

Procedural and Practical Aspects of Consumer Utility Dispute Resolution Process

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Meetings with Kosovo Energy Regulatory Office

Common Complaint Procedure

1. Customer contacts company – company keeps a record of the complaint. If customer is not satisfied, contact is made with the regulatory staff.
2. Customer contacts regulator's complaint staff – informal complaint initiated. (Phone, fax, mail, internet, walk-in to office)
 - If customer has not yet contacted utility, encourage the customer to talk to utility before complaint process initiated.
 - Make sure that the complaint relates to a matter that the regulator has the authority to resolve.
 - Get customer to provide documentation to support allegations.
3. Complaint staff contacts utility to get utility's side of the story and to try to resolve the issue.
4. Utility contacts regulatory complaint staff and/or customer with facts and whether the issue is resolved.
5. Regulatory staff contacts customer to see if satisfied with resolution of if issue remains.
6. Customer decides whether to initiate a formal complaint process by asking for the matter to go to hearing.

Common Complaint Procedure

7. Customer files formal complaint; generally encourage customer to indicate what rule, law, tariff, etc. has been violated and what remedy is being sought.
8. Utility responds indicating whether or not each of the allegations in the complaint is true or false. May claim that the regulator does not have jurisdiction to grant the relief sought by the customer.
9. Utility may try to settle the matter by finding a compromise with the customer.
10. If settlement or resolution is agreed to by the customer and utility, that resolution is presented to the regulator. The regulator then must decide if the decision is in the public interest and if so, the complaint is dismissed.
11. If no settlement, the matter proceeds to hearing with all the formalities of any other contested case – witnesses, discovery, cross-examination, legal briefs, formal commission decision.
12. As with any other formal decision of the regulator, either party can appeal the decision to the courts.

Wyoming Rule Regarding Complaints Made to Utility

- Each utility shall make a full and prompt investigation of all service complaints made to it by customers, either directly or through the Commission, and it shall keep a record of all written service complaints received, which shall show the name and address of the complainant, the date and character of the complaint, and the adjustment or disposal made thereof. This record shall be maintained for a period of three years and shall be open at all times to the Commission.
 - Disputes have occurred as to what constitutes a complaint to the utility versus a customer inquiry or other customer contact.

Pennsylvania Check List

☒ Checklist Before Filing a Complaint with the PUC

- ☐ Have you called your utility about this complaint?
- ☐ Are you the utility customer? Are the service and the home with service in your name? Or, do you have legal authority to act on behalf of the customer of record or applicant (i.e. power of attorney, legal guardian etc.)?
- ☐ Are you prepared to indicate whether you have a Protection From Abuse (PFA) Order when filing the complaint?
- ☐ Are you aware that, by filing a complaint, you are giving the PUC permission to contact the utility and review your account information?
- ☐ Do you know that you must still pay all of your current bills with the utility while your complaint is under review by the PUC?
- ☐ Do you understand that the PUC may be able to arrange a payment agreement between you and the utility, based on your income level, for the amount you owe that utility?

If you checked each box, you are ready to file an informal complaint following the instructions below.

Confidentiality

- Should / does information related to complaints (especially informal complaints) stay confidential?
 - Customer name and account number?
 - Other?
- Or is it all part of the public record?
 - What if someone wants to establish a pattern of problems – is there summary data available if specific complaints are confidential?

Rules from Wyoming Commission

- Section 114 of Procedural Rules and Special Regulations: *Complaints*
 - (a) Any person, municipality, entity or the Attorney General may file a complaint regarding any matter under the Commission's jurisdiction

Rules from Wyoming Commission

(b) Informal Complaints

Complaints which do not contain a request for a hearing may be made in person, by telephone, by facsimile transmission, or by other means.

(i) Nothing in these Rules shall prevent the Commission, upon its own motion, from requesting a written complaint and investigating or holding a hearing on the complaint.

(ii) No form is prescribed for a complaint presented in the above manner, but in substance it must contain a clear and concise statement of all the facts involved, the name, address and telephone number of the complainant and the name of the utility against which the complaint is made.

(iii) The Commission may direct the utility by telephone to promptly investigate and respond to the informal complaint, and a copy of the informal written complaint, or documentation of a verbal complaint shall be forwarded by the Commission to the utility with directions to investigate and respond within a reasonable time.

(iv) The complainant or utility may request a hearing on any unresolved informal complaint.

(v) The complainant or utility may resolve any complaint by an agreement.

Rules from Wyoming Commission

(c) Formal Complaints.

Complaints requesting a hearing shall be prepared and filed with the Commission and contain the following information:

(i) The names of all complainants must be stated in full and the address of each complainant with the name and address of his attorney, if any, must be given.

(ii) A statement in ordinary but concise language of the facts on which the complaint is based, including whenever possible reference to the statutes, rules or orders that the complainant alleges have been violated, as well as a request for hearing.

(iii) When directed to do so by the Commission, the complainant shall serve a copy of the complaint, together with a copy of the Commission's order requiring the respondent to answer the complaint, upon the respondent. Service shall be had in the manner provided by 105 of these rules [the section of the rule specifying how to serve papers on others].

CHAPTER IX
GENERAL FORMS

Section 901. Forms. Unless specifically required by these Regulations, the following forms may be used for matters coming before the Public Service Commission of Wyoming:

(a) Form No. 1:

FORMAL COMPLAINT
BEFORE THE PUBLIC SERVICE COMMISSION OF WYOMING

_____, Complainant)
)
vs.) Docket No. _____
)
_____, Respondent)

COMPLAINT

The above-named complainant, whose (state post office address) and whose (state occupation or business) respectfully shows to the Commission:

1. That the above-named respondent is a public utility engaged in the business of (state the public utility business of the utility) _____ in the State of Wyoming.

2. That (a statement in ordinary, but concise language of the facts on which the complaint is based, including whenever possible reference to the statutes, rules or orders that the complainant alleges have been violated, as well as a request for hearing).

WHEREFORE, the complainant prays that (state specific relief sought).

Dated this ____ day of _____, ____.

Signed _____
Complainant

_____, Attorney
Address _____

(b) Form No. 2:

ANSWER TO COMPLAINT
BEFORE THE PUBLIC SERVICE COMMISSION OF WYOMING

_____, Complainant)	
)	
vs)	Docket No. _____
)	
_____, Respondent)	

ANSWER

The above-named respondent, for answer to the complaint in this proceeding, says:

1. That (state allegations of fact by way of admission, avoidance, or denial of the allegations of fact contained in the complaint, designating each paragraph, (a), (b), etc.).

WHEREFORE, the said respondent prays that the complaint in this proceeding be dismissed (or prays for such affirmative relief as the facts alleged may justify).

Signed _____
Respondent

_____, Attorney
Address _____

Complaint Forms

See files for other (better) examples of complaint forms from various states

Examples:

New Mexico

Texas

Oregon PUC Customer Fact Sheet

See copy of *Filing a Formal Complaint*

Question and Answer brochure for customers

When do I file a formal complaint?

How do I file a formal complaint?

What happens after I file a formal complaint?

Who's who in a formal complaint case?

How do I prepare for the hearing?

What happens at the hearing?

What happens after the hearing?

Minnesota Statutes: Investigation

<https://www.revisor.mn.gov/statutes/?id=216B.17>

Complaint Investigation and Hearing Statute

Subdivision 1. Investigation.

On its own motion or upon a complaint made against any public utility, by the governing body of any political subdivision, by another public utility, by the department, or by any 50 consumers of the particular utility that any of the rates, tolls, tariffs, charges, or schedules or any joint rate or any regulation, measurement, practice, act, or omission affecting or relating to the production, transmission, delivery, or furnishing of natural gas or electricity or any service in connection therewith is in any respect unreasonable, insufficient, or unjustly discriminatory, or that any service is inadequate or cannot be obtained, the commission shall proceed, with notice, to make such investigation as it may deem necessary. The commission may dismiss any complaint without a hearing if in its opinion a hearing is not in the public interest.

Ways to Resolve Disputes: FERC

- Negotiation
 - Resolution directly with the other parties involved
- Alternative Dispute Resolution
 - Use of a third party neutral to work toward a result that is tailored to their interests
- Contested Proceedings / Litigation
 - Issues presented and decided by a third party – no one may be satisfied with the outcome

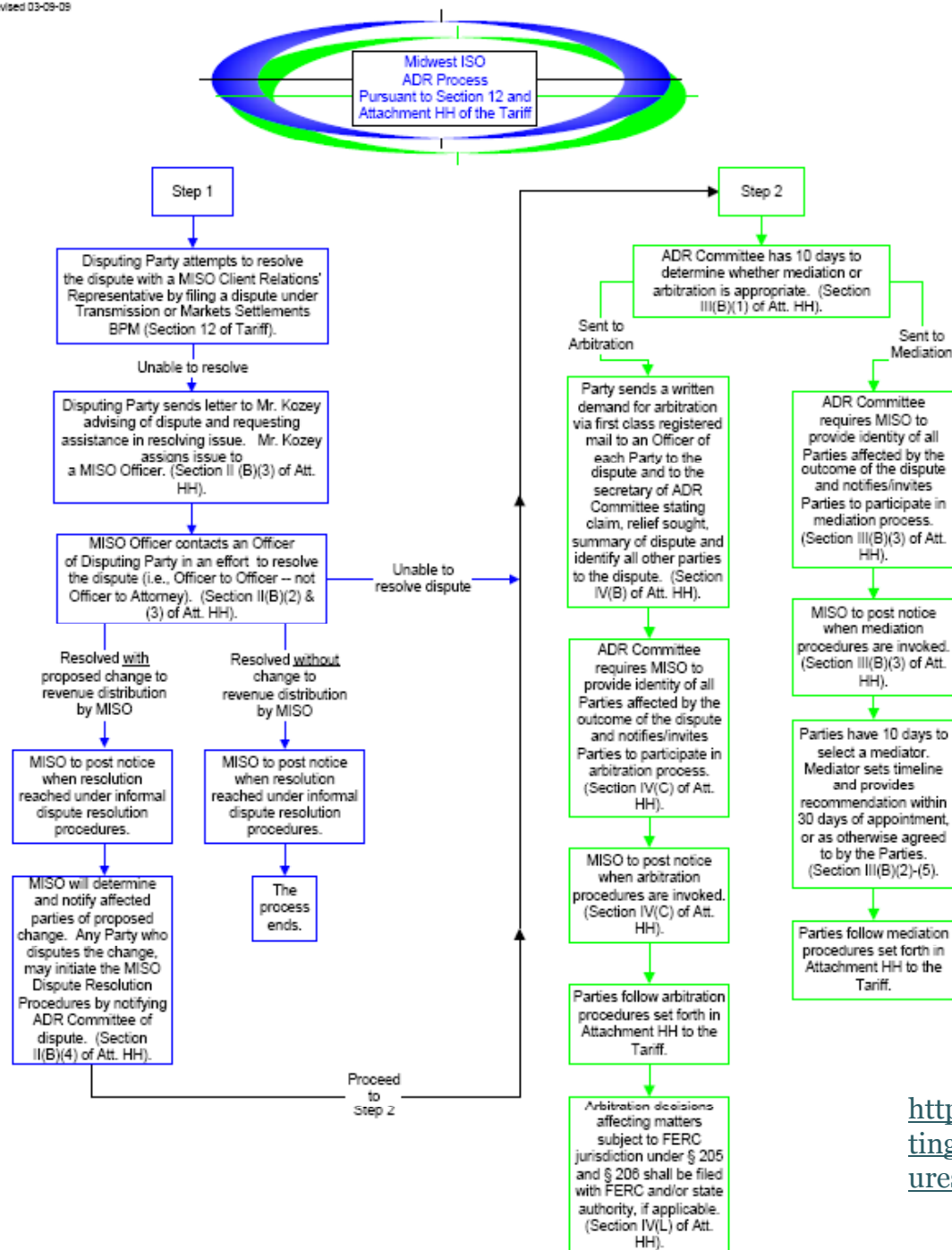
Dispute Resolution outside of Contested Case

Benefits

- Certainty as to the Outcome even if not Ideal Resolution
- Open lines of communications for on-going relationship
- Discussion (in private) is more forthright and direct than if in a hearing room
- Opportunity to explore more ideas without having to take a formal position on each idea
- Generally less costly and less time consuming than litigation
 - May not be true if many parties involved
- New perspective provided (fresh set of eyes)

Detriments

- Policy or recurring issues may get deferred so no final resolution – keep fighting the same fight over and over
- Fail to find a resolution and then have to go to litigation – concern about damaging litigation position if too open and direct in discussion
- Wasted time and effort if decision maker not likely to accept the outcome
- Some may feel a pressure to resolve the case but still unsatisfied with the outcome



See paper copy or
website copy
for better viewing

<https://www.midwestiso.org/Library/Repository/Meeting%20Material/Stakeholder/ADRC/ADR%20Procedures%20Flowchart.pdf>

REQUEST FOR ALTERNATIVE DISPUTE RESOLUTION

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Claimant Company Information:

Claimant Company Name: [Insert Your Company Name]

Business Address: [Insert Your Company Address]

City: [Your City] State: [Your State] Zip: [Your Zip Code]

Claimant Company Officer Contact for Purposes of Alternative Dispute Resolution:

Full Name: [Insert Contact's Name] Title: [Insert Contact's Title]

Contact's Firm or Company Name: [If different from your Company]

Business Address: [If different from your Company]

City: [City] State: [State] Zip: [Your Zip Code]

Telephone No.: [()] Fax No.: [()] E-mail Address: []

Description of Dispute:

Name of Opposing Party or Parties: [List the Opposing Party or Parties]

Please attach to this form a detailed statement of facts explaining the nature of your dispute. Your explanation (in any format) should address: (a) How has the dispute developed; (b) What is causing the dispute; (c) Who are the parties affected by the dispute; (d) Does the dispute involve a single event or a series of repetitive events; (e) What you have done to resolve the dispute; (f) Whether a decision in this dispute affects matters subject to FERC's jurisdiction under either section 205 or 206 of the Federal Power Act; and (g) Whether a decision in this dispute affects matters subject to the jurisdiction of any state authority.

Signature: _____ Date: _____

Name Printed: _____ Title: _____

STATE OF _____)
) SS:
COUNTY OF _____)

SUBSCRIBED and SWORN to before me, a Notary Public, this _____ day of _____, 200__.

Notary Public

My County of Residence: _____

My Notary Expires: _____

Forward one original of this form and any attachments to each of the following:

Chairperson, MISO ADR Committee
Midwest ISO
P.O. Box 4202
Carmel, Indiana 46082

General Counsel
Midwest ISO
P.O. Box 4202
Carmel, Indiana 46082



<https://www.midwestiso.org/Library/Repository/Meeting%20Material/Stakeholder/ADR/Request%20for%20Alternate%20Dispute%20Resolution%20Form.pdf>

Settlements: From Oregon PUC website

http://www.puc.state.or.us/PUC/admin_hearings/guidelines_settle.shtml

- **Settlement**

The Oregon PUC encourages parties to resolve issues in contested cases and rulemakings informally, through **negotiation** or mediation. The various forms of informal resolution of issues or cases are called Alternative Dispute Resolution (ADR). **Negotiation allows parties to generate their own solutions for the issues in the case. Negotiations can avoid or minimize the need for contested case procedures, such as discovery, sworn testimony, and cross-examination.** Parties must submit their agreements to the Commission for approval. When making a final decision, the Commission gives a great deal of weight to the voluntary agreement of the parties.

Oregon PUC: Settlements (Continued)

Parties should be aware that settlements are not always in the public interest.

The Commission is particularly concerned when parties submit stipulated agreements on major issues before filing testimony. In such instances, the stipulations may leave the Commission with insufficient information to evaluate the merits of a proposed action. There are other instances where a stipulation has the effect of precluding Commission consideration of an important public policy or where the Commission disagrees with the stipulating parties' resolution of a particular issue.

Common Complaints

- Disconnection for Non-Payment
 - Are There Rules to Follow?
 - For example, not able to disconnect during certain times of the year due to weather conditions
 - What if customer can make a partial payment?
 - Special Notices Required?
 - Must give written notice before disconnect?
 - How long between when bill is sent and the disconnection?

Common Complaints

- Billing
 - Dispute Meter Reading / Dispute the Amount of Energy Used
 - Is there an option of having the meter tested?
 - Cannot Pay – is there an option for a payment plan?
- Poor Customer Service
 - Treated poorly by customer service representative
 - Put on hold on the telephone for too long
 - Not able to talk to a live person when called on the telephone

Common Complaints

- Service Outages / Poor Quality
 - Electricity was off and all the food in my freezer melted
 - The meter reader left my gate open and the dog got out
 - The men in the service truck are taking too long a coffee break and not working hard enough
 - My power is out but my neighbors have power
 - Have you checked the circuit breakers in your home?