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National Association of Regulatory Utility Commissioners



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Consumer Affairs Part II:

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June 2010



Consumer Affairs Part II:

- Complaint Policy
- Informal vs. Formal
- Consumer Services Rules and Enforcement
- Tracking of Consumer Data
- Alternative Dispute Resolution

Complaint Policy

4 CSR 240-2.070 Complaints

(1) The commission on its own motion, the commission staff through the general counsel, the office of the public counsel, or any person or public utility who feels aggrieved by a violation of any statute, rule, order or decision within the commission's jurisdiction may file a complaint. The aggrieved party, or complainant, has the option to file either an informal or a formal complaint.

Complaint Policy

4 CSR 240-13.070 Commission Complaint Procedures

(1) Prior to filing an informal or formal complaint, the customer shall pursue remedies directly with the utility as provided in this chapter. The commission specifically reserves the right to waive this requirement when circumstances so require.

Two Types of Consumer Complaints

- ❑ Informal Complaint
- ❑ Formal Complaint



Informal Complaint

- ❑ **Consumer Inquiry:** An issue PSC staff can resolve without contacting the utility company. Inquiries also incorporate EFIS Quick Hits that include “referrals” to other information sources on matters over which the PSC has no jurisdiction (wireless, cable TV billing issues, Internet service providers, satellite service).
- ❑ **Informal Complaint:** An issue typically involving a billing, payment, service quality or safety issue that requires PSC staff to contact the utility company for mediation or resolution. It does not necessarily mean the utility has violated Commission rules and regulations or the company’s tariff.

Informal Complaint

Complainant shall state, either in writing, by telephone or in person at the commission's offices:

- ✓ Name, street address and telephone number of each complainant and, if one (1) person asserts authority to act on behalf of the others, the source of that authority.
- ✓ Address where the utility service was rendered.
- ✓ Utility against whom the complaint is filed.
- ✓ Nature of the complaint and the complainant's interest therein.
- ✓ Relief requested and the measures taken by the complainant to resolve the complaint.

Informal Complaint

Utility Cooperation is Critical:

■ Educate Consumers:

- On such issues as outages, inter-company processes, installation process, billing local vs. long distance, etc.

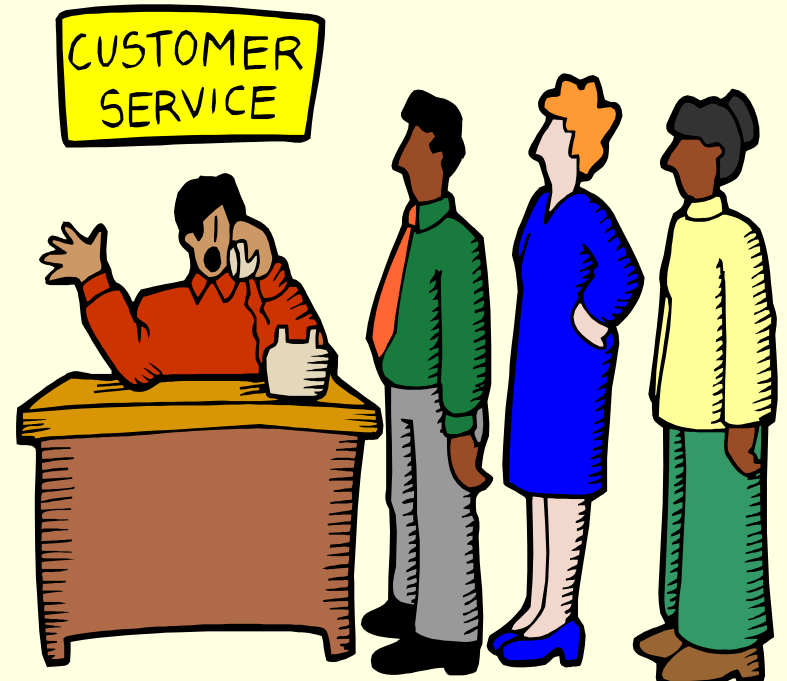
■ Timely Response with Complete Information:

- Respond on disconnects within 1 business day and for all other issues within 3-15 business days.
- Provide as much detail as possible to avoid Consumer Services staff requesting additional information (follow Utilities Checklist).

Informal Complaint

"We spend a lot of time with customers in order to get all of the information that is needed to further investigate the issue(s) they have with the utility company" - *Gay Fred*

-Manager of the PSC Consumer Services Department



Formal Complaint

- ✓ If complainant is not satisfied with the outcome of the informal complaint, as an appeal process, a formal complaint may be filed.
- ✓ The Commission may order, at any time after the filing of a formal complaint, an answer from the utility regarding the allegations and an additional investigation by the staff as to the facts of the complaint. The utility shall file an answer and staff shall file a report of its findings with the commission and all parties to the complaint case.

Formal Complaint

- ✓ The Commission orders a pre-hearing so that the parties can discuss any additional discovery necessary, state the list of witnesses and exhibits. Parties shall provide a list of suggested dates and estimated length of the hearing to the Judge. The Judge then encourages the parties to discuss possible settlement.
- ✓ The Commission after receiving notice from the parties will determine if a hearing shall be held and shall set date, time and place of the hearing.

Formal Complaint

- ✓ Formal Complaint Form
- ✓ Chapter 2-Practice and Procedure
- ✓ Handbook-Representing Yourself Before the Missouri Public Service Commission:
 - ? What is the Complaint Process
 - ? What Other Tools Does the PSC Have to Help Me
 - ? What Should I Expect When I Appear before the PSC
 - ? What can I Expect in a Complaint Hearing
 - ? Can the Office of the Public Counsel Represent me Personally in a Proceeding before the PSC

Consumer Services Rules and Enforcement

Work Scope:

☆ Inquiries

☆ Informal Complaints

☆ Public Comments

☆ Outage Reports

☆ Incident Reports

☆ Rules/Tariffs

☆ Formal Complaints

☆ Rulemakings

☆ Reports

☆ Consumer
Education/Outreach

Consumer Services Rules and Enforcement

Receive, investigate and respond to consumer inquiries and informal complaints to ensure compliance with Commission rules and utility company tariffs. This involves:

- Enforcing Chapter 13 - Service & Billing Practices for Residential Customers of Electric, Gas and Water Utilities.
- Enforcing Consumer Bill of Rights (as identified by each company).
- Enforcing Rule and Regulations (state and federal level).

Consumer Services Rules and Enforcement

Processes Continued.....

- Assisting in the development of proposed rules and regulations.
- Educating consumers.
- Documenting all facts on any complaint dispute or inquiry.
- Acting as the liaison between consumer and utility.
- Providing professional analysis (i.e. reviewing facts, bill analysis, verifying application of rules and regulations).
- Mediating a fair and reasonable resolution for both consumer and utility.

Strategies to Ensure Compliance by Utilities

Allow for Open and Joint Communications

- ⇒ Complaints / Inquires
- ⇒ Reporting Requirements
- ⇒ Rules and Rule proposals
- ⇒ Tariff language and proposals
- ⇒ Upfront discussions on promotions that will benefit the consumer and how we can work as a team
- ⇒ Share information
- ⇒ Meet periodically with Utility Company
 - Roundtable
 - Site Visit

Consumer Complaint Records



Electronic Filing and Information System (EFIS) is the central repository for all consumer complaints and inquires for accessibility, reference and analysis.



Check Status



Assignment



Metrics



Reports



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Complaint-Inquiry

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Consumer Complaint/Inquiry

SESSION TIMEOUT WARNING: Please be advised that when logged into EFIS, your EFIS session **will** time out (expire) after 20 minutes of inactivity. If your session times out, you will be returned to the logon screen (even if you were able to continue typing text or making entries on the screen). In addition, any data or attachments awaiting submission will be lost.

For assistance with a Complaint or Inquiry, please contact Consumer Services at: 800-392-4211 (toll-free) or by email at: pscinfo@psc.mo.gov

*** Required Fields**

☒ Complaint ☐ Inquiry

☒ New ☐ Existing ☐ Re-open

Mode of Receipt

☒ Residential ☐ Non-Residential

☐ Other

*** Utility Type**

*** Utility Company Name**

*** Priority**

*** Complaint Issue**

*** Complaint Sub Issue**

Consumer's Account No.

*** Additional Name**

Account Name

	<u>Reporting Party</u>
* First Name	<input type="text"/>
Middle Initial	<input type="text"/>

logged in as: Melissa Poole King

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- OFF ASSIGN



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Middle Initial	<input type="text"/>	Middle Initial	<input type="text"/>
* Last Name	<input type="text"/>	Last Name	<input type="text"/>
* Street Address	<input type="text"/>	Street Address	<input type="text"/>
Mailing Address	<input type="text"/>	Mailing Address	<input type="text"/>
	(If different from above)		(If different from above)
* City	<input type="text"/>	City	<input type="text"/>
* State	MO	State	MO
Zip	<input type="text"/> - <input type="text"/>	Zip	<input type="text"/> - <input type="text"/>
* County	Select	County	Select
* Home Phone	<input type="text"/> - <input type="text"/> - <input type="text"/>	Contact Phone	<input type="text"/> - <input type="text"/> - <input type="text"/>
Work Phone	<input type="text"/> - <input type="text"/> - <input type="text"/> Ext <input type="text"/>		
Cellular/Pager	<input type="text"/> - <input type="text"/> - <input type="text"/>		
Fax	<input type="text"/> - <input type="text"/> - <input type="text"/>		
E-Mail	<input type="text"/>		
Preferred Contact Time	From <input type="text"/> AM To <input type="text"/> AM		<input type="radio"/> Home <input checked="" type="radio"/> Work
Preferred Contact Method	<input checked="" type="radio"/> Phone <input type="radio"/> E-Mail <input type="radio"/> Letter <input type="radio"/> Fax <input type="radio"/> Cellular/Pager		
* Complaint/Inquiry Description	<input type="text"/>		
	(Allows only 500 characters)		
Route To	Select		
Sl.No.	Attachment(s)		

Submit Attach Resolve Exit

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Complaint / Inquiry No. C201008388 [Help for Complaint / Inquiry Number](#)

First Name Andy **Last Name** Pirnie

Utility Type Electric

Utility Company Kansas City Power & Light Company-Investor(Electric)

Utility Account No.

Complaint / Inquiry Descriptions
(jsv) Owner has rental property at Bannister address. The renter (Tanzenia Burch) moved out the beginning of March 2010. Company turned service on 3/16/10. Owner (Andy Pirnie) got bill 3/17/10 for \$339 for reconnect fee (\$45), diversion fee (\$150), meter damage (\$15), meter damage (\$100). Customer called company and they gave him number to fraud div. of KCP&L and he has gotten no return call. Cannot get new renter without service turned on.

Complaint / Inquiry Issue Rules/Regulations

Status Closed

Additional Name

Home Phone 816-508-9245

Work Phone

Cellular/Pager

Reporting Party

Contact Name

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Start 2 Internet... Inbox - Micr... Consumer Af... Strategic Info 9:52 AM

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Complaint-Inquiry

Date	Attachment(s)
4/9/2010 11:32:28 AM	COMPLAINT-INQUIRY - Save (CRAIGP)
4/13/2010 11:48:14 AM	pirnie andy-denied service.doc
4/14/2010 9:07:53 AM	pirnie andy acct info.pdf
4/14/2010 9:08:21 AM	pirnie andy rcpt ltr.doc
4/14/2010 9:10:44 AM	pirnie andy closure ltr after call.doc

Date	Attachment(s)	Action
4/9/2010 11:33:24 AM	Pamela Craig	Sending to Co via EFIS.
4/13/2010 11:48:23 AM	Pamela Craig	See attachment. Will fax copy of bill, lease and credit report for renter Tanzania Burch.
4/13/2010 11:54:47 AM	Pamela Craig	Co indicates on 03/15/10 Andy called to turn on above address. A turn on order issued for 03/16/10. On 03/16/10 when field personnel went to property to turn on service, he found tampering/diversion. Meter seal pulled from meter and open potential clip on meter damaged. Meter needs replacing. On 03/17/10 service was not in anyone's name since 09-2009, Rep Pro billed owner for diversion.
4/13/2010 11:55:53 AM	Pamela Craig	On 04/09/10 Rev Pro spoke with Andy regarding the bill he received for diversion. He stated he rented property to Tanzania Burch and he will fax copy of lease. Rev Pro received lease, removed diversion charges from Andy's account and scheduled turn on for him. Credit report shows Tanzania there. I spoke to Andy and he appreciated the help.
4/14/2010 9:07:24 AM	Pamela Craig	Task transferred to self
4/14/2010 9:12:06 AM	Pamela Craig	Sending closing letter, closing complaint.

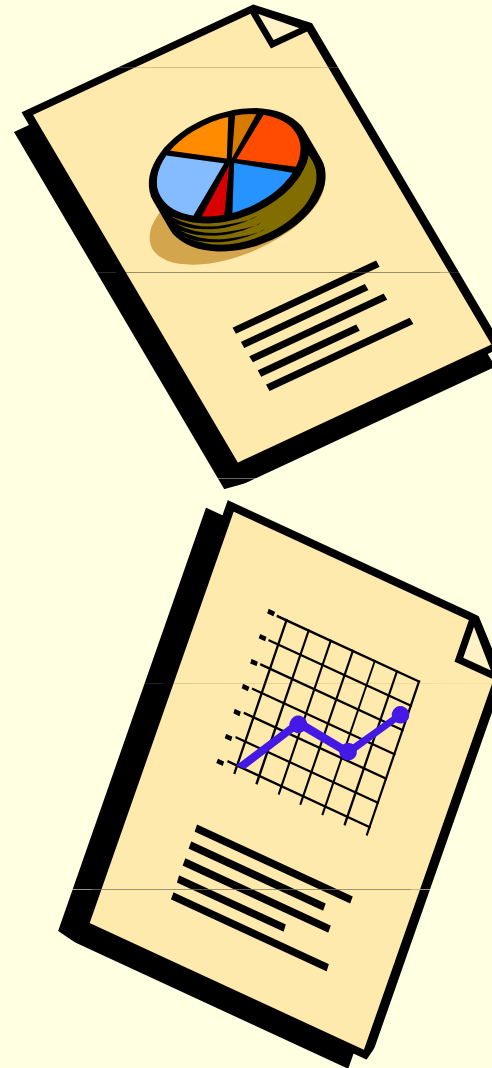
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Effective Complaint Resolution System

- ➔ Standardize list of complaint and resolution issues by utility type.
- ➔ Identify Commission/Federal Violations by capturing the actual rule/statute.
- ➔ Identify complaint timeline (date received and resolved).
- ➔ Provide resolution feedback to consumer and utilities involved.
- ➔ Capture metrics i.e., savings to the consumer, complaints by utility type, company and geographical area.

Consumer Services Reports

- ◆ Open Task Report
- ◆ Constituent Report
- ◆ Outage/Incident Report
- ◆ Weekly Statistical Report
- ◆ Consumer Savings Report
- ◆ Company Specific Report
- ◆ Complaint Issue Report
- ◆ Resolution Issue Report



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Open_Complaints 1

Workload Drivers

- Commission
- Legislature
- State Agencies:
Social Services & DNR
- Federal Agencies:
FERC & FCC
- General Public
- Weather
- Utility Company Filings:
 - Rate Cases
 - Merger Cases
 - Tariff Filings
 - PGA
 - ISRS
 - FAC

Consumer Services Department

Fiscal Year 2007 Statistical Data



Complaints: **5,854**
Inquiries & Public Comments: **5,084**
Total: **10,938**

Formal Complaints Handled By CSD Staff:

Gas: - 30
Electric: - 8
Water: - 1

Complaints by Utility Type:

Gas: - 2454
Electric: - 2252
Telephone: - 998
Water: - 110
Sewer: - 40

Primary Complaint Issues:

Gas:
Estimated Billing, High Cost of Gas

Electric:
Service Outages, Incorrect Billing

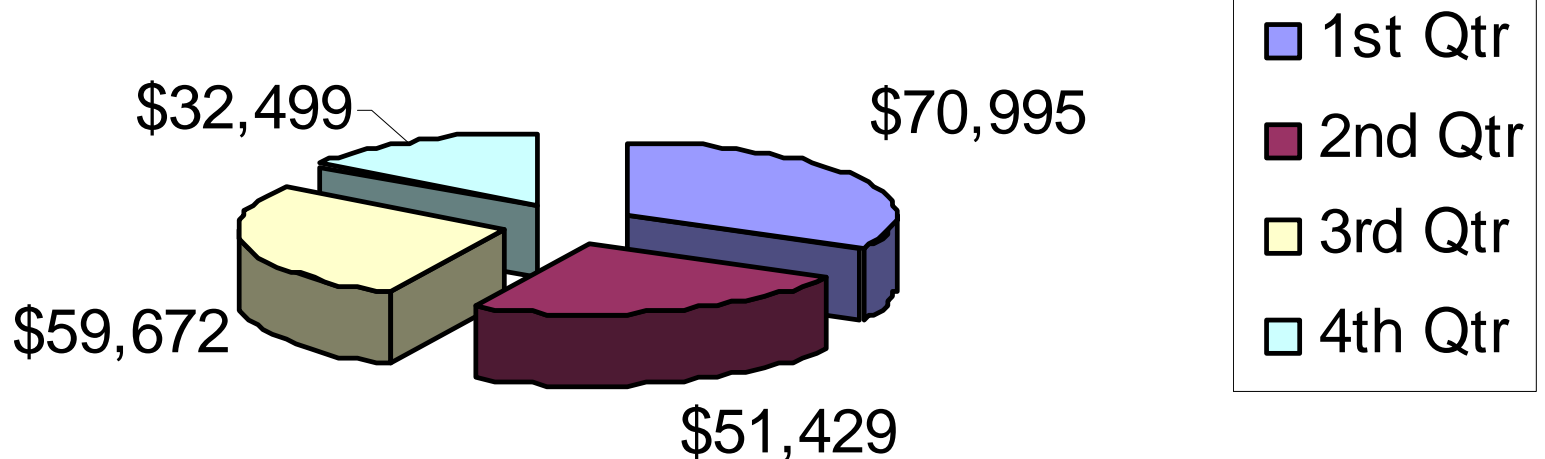
Water:
Service Quality, Incorrect Billing

Telephone:
Disconnects, Incorrect Billing

Consumer Services Department Fiscal Year 2007 Statistical Data

MPSC Consumer Services Saved Consumers - \$214,595

Consumer Savings for FY2007



Consumer Services Department

Fiscal Year 2008 Statistical Data



Complaints & Inquires:

4,649

Public Comments:

2,345

Total:

6,994

**Formal Complaints
Handled By CSD Staff:**

Gas: - 20

Electric: - 11

Water: - 4

Telephone: - 1

Complaints by Utility Type:

Electric: - 1185

Gas: - 1097

Telephone: - 817

Water: - 279

Sewer: - 117

Primary Complaint Issues:

Gas:

Estimated Billing, High Cost of Gas

Electric:

Service Issues, Incorrect Billing

Water:

Incorrect Billing, High Bills, No Bills,
Back Bills

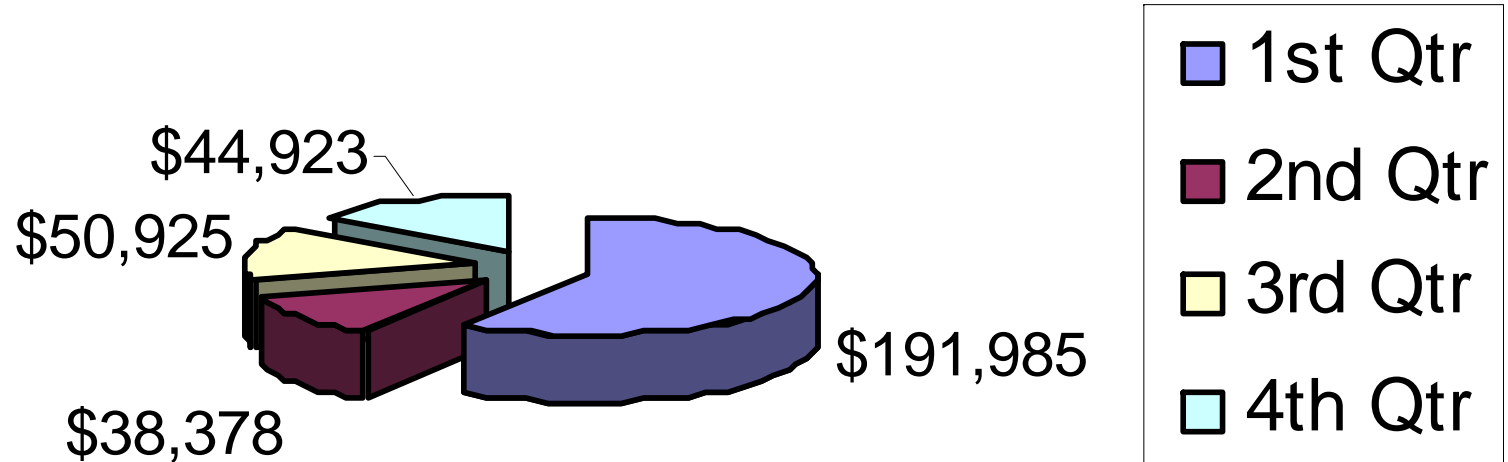
Telephone:

Disconnects, Incorrect Billing

Consumer Services Department Fiscal Year 2008 Statistical Data

MPSC Consumer Services Saved Consumers - \$326,211

Consumer Savings For FY2008



Consumer Services Department

Fiscal Year 2009 Statistical Data



Complaints:	2,859
Inquires:	2,789
Public Comments:	<u>1,201</u>
Total:	6,849

Formal Complaints Handled By CSD Staff:

Gas:	- 8
Electric:	- 5
Sewer:	- 2

Complaints by Utility Type:

Gas:	- 1120
Electric:	- 1072
Telephone:	- 415
Water:	- 214
Sewer:	- 38

Primary Complaint Issues:

Gas:
Disconnects, High Cost of Gas

Electric:
Disconnects, Denials, Deposits

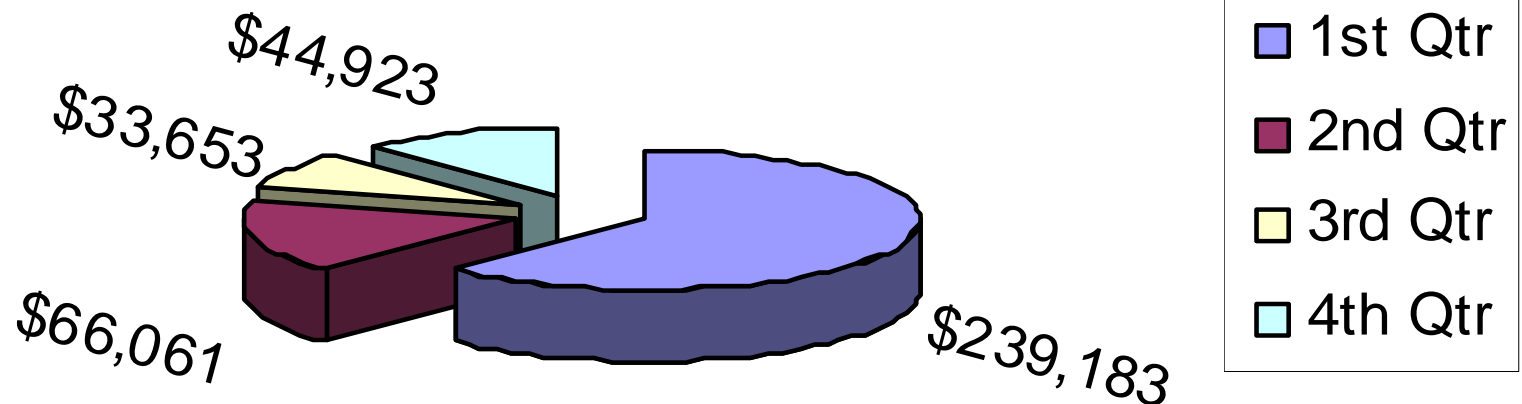
Water:
Disconnects, Disputed Bill

Telephone:
Major Outages, Disputed Bill

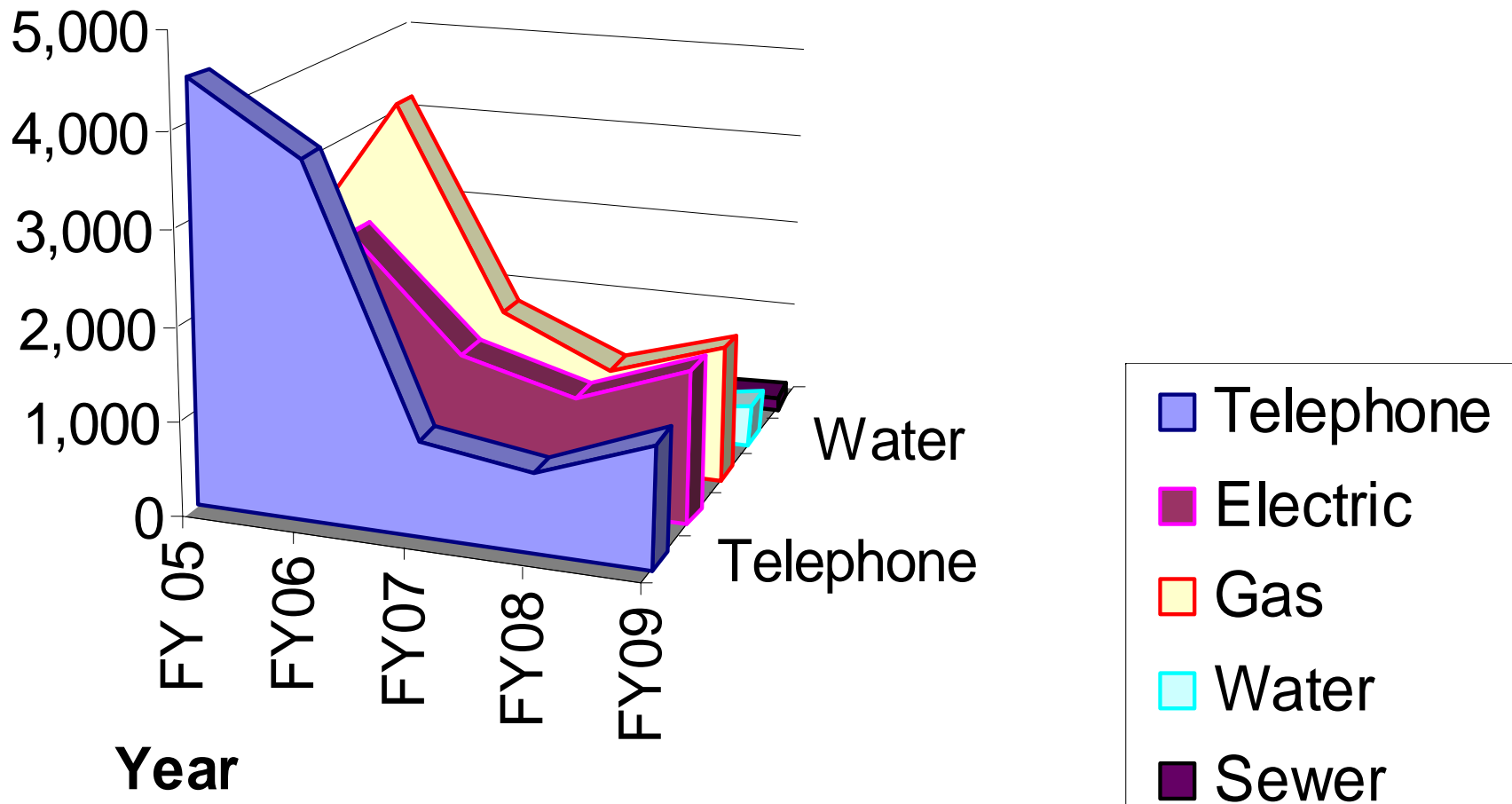
Consumer Services Department Fiscal Year 2009 Statistical Data

MPSC Consumer Services Saved Consumers - \$383,820

Consumer Savings for FY2009 \$383,820



Complaint/Inquiry by Utility Type



Data Is Crucial



- ☐ Justifies Our Purpose
- ☐ Show Trends for Immediate Action
- ☐ Helps Support Legislative and Rule Modifications
- ☐ Helps Identify Consumer Education Needs
- ☐ Helps Advocate Consumer Issues



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Alternative Dispute Resolution

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June 2010



Goals of the Presentation

- Give Basic Introduction to Alternative Dispute Resolution and Mediation
- Overview of Skills to Use in Mediation
- Mediation Issues to Consider

Presentation Topics

- Defining Alternative Dispute Resolution and Mediation
- The Mediation Process
- Mediation Skills
- Mediation Issues to Consider

Alternative Dispute Resolution

- A procedure for settling a dispute by means other than litigation, such as arbitration, mediation or mini-trial.



Garner, Bryan A. Black's Law Dictionary. 7th ed.

Mediation

- A method of nonbinding dispute resolution involving a neutral third party who tries to help the disputing parties reach a mutually agreeable solution.



Garner, Bryan A. Black's Law Dictionary. 7th ed.

Arbitration

- A method of dispute resolution involving one or more neutral third parties who are usually agreed to by the disputing parties and whose decision is binding.



Garner, Bryan A. Black's Law Dictionary. 7th ed.

Mediation vs. Arbitration

Mediation:

- Non-binding decision
- Mediator helps parties negotiate to reach a decision
- Mutually agreeable decision
- Negotiations may continue after decision is made
- Helpful tool at any time in litigation process

Arbitration:

- Decision is binding
- Arbitrator makes final decision for parties
- Decision is not necessarily based on rules, procedures, or law
- Limited grounds for appeal
- Most helpful in the beginning of litigation process

Why use Mediation?

- Private Process
- Reduces need for litigation
- More flexible to parties' interests and needs
- Lower cost and less formal alternative
- Parties work together to find a solution
- More successful for future interaction

Using Mediation

□ Best Situations for Mediation

- Two-party disputes
- Parties will have future interaction
- Parties are looking for mutual agreement
- Disputing particular issues

Using Mediation

- Less Favorable Situations for Mediation
 - Multi-party disputes
 - Cases involving complex issues
 - Multi-issue cases
 - Parties focused on legal or financial outcome
 - Parties wanting a definite solution
 - Parties seek a declaration to improve future disputes
 - Parties seek authoritative interpretations of public policy

Goals of Mediation

- Understand underlying issues that need to be addressed
- Focus on exploring everyone's interests
- Define interests rather than assume
- See conflicting interests as shared problem to solve mutually
- Recognize & understand differences between parties

The Mediation Process

- 1. Beginning the Mediation**
- 2. Understanding the Issues**
- 3. Clarifying the Issues**
- 4. Evaluating the Options**
- 5. Reaching an Agreement**

1. Beginning a Mediation

Goals for the Beginning of Mediation

- **Mediator explains the mediation process and parties need to understand the mediation process so they know what to expect**
- **Parties sign an Agreement to Mediate**
- **Mediator answers questions and attempts to create a positive tone**
- **Parties build trust in the process and in the mediator**

2. Understanding the Issues

- **Identify the issues & interests for each party**
- **Mediator neutrally paraphrases and reframes key elements of the issues**
- **Determine if parties agree on any issues**

3. Clarifying the Issues

- **Issues**

 - Items to discuss**

- **Interests**

 - The needs the parties are attempting to fulfill**

4. Evaluating the Options

- **Parties develop agreement options for each issue**
- **Discuss and review options, looking for the most agreeable solution**
- **Evaluate consequences of the options**

5. Reaching an Agreement

- **Determine that parties' interests are met**
- **Hold joint or caucus sessions to clarify the agreement**
- **Modifying options**
- **Reaching the final agreement**

Closing the Mediation

- **If agreement is made:**
 - **Review specific agreements to issues**
 - **Determine who will draft agreement**
- **If agreement is not reached:**
 - **Take action in areas parties have agreed**
 - **Discuss the available options to settle unresolved issues**

Useful Mediation Skills

1. Improve Your Listening
2. Determining Interest vs. Position
3. Negotiation Tactics
4. Forms of Questioning
5. Caucus

Improving Your Listening Skills

1. Pay Attention

- Reduce distractions
- Focus on discussions between parties
- Avoid premature judgment
- Notice non-verbal messages

2. Acknowledge You Are Listening

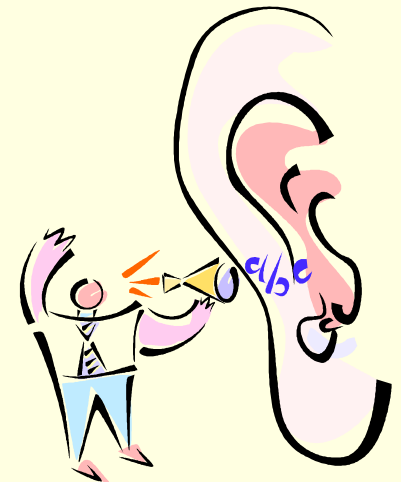
- Eye contact
- Posture and gestures toward speaker
- Facial Expressions
- Take notes

3. Respond to Speaker

- Verbal communication
- Non-verbal communication
- Encourage speaker to continue

4. Summarize

- Neutrally identify parties' views & needs
- Help parties see issues in a different way
- Ask for confirmation



Interest vs. Position

- Interest
 - Drives the parties' position
- Position
 - What the party wants



Negotiation Tactics-2 Categories

- Adversarial & Position-Based Strategies
 - Role reversal
 - Decrease the parties' power to say "NO"
 - Threats & Warnings

- Problem Solving & Interest-Based Strategies
 - Use trade-offs to promote compromise
 - Focus on the future
 - Focus on underlying issues
 - Highlight what's in it for the party

Forms of Questioning

- Relevant Questions
- Open-Ended Questions
- Narrow Questions
- Clarifying Questions



Caucus

■ What is Caucusing?

- Mediator meets with parties individually
- Tool to help parties work toward agreement
- Take place at any time during mediation
- Occur numerous times
- Statements are confidential

■ How Can Caucusing Help Mediation?

- Uncover and clarify details parties' more willing to reveal privately
- Move beyond impasse
- Reduce tension between parties
- Help parties understand effect of options
- Introduce variations of options already stated

Mediation Issues to Consider

- Confidentiality
- Types of Cases
- The Mediator
- Reaching Favorable Settlement Options
- A Win-Win Agreement

Confidentiality

- Laws that create evidentiary privilege
- Reporting duty required by law
- Mediators subpoenaed as a witness in cases they participated in mediation
- Limited release of information



Types of Cases

- Simple vs. complex cases
- Two-party vs. multi-party cases
- Disputes between unequal parties

The Mediator

- Should not be a regulator, nor the eventual decision-maker
- Remain neutral
- Goal to facilitate & obtain settlement
- Retired judge, law professor, hired attorney
- Knowledgeable in the subject matter



Favorable Settlement Agreement Options

- Allow parties to come to their own solution
- Consider the best alternative to negotiated agreement
- Focus on issues, not positions

A Win-Win Agreement

- ◆ Considered Alternatives
- ◆ Interests Addressed
- ◆ Discussed Options
- ◆ Legitimate
- ◆ Uphold Commitments
- ◆ Efficient
- ◆ Relationship



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