man in a Just Energy outfit came to his door and wanted to see his bill. Customer showed him his bill but did get the bill back. This customer is stating that the marketer that came to his home told him it was mandatory he had to change to Just Energy. Customer stated he ran him off.
3	10/26/09	150286327	Toledo	COH	Problem: In order to switch people from their current gas supplier Just Energy has a salesperson going door to door with a 5 year Natural Gas Price Protection Plan. He says he is authorized by Columbia gas and trying to ensure that the homeowner that he or she does not pay too much. The salesperson asks to see a current gas bill and then incorrectly or intentionally misrepresents to homeowners that their current rate is higher than Just Energys. It is a hard sell. He repeats that he is selling a price protection plan and never says that in reality the homeowner will be authorizing a switch in utility gas suppliers. In my case I was told my gas rate was not 0.768 per ccf but the 1.71 sales tax figure. The salesperson was guaranteeing that Just Energys rate was .899ccf and there was no sales tax. He told me I was paying 1.71ccf and that Just Energys rate was .899ccf. At first I thought he was telling me correct information but when I asked if I was switching suppliers he say I was enrolling in a price protection plan. When I wanted to void my authorization he would not let me do so at first and Customer enrolled with Just Energy for a fixed rate of \$0.79 per CCF after being told this would cost him just half of what he would otherwise be required to pay if he remained with Columbia Gas. When he received his first bill on September 30, 2009, he realized he had been misled and called to cancel his contract with Just Energy. The representative put him on hold and never returned to the line. He thought it was resolved at that time. He received a new bill and Just Energy is still his supplier. He spoke to a supervisor today that agreed to cancel his contract today. The supervisor said there is no record of his call on October 1, 2009, and he advised the customer that it would take 1-2 billing cycles to cancel. I explained that the amount of time needed to switch the service back to Columbia Gas is due to the need for an actual meter reading. The customer is requesting to be credit for the difference in rate from October 1 (the date of his original call) to the date the cancellation takes effect.
4	10/30/09	150286522	Mansfield	COH	