

Mission Statement:

The UTC protects consumers by ensuring that utility and transportation services are fairly priced, available, reliable, and safe.



Washington Utilities and Transportation Commission

NARUC Workshop on General Regulatory Issues

Consumer Protection 2 – Overview of WUTC's Complaint and Investigative Processes

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Overview of the WUTC's Customer Service and Dispute Resolution Functions



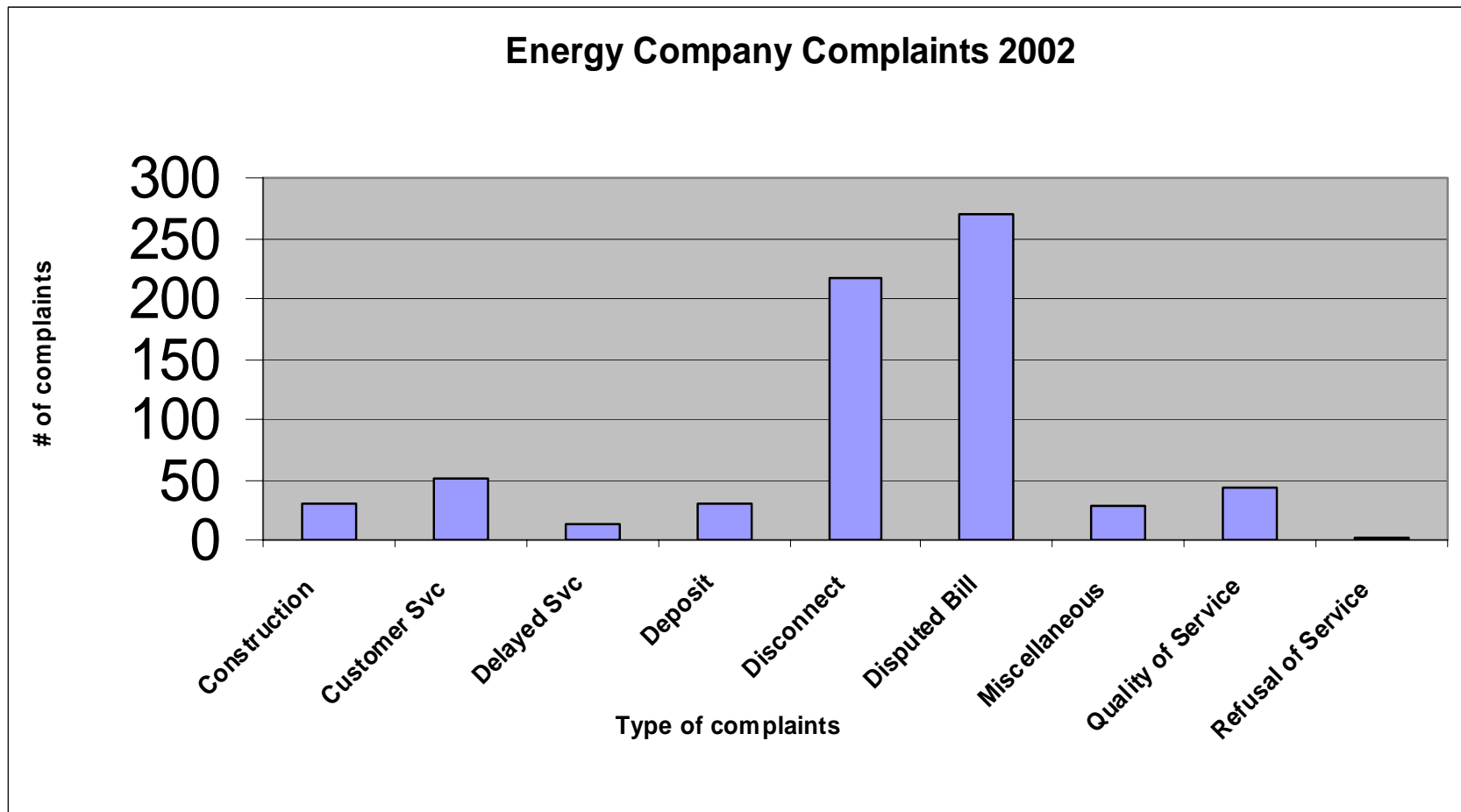
- Consumer Affairs – provides a range of consumer protection services to customers of regulated utility and transportation companies. Help consumers understand regulatory issues before the Commission, and how to participate in Commission proceedings.
- Business Practices – conducts investigations of alleged violations of state law, agency rules or orders, and company tariffs or price lists for both utility and transportation companies to ensure compliance.

Overview of Complaint Processes – Types of complaints



- Informal consumer complaints
- Formal consumer complaints
- Complaints filed by the Commission (suspended rate filings, consumer-related issues, and staff investigations)

Typical informal consumer complaints (gas & electric)



Informal Consumer Complaints and Investigations



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- Customers must have attempted to resolve the dispute with the utility.
 - Gather information from the consumer, and work directly with the utility to resolve the dispute.
 - Determine whether the consumer or utility is at fault.
 - Document the results of the investigation into the complaint database, which includes the results, savings, and alleged violations.
 - Report the results to the customer and utility.
 - Follow-up to ensure the utility met its obligations.
 - Provide technical assistance to the company when appropriate.
 - Consumer Affairs receives about 4,000 informal complaints per year.

Analysis of informal complaints (tracking and data collection)



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- Data is available by utility, by month, by county, by type of complaint, by disposition of complaint, and by violation.
 - On a monthly basis, analyze complaint data to identify trends or patterns.
 - Compare complaint numbers against like companies and against past performance.
 - Report complaint and incoming call numbers to the Commissioners on a monthly basis.
 - Report electric and natural gas consumer complaints on a quarterly basis as part of the agency's performance measures.

Formal Consumer Complaints and Investigations



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- Any consumer may file a formal complaint.
 - A formal complaint is an adjudicative proceeding heard by the Commissioners or an Administrative Law Judge.
 - Staff's role is to observe.
 - The complaint is between the consumer and utility.
 - The consumer and utility each present facts and makes its own case.
 - Staff may decide to become a party to the complaint.
 - The Commissioners or an Administrative Law Judge determines whether the consumer or utility is upheld, and the result is communicated through an order.
 - Consumer Affairs receives very few formal consumer complaints (only one or two a year).

Complaints filed by the Commission and Investigations



Staff can ask, or the Commission can, on its own, initiate a complaint.

- This is an adjudicative proceeding heard by the Commissioners or an Administrative Law Judge.
- The Commission considers this type of complaint regularly for suspended rate filings. For consumer-related issues, this is less frequent – an average of five a year.
- Staff presents its case, alleging conduct in violation of order, rule, statute, or tariff.
- The burden is on the Staff to prove its case.
- The Commissioners or an Administrative Law Judge determines whether the consumer or utility is upheld, and the result is communicated through an order.

Business Practices Investigations



- Staff initiates an investigation when it finds potential violations of order, rule, statute, or tariff.
- Staff gathers information and documentation.
- Staff writes a report that sets out the facts as Staff sees them.
- Recommends action to the Commission (penalties, formal complaint, or other proceeding).

Evaluating the utility's response



In investigations that result from informal complaints to Consumer Affairs or Business Practices, Staff evaluates the utility's response against Commission orders, rules, statutes, and tariffs.

Remedies



- Credits or refunds required under the provisions of a previous Commission order, the rules, the statutes, or the utility's tariff.
- A compliance letter to the utility, explaining how it is out of compliance and asking for a response.
- Require the utility to submit a compliance plan, explaining how and when it will come into compliance.
- Penalties for utilities that can not or will not come into compliance; or for egregiously harmful treatment of consumers.

How to identify potential rule changes



- Identification of new situations and problems – Consumer Affairs
- Implementation of policy changes – Order, policy statement, or rule

Identification of new situations and problems



1. Consumer Affairs

- “Hot Topics” discussion at semi-monthly staff meetings.
- “Hot Topics” board (Staff documents potential trends or problems).
- Staff brings emerging trends or problems to management.

2. Management

- Management reviews consumer complaints.
- Management analyzes statistics about consumer complaints and alleged violations.

3. Business Practices

- Review of consumer complaints.
- Review of company practices.
- Meetings with companies (i.e., PSE, Comcast, Qwest)

Implementation of policy changes



1. Work with Commissioners or Staff in other sections to ensure a common understanding.
2. Train Consumer Affairs and Business Practices Staff.
3. Consumer Affairs Staff looks for compliance in individual consumer complaints.
 - Provides and documents technical assistance.

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Implementation of policy changes



4. Business Practices Staff ensures compliance through investigations of company practices.
 - Compliance letters – a single or a group of similar companies.
 - Meetings with companies to offer more extensive technical assistance.
 - Required compliance plans from single companies that do not comply.

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Implementation of policy changes



5. Business Practices Staff pursues enforcement actions for companies that can not or will not comply.
 - Administrative penalties – limited to \$100 per violation per day.
 - Hearings – to classify an “illegal” company or to impose larger penalties.
 - Revoke or suspend authority to operate.

Payment Options



- Customers can pay by mailing a check or money order to the company.
- Customers can pay by credit and debit cards.
- Customers can pay by cash (or the above methods) in-person at company-owned payment offices, or payment agencies.
- Customers can pay over the telephone, and, also, through the internet. Charges are applied to their checking account, credit, or debit card.