

ORIGINAL

AUSLEY & McMULLEN

ATTORNEYS AND COUNSELORS AT LAW

227 SOUTH CALHOUN STREET
P.O. BOX 391 (ZIP 32302)
TALLAHASSEE, FLORIDA 32301
(850) 224-9115 FAX (850) 222-7560

RECEIVED-FPSC

00 JAN -7 PM 2:56

RECORDS AND REPORTING

January 7, 2000

HAND DELIVERED

Ms. Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Revision of Rule 25-22.032, F.A.C., Customer Complaints
FPSC Docket No. 991651-PU

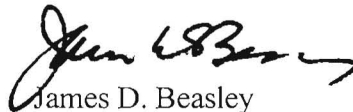
Dear Ms. Bayo:

Enclosed for filing are fifteen (15) copies of Tampa Electric Company's Comments on proposed amendments to Rule 25-22.032, Florida Administrative Code. This will also advise that Peoples Gas System adopts Tampa Electric Company's Comments on the proposed rule amendments.

Please acknowledge receipt and filing of the above by stamping the duplicate copy of this letter and returning same to this writer.

Thank you for your assistance in connection with this matter.

Sincerely,


James D. Beasley

- AFA
- APP Brown
- CAF 1
- CMU
- CTR
- EAG 2-File
- LEG
- MAS
- OPC
- RRR
- SEC 1
- WAW
- OTH

JDB/pp
Enclosures

cc: Martha C. Brown (w/enc.)

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

00308 JAN-78

FPSC-RECORDS/REPORTING

Tampa Electric Company
Comments on Rule 25-22.032
Docket No. 991651-PU
January 7, 2000

Substantial rewording of Rule 25-22.032 as follows:

25-22.032 Customer Complaints.

It is the Commission's intent that disputes between regulated companies and their customers be resolved as quickly, effectively, and inexpensively as possible. This rule establishes customer complaint procedures that are designed to accomplish that intent. The rule requires transfer connect telephone numbers between certain companies and the Commission, and it includes an expedited process for complaints that can be resolved quickly by the customer and the company without extensive Commission participation. The rule also includes a process for Commission resolution of a complaint if the company and the customer cannot resolve the complaint themselves.

(1) Any customer of a Commission regulated company may file a complaint with the Division of Consumer Affairs whenever the customer has an unresolved **regulated service or billing** dispute with the company. regarding electric, gas, telephone, water, or wastewater service. The complaint may be communicated orally or in writing. The complaint must include the name of the company against which the complaint is made, the name of the customer of record, and the **customer's** service address. Upon receipt of the complaint, a staff member will determine if the customer has contacted the utility and

CODING: Words ~~stricken~~ are deletions. Words **bold & italicized** are additions. Company comments are highlighted.

DOCUMENT NUMBER-DATE

00308 JAN-78

FPSC-RECORDS/REPORTING

if the customer agrees, will put the customer in contact with the company for resolution of the complaint.

(2) Transfer-connect Requirement.

(a) Each company specified in paragraph (2)(b) shall provide a transfer-connect (warm transfer) telephone number by which the Commission may directly transfer a customer to that company's customer service representative. When the transfer is complete, any further charges for the call shall be the responsibility of the company and not the Commission or the customer. Each company must provide customer service representatives to handle transferred calls during the Commission's normal business hours, - Monday through Friday, 8:00 A.M to 5:00 P.M., Eastern time.

Tampa Electric Comments:

Tampa Electric Company recommends that the rule be revised to establish a transfer connect "hold" for days when the PSC and company business days are not in alignment. This "hold" would constitute a warm transfer, via e-mail or facsimile and be followed up on by the company the next business day of the company. Tampa Electric understands that the objective of these rule changes is to establish a quick, effective and inexpensive complaint resolution process. Providing transfer connect coverage on days or hours the company is closed for business does not necessarily support this objective.

(b) The following types of companies shall obtain a transfer connect number:

1. All local exchange telecommunications companies;
2. Alternative local exchange telecommunications companies with annual gross intrastate revenues greater than \$750,000;
3. Interexchange telecommunications companies with annual gross intrastate revenues greater than \$750,000;
4. All investor-owned electric utilities **with more than 25,000 customers;**
5. All investor-owned gas companies with more than 25,000 customers;
6. All Class A water or wastewater companies with annual gross intrastate revenues in excess of \$750,000.

(3) Complaints resolved within ~~three~~ **five**(3)(5) days.

If companies are able to resolve a customers complaints within ~~three~~ **five** days, they a ~~complaint~~ shall be **considered** resolved in the following manner:

(a) The Commission staff member handling the complaint will forward a description of the complaint to the company for response and resolution. The ~~three~~ **five** day period will begin at 5:00 p.m. on the day the information is sent to the company and end at 5:00 p.m. on the ~~third~~ **fifth business** day. ~~, excluding weekends and holidays.~~ If the company satisfactorily resolves the complaint, the company shall notify the **designated** staff member **handling the complaint** of ~~the~~ **its** resolution.

Tampa Electric Comments:

Tampa Electric Company recommends increasing the time period in this section from 3 to 5 days. This change will allow time for multiple external customer communications and internal investigation and communication. Most complaints require field activity that will need to be completed before a resolution is possible. The additional 2 days will provide the time to complete such work and still represents a two thirds reduction in time from the existing 15 day period.

Where it is not feasible to resolve a complaint within the allotted time, Tampa Electric recommends requiring the company to propose a resolution action plan that is acceptable to the customer if completed as proposed. This would allow the company to put in progress a course of action that would ultimately resolve the customer's complaint if completed in whole. Once completed, the company would notify the designated staff member of the final resolution of the proposed solution.

Tampa Electric also recommends that the company be provided an opportunity to notify the staff member of the resolution through various means, including but not limited to e-mail or facsimile of the resolved or proposed resolution action plan to the complaint. This communication would include only a high level resolution summary.

(b) After notification by the company, the Commission designated staff member will contact the customer to confirm that the complaint has been resolved. If the customer confirms that

the complaint has been resolved, the complaint will not be reported in the total number of complaints shown for that company in the Commission Consumer Complaint Activity Report. However, the Commission will retain the information for use in enforcement proceedings, or for any other purpose necessary to perform its regulatory obligations.

(c) If the customer informs the ~~Commission~~ **designated** staff member that the complaint has not been resolved, the Commission will notify the company and require a full report as prescribed in subsection (4).

(4) Complaints not resolved within ~~three~~ **five** days.

If the customer does not agree to contact the company directly, or if the customer is not satisfied with the company's proposed resolution of the complaint, a ~~Commission~~ **the designated** staff member will investigate the complaint and attempt to resolve the dispute in the following manner:

Tampa Electric Comments:

Tampa Electric recommends that the designated staff member provide "complaint not resolved" notification back to the company within 1 business day of receiving a response from the company if the customer is not satisfied, or if the customer initially does not agree to contact the company directly. Since the "clock is ticking" on the 15 day response, the company will need the remaining time to work toward resolving the disputed matter. In the event that a timely "complaint not resolved" staff response cannot be provided in one business day, the company suggests consideration be given to an extension beyond the

15 days equal to the time it takes to provide such notification to the company.

(a) The **designated** staff member will notify the company of the complaint and request a response. The company shall provide its response to the complaint within fifteen (15) ~~working~~ **business** days. The response shall explain the company's actions in the disputed matter and the extent to which those actions were consistent with applicable statutes and regulations. The response shall also describe all attempts to resolve the customer's complaint.

(b) The **designated** staff member investigating the complaint may request copies of bills, billing statements, field reports, written documents, or other information in the participants' possession that may be necessary to resolve the dispute. The **designated** staff member may perform, or request the company to perform, any tests, on-site inspections, and reviews of company records necessary to aid in the resolution of the dispute.

(5) During the complaint process, a company shall not discontinue service to a customer because of an unpaid disputed bill. However, the company may require the customer to pay that part of a bill which is not in dispute. If the company and the customer cannot agree on the amount in dispute, the **designated** staff member will make a reasonable estimate to establish an interim disputed amount until the complaint is resolved. If the customer fails to pay the undisputed portion of the bill the company may discontinue the customer's service pursuant to Commission rules.

(6) The **designated** staff member will propose a resolution of the complaint based on the information provided by all participants to the complaint and applicable statutes and regulations. The proposed resolution may be either oral or written. Upon request, either participant shall be entitled to a written copy of the proposed resolution.

(7) Informal Conference. If a participant objects to the proposed resolution the participant may request an informal conference on the complaint.

(a) The request shall be in writing and filed with the Division of Consumer Affairs within 30 days after the proposed resolution is sent to the customer.

(b) When the request for an informal conference is received the Director of the Division of Consumer Affairs will assign a ~~Commissioner~~ **designated** staff member to process the request for an informal conference. The **designated** staff member will advise the participants to complete Form X (PSC/CAF Form X) incorporated by reference herein, and return the form to the Commission within fifteen (15) **business** days. A copy of Form X may be obtained from the Division of Consumer Affairs. The participants shall provide the following information on the form:

1. A statement describing the facts that give rise to the complaint;

2. A statement of the issues to be resolved; and,

3. A statement of the relief requested.

The informal conference shall be limited to the complaint and the statement of facts and issues identified in the form. The Commission staff will notify the customer that the request for an informal conference will be denied if the form is not received within the 15 days *period*.

(c) The Director of the Division will review the Customer statement and either appoint a *new designated* staff member to conduct the informal conference or make a recommendation to the Commission for dismissal based on a finding that the complaint states no basis upon which relief may be granted.

(d) If a conference is granted, the *new designated* staff member appointed to conduct the conference shall not have participated in the investigation or proposed resolution of the complaint

(e) After consulting with the participants, the *newly appointed designated* staff member will send a written notice to the participants setting forth the unresolved issues, the procedures to be followed at the informal conference, the dates by which written materials are to be filed and the time and place for the conference. The conference may be held by telephone conference, video teleconference or in person no sooner than ten (10) days following the notice.

(f) At the conference the participants shall have the opportunity to present information orally or in writing in support of their positions. During the conference the *new designated* staff member may encourage the parties to resolve the dispute. The Commission will be responsible for tape-recording, but not transcribing, the informal

conference. A participant may arrange for transcription at his own expense.

(g) The ***new designated*** staff member may permit any participant to file additional information, documentation, or arguments. The opposing participant shall have an opportunity to respond.

(h) If a settlement is not reached within 20 days following the informal conference or the last post-conference filing, the ***new designated*** staff member shall submit a recommendation to the Commission for consideration at the next available Agenda Conference. Copies of the recommendation shall be sent to the participants.

(i) If the Director denies the request for an informal conference, the participants shall be notified in writing. Within 20 days of giving notice, the staff shall submit a recommendation for consideration at the next available Agenda Conference. Copies of the recommendation shall be sent to the participants.

(j) The Commission will address the matter by issuing a notice of proposed agency action or by setting the matter for hearing pursuant to section 120.57, Florida Statutes.

(8) At any point during the complaint proceedings, a participant has the right to be represented by an attorney or other qualified representative. For purposes of this rule a qualified representative may be any person the party chooses, unless the Commission sets the matter for hearing. If the Commission sets the matter for hearing, the participants may be represented by an

attorney or a qualified representative as prescribed in Uniform Rule 28-106.106, Florida Administrative Code, or may represent themselves. Each participant shall be responsible for his own expenses in the handling of the complaint.

(9) At any time the participants may agree to settle their dispute. If a settlement is reached, the participants or their representatives shall file with the Division of Consumer Affairs a written statement to that effect. The statement shall indicate that the settlement is binding on both participants, and that the participants waive any right to further review or action by the Commission. If the complaint has been docketed, the Division of Consumer Affairs shall submit the settlement to the Commission for approval. If the complaint has not been docketed, the Division will acknowledge the statement of settlement by letter to the participants.

(10) Record retention and auditing.

(a) All companies shall retain any telephone note or written documentation relating to each Commission complaint for three years, beginning when the complaint was first received.

Tampa Electric Comments:

Tampa Electric suggests that the content of future complaint files include the working documents that are required to resolve a customer complaint. This may include miscellaneous informal notes, phone messages or internal communications that may be retained with the working file.

(b) All companies shall file with the Commission, beginning 60 days after the effective date of this rule and ~~year~~ **annually**

thereafter, a report that summarizes the following information for the preceding calendar year.

1. The total number of calls handled via transfer connect including the customer's name and the company resolution.

Tampa Electric Comments:

Tampa Electric suggests that reporting related to the total number of calls handled via transfer connect be limited to the number of calls handled only. This excludes name and resolution status and avoids inefficient, costly and burdensome internal tracking and reporting. It is understood that transfer connect calls are being re-routed by staff to the company with no prior contact with the company. This represents a significant number of calls similar to the calls that are currently being resolved through the company's call center and various other company departments. The variety of transfer connect calls and number of individuals who will be receiving them makes it difficult to track the end result of each transfer connect customer inquiry. The company works toward satisfying all transfer connect calls and assumes, if it does not, that the customer will make a follow-up call to staff with a complaint.

2. The number of complaints handled under the ~~three~~ *five* day complaint resolution procedure.

C) The Commission shall have access to all such records for audit purposes.

Tampa Electric Comments:

Staff has suggested that a working group be established to design implementation procedures for these rule changes. As a piloting

transfer connect participant, Tampa Electric Company has benefited greatly from this proposed procedure and is interested in providing input and guidance toward implementation.

AT&T Transfer Connect Costs

Tampa Electric Company's cost of the transfer connect line in 1999 is estimated to be \$2000. Because of a pre-existing relationship with AT&T, there were no initial set up costs when the line was installed.

Transfer Connect Totals YTD

Tampa Electric Company has logged 439 transfer connect calls through December 31, 1999. As mentioned in the November 19, 1999 overview, Tampa Electric is very pleased with the transfer connect option and recognizes it as having provided the company an opportunity to meet and exceed the expectations of customers. This has reduced the burden on staff and allowed for minimal involvement on complaint resolution.

Specific Authority 120.53(1), 350.127(2) FS.

Law Implemented 120.53(1), 120.57, 120.59(4) FS.

History--New 1-3-89, Amended 10-28-93_L