

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of:

DOCKET NO. UNDOCKETED

PROPOSED AMENDMENT OF RULES
25-6.021, 25-6.094, 25-7.020,
AND 25-7.080, FLORIDA
ADMINISTRATIVE CODE.
_____ /

PROCEEDINGS: COMMISSION DEVELOPMENT OF RULEMAKING

COMMISSION STAFF
PARTICIPATING: KATHRYN G.W. COWDERY
LAURA KING
ROBERT GRAVES
DON ROME

DATE: Tuesday, February 28, 2017

TIME: Commenced at 9:30 a.m.
Concluded at 10:10 a.m.

PLACE: Betty Easley Conference Center
Room 148
4075 Esplanade Way
Tallahassee, Florida

REPORTED BY: LINDA BOLES, CRR, RPR
Official FPSC Reporter
(850) 413-6734

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APPEARANCES:

MATTHEW BERNIER, Duke Energy
KEN TALBOT, Duke Energy
J.R. KELLY, Office of Public Counsel
JESSICA CANO, Florida Power & Light Company
LISA RODDY, Gulf Power Company
BETH KEATING, FPUC and Florida City Gas
CURTIS YOUNG, FPUC
PATRICK BRADSHAW, Florida City Gas
KAREN CAMPBELL, Tampa Electric Company

P R O C E E D I N G S

1
2 **MS. COWDERY:** Pursuant to notice, this time
3 and place has been set for an undocketed staff rule
4 development workshop to take input from interested
5 persons on the amendment of Rules 25-6.021, 25-6.094,
6 25-7.020 and 25-7.080 relating to electric and gas
7 public utilities' customer complaints. I'm Kathryn
8 Cowdery with the Office of General Counsel. Also here
9 on behalf of staff are Laura King, Robert Graves, and
10 Don Rome.

11 This rule development workshop addresses
12 customer complaint rules for gas and electric public
13 utilities as well as for water and wastewater
14 utilities. The staff rule development workshop
15 addresses the gas and electric public utility
16 customer complaint rules.

17 The draft rules are amended for use of
18 plain language; to update and clarify customer
19 complaint, recordkeeping, and response requirements;
20 to amend consistency among all regulated industries
21 as appropriate; to delete requirements that are
22 obsolete and duplicative of requirements found in
23 other rules.

24 There are sign-in sheets at the back of
25 the room, and we ask everyone to sign in so that we

1 have a record of your attendance today. Copies of
2 the Commission's Notice of Development of Rulemaking
3 are also put on the back podium. This is the same
4 one that was sent to the parties on February 13th,
5 2017, and posted on the Commission's website in the
6 conferences and meetings agendas, notice of staff
7 workshops, notice section. The draft rules attached
8 to the notice are the ones we will be discussing
9 today.

10 Each time you speak, please identify
11 yourself and the company you represent so that the
12 court reporter can accurately get that information
13 and for the benefit of the other parties who are
14 listening. You only have to identify your company
15 the first time you speak. We have people who are
16 participating through a call-in number, and they
17 will -- they are welcome to interject their comments
18 and questions at any time.

19 Do we have any preliminary matters anyone
20 wants to ask about or bring up? No?

21 Okay. Well, we're going to start with the
22 complaint rules, 25-6.094, which is on page 7 of your
23 notice, and 25-7.080 on page 9. The gas and electric
24 draft rules define complaint the same way, so we will
25 discuss these rules together.

1 So the current definition of complaint for gas
2 and electric utilities requires a substantial objection
3 as to utilities' charges, facilities, or service. The
4 draft rule eliminates the word "substantial" because it
5 is undefined and it is not an objective standard for
6 regulatory purposes. The draft rules change the
7 definition of complaint to state that the objection
8 requires action by the utility instead of investigation
9 or analysis. The phrase "action by the utility" would
10 encompass any situation where the utility needs to
11 respond in some manner to a customer objection as to
12 charges, service, and rates, unlike the phrase
13 "investigation or analysis" that could be construed more
14 narrowly. These changes conform to the definition of
15 complaint found in 25-30.355 for water and wastewater
16 utilities.

17 Comments and questions on this part of the
18 draft rule? Certainly there are some comments on this
19 part of the draft rule.

20 **MR. BERNIER:** Yes, ma'am. This is Matt
21 Bernier with Duke Energy.

22 **MS. COWDERY:** Thank you.

23 **MR. BERNIER:** I'm going to start with a
24 question, I guess, and that is to try to understand what
25 is intended and what is meant by "action by a utility."

1 And I'm just going to throw a hypothetical to start this
2 way. If a customer was to call and complain about a
3 deposit amount, and we were to, you know, understand the
4 complaint was too high and then offer a payment plan for
5 that deposit amount, would that be a complaint
6 sufficient that we would need recordkeeping?

7 **MS. COWDERY:** In my opinion, no. What that
8 is, in my opinion, is an explanation. If you've got a
9 call-in center and you have an explanation as opposed to
10 taking some more -- some action that requires more
11 investigation and analysis, that would be the difference
12 that I would think.

13 **MR. BERNIER:** Okay.

14 **MS. COWDERY:** And if it's not, you know -- we
15 have to -- this is a draft rule.

16 **MR. BERNIER:** Sure.

17 **MS. COWDERY:** And you don't need to have just
18 one sentence for your definition. I mean, we can also
19 put something in about, you know, explanations in a call
20 center. I mean, I'm looking for input on that. I think
21 the definition of complaint is very important, and we
22 really want to try to make it specific to address any
23 concerns.

24 **MR. BERNIER:** Okay. I appreciate that. Thank
25 you. We'll have to think about that a little more.

1 Thank you.

2 **MS. COWDERY:** Yeah. Thank you.

3 **MR. KELLY:** This is J.R. with the Office of
4 Public Counsel. I'd like to follow up a little bit on
5 Matt because I appreciate where Matt is coming from, and
6 I think all the utilities will probably share that
7 concern. And we do too because we don't want everything
8 turned into a complaint. That's not the purpose. And
9 it may be, and I don't have the wording, but like Matt,
10 I may need to give it a little more thought because I
11 think of -- in terms of his example, I think what if
12 somebody called up and -- called Kelly Electric and
13 said, "Hey, you haven't trimmed the trees over the
14 lines," and the response is, "Well, yes, we did last
15 week." Okay.

16 **MS. COWDERY:** Right.

17 **MR. KELLY:** You know, I think you can get into
18 some gray area whether that's a complaint or not
19 because, you know, maybe to the consumer, they see trees
20 hanging over the lines and the customer doesn't. So I
21 don't know -- I don't know exactly how to resolve that,
22 but it may -- may want to give some consideration to
23 adding a sentence in there or something. Because when
24 we were looking at it, I was looking -- I was looking at
25 the word "objection." In other words, there's -- you

1 know, what do you mean when a consumer objects?
2 Somebody could come up and say, you know, "Duke Energy,
3 I object to your deposit policy." Well, that's -- but
4 if it's in writing, it's been approved, it's in their
5 tariff, I don't necessarily consider that to be a
6 legitimate complaint --

7 **MS. COWDERY:** Right.

8 **MR. KELLY:** -- or an objection. But I could
9 see some situations where it might, and I'd have to give
10 it thought for a minute to give an example, but I could
11 see some situations where a customer would call and to
12 them it is a legitimate complaint that they want a
13 response to. But I, you know -- so I don't know if we
14 work on the word "objection" or --

15 **MR. BERNIER:** Matt Bernier again. And just to
16 piggyback off of J.R.'s comments, if a customer were to
17 write in with that specific objection or call in and we
18 responded to them either in writing or with a -- you
19 call the number, you leave a message, I don't know, and
20 then we call back, that is an action that we have taken
21 in response to the objection. Now if it's just as
22 simple as, "We understand your concerns. These are our
23 tariffed rates. Sorry."

24 **MS. COWDERY:** Right.

25 **MR. BERNIER:** But would that constitute a

1 complaint?

2 **MS. COWDERY:** So maybe we want to work on the
3 word "action" because the idea is an explanation would
4 not rise to the level of a complaint.

5 **MS. CANO:** Good morning. This is Jessica Cano
6 on behalf of Florida Power & Light Company. I'm -- I
7 appreciate hearing that we're open to revising, perhaps
8 better the definition of the word "complaint" and
9 "action." We have concerns with both of those words
10 because they could encompass a lot of actions or
11 undertakings by the utility that we don't think of as
12 necessarily rising to the level of addressing a
13 complaint.

14 And additionally, because there are so
15 many different examples and so many different ways
16 in which a utility can respond, there is a risk here
17 for lack of standardization and consistency between
18 the utilities when I understand that that's actually
19 the goal of some of these revisions. So we'll
20 certainly be thinking about both those terms,
21 "complaints" and "action," and possibly working on
22 some suggestions there.

23 **MS. COWDERY:** Right. And, Mr. Kelly, were
24 you -- oh --

25 **MS. RODDY:** This is Lisa Roddy with Gulf

1 Power. We echo some of the same concerns, so I just
2 wanted to have that for the record.

3 **MS. COWDERY:** Okay. Great.

4 **MS. KEATING:** Good morning. This is Beth
5 Keating with the Gunster firm. I'm here today for FPUC
6 and Florida City Gas. And we're in the same boat with
7 everyone else. We agree that a little extra work might
8 need to be done on the definition.

9 **MS. COWDERY:** Sure.

10 **MS. KING:** This is Laura King with Commission
11 staff. I just have a question and anyone can respond.
12 But if staff were to call one of the utilities today and
13 say, "Provide me a complaint log, all your complaints
14 for the last year," what would you give us? How would
15 you -- how do you currently sort your complaints versus
16 inquiries versus a question on a bill, or do you?

17 **MS. RODDY:** So this is Lisa with -- Lisa Roddy
18 with Gulf. My understanding is we currently do not have
19 a report that we could give you. If you asked for a
20 particular account holder or a particular customer, we
21 could provide that information. But right now when we
22 take a complaint into -- through our CSS system, we
23 do -- that does not go into a database. It just goes
24 into the customer service system.

25 So if you were to call us today and say,

1 "Hey, can you give us a report of all your
2 complaints over the last six months?" that is
3 something that we currently cannot do.

4 **MR. TALBOT:** This is Ken Talbot with Duke
5 Energy. And following up on Lisa's comment, I think we
6 do have a distinction between -- we do track and are --
7 and do have the ability to report out if it's escalated
8 to our consumer affairs team or if it's escalated within
9 our contact center. I think the key distinction is if
10 it's just resolved by an associate in the contact
11 center, those would not be tracked as complaints. If
12 it's escalated because the customer either requires --
13 is not happy with the answer, requires additional
14 information, and is disputing something, that will be
15 tracked in an escalation database. And then, of course,
16 those that come through consumer affairs either from the
17 Commission or through our executives, we track those in
18 a separate database. But I think the distinction is if
19 it's escalated beyond normal resolution.

20 **MS. CAMPBELL:** Hi. This is Karen Campbell
21 with Tampa Electric Company, Peoples Gas. And we
22 currently have a team that handles all of the
23 complaints, and so any complaint that comes through our
24 team, that's what we track as a complaint. And we have
25 a database tracking system that we track everything in,

1 and we can do reporting from that system on all types of
2 complaints that come through our office.

3 **MS. COWDERY:** This is Kathryn Cowdery. Does
4 that include the complaints that have not come to you
5 from the Public Service Commission?

6 **MS. CAMPBELL:** Yes, it does.

7 **MS. COWDERY:** Thank you.

8 **MR. YOUNG:** Hi. Curtis Young from Florida
9 Public Utilities. We track also all complaints. The
10 ones that come into the call center are tracked
11 separately, and then we maintain a record of the ones
12 that come from the PSC. And we go according to their
13 definition as a complaint because some come in as not a
14 complaint, just an inquiry, and we keep track of those
15 as well. But our question would be how does the PSC
16 determine what's a complaint versus what's not?

17 **MS. COWDERY:** Okay. Thank you. And so do you
18 track both the call center complaints as well as the
19 written email complaints?

20 **MR. YOUNG:** Yes, we do. Yes.

21 **MS. COWDERY:** Thank you.

22 **MR. BRADSHAW:** Patrick Bradshaw, Florida City
23 Gas. A number of people have talked about escalations
24 within the call center. We track those that come in to
25 our customer relations team from the Service Commission

1 and also executive, and we use a definition similar to
2 the one we have here, but we do have the word
3 "dissatisfaction with people, processes, or facilities"
4 within our complaint definition. But we track those
5 through our system and customer relations, and that's
6 how we manage those and would report out on those. We
7 would be able to generate a report out from that system.

8 **MS. COWDERY:** Thank you.

9 **MR. KELLY:** One additional. When we're
10 looking at -- one additional comment -- looking at
11 changing, revising this definition, we would suggest
12 that whatever language you go to, and just using the
13 language you have here where we say, "A complaint means
14 an objection," we would like to see, "Made in oral,
15 written, or electronic format." Because that was an
16 issue in a -- I know we're talking electric and gas here
17 at the table, but that was an issue for a water and
18 wastewater utility about three or four agendas ago where
19 the company said they didn't track anything unless it --
20 they made the consumer put it in writing. They
21 wouldn't even -- I don't even know if they accepted
22 email. So if -- whatever we decide of how we define
23 complaint, I think it can -- the consumer ought to be
24 able to either register it orally, in written form, or
25 electronic form via email.

1 **MS. COWDERY:** And I think that is our intent
2 when we say, "All complaints." I know the
3 water/wastewater rule is -- was outdated in saying,
4 "written signed complaints," so --

5 **MR. BERNIER:** Matt Bernier again. Just a
6 quick question about that when we're talking about
7 electronically received complaints. I think I just
8 heard J.R. say, "via email," and that would, I think,
9 give us some comfort, because my question would be
10 regarding complaints that we would receive via social
11 media, for example. I mean, if somebody is posting
12 something on a Facebook page or Twitter account or the
13 apps that I can't think of right now, would those count?
14 And we could really be expanding this a large amount if
15 that's where we are going. It's just something to keep
16 in mind, I think.

17 **MS. COWDERY:** Yes. Thank you. That's a good
18 comment.

19 Any other comments on this definition of
20 complaint before we move on?

21 **MR. BERNIER:** Matt Bernier again. We did
22 actually have one more, and it was, again, a
23 hypothetical, and I think that this would go towards the
24 comments that we had hoped that we'd have a chance to
25 file.

1 If a customer calls and states, "Hey, you
2 know, my power is out," we send somebody out to fix
3 their power, is that a complaint?

4 **MS. COWDERY:** Do you currently consider that a
5 complaint?

6 **MR. BERNIER:** I opened a can there, didn't I?
7 Ken, if you can hear me right now.

8 **MS. COWDERY:** If they send it to you in
9 writing -- it's something, may be something we can think
10 about.

11 **MR. TALBOT:** This is Ken Talbot. Yeah. In
12 Matt's example, that would be a request, and we would be
13 following up on a request versus a complaint. If a
14 customer called and said their power was disconnected
15 for non-pay and then we have a requirement that would --
16 that they would have to pay and they dispute or object
17 to that and escalate it, that would be a complaint. But
18 the other -- Matt's example would be a request.

19 **MS. COWDERY:** I would agree with that from our
20 perspective also. Thank you. That was a good
21 explanation.

22 Okay. We're still looking at subsection
23 (1) of both rules. The first sentence in the
24 current rules we have deleted, and that is a
25 sentence that says, "The utility shall make a full

1 and prompt investigation of all customer complaints
2 and other service requests." The reason for that is
3 that that language does not really give a
4 subjective -- an objective standard for regulatory
5 purposes. "Full and prompt investigation," I think,
6 is sort of an outmoded phrase that would not really
7 stand up to our new 120.52 definitions having to do
8 with requirements for rulemaking.

9 So in order to address that issue, what we
10 have suggested is using the same type of time frame
11 that is currently used under 25-22.032 for
12 complaints that come to the Public Service
13 Commission in various sections of that particular
14 rule.

15 So our draft language would read: "No
16 later than the next working day after the date the
17 utility receives a customer complaint, the utility
18 shall inform the customer that the utility has
19 received the customer's complaint. Within 15
20 working days of the utility's receipt of the
21 complaint, the utility shall investigate the
22 complaint and give the customer a verbal or written
23 response."

24 The basic thinking on this is that if a
25 complaint comes in to the utility directly, the

1 response and attention that's given to that
2 complaint should be equivalent to a customer's
3 complaint that comes to the Commission initially.

4 In order to make clear that the time
5 frames apply to complaints that are not processed
6 under 25-22.032, I would also add another sentence
7 to that language which is not currently in the draft
8 which would be something along the lines of: "These
9 requirements apply to all complaints not being
10 processed under Rule 25-22.032." Because, of
11 course, 25-22.032 has its own time frames.

12 Questions or comments on that draft language?

13 **MS. CANO:** This is Jessica Cano. Good
14 morning. No specific comments with respect to the
15 additional sentence that you just added there. But,
16 again, I think we're going to have to think about how
17 this applies to social media interaction. I don't know,
18 so I can't say, but I don't know if we currently respond
19 to every angry tweet or Facebook post.

20 **MS. COWDERY:** Right. And that goes back to
21 our definition of complaint --

22 **MS. CANO:** Agreed.

23 **MS. COWDERY:** -- and maybe the comments made
24 by Mr. Kelly, so --

25 **MS. CANO:** Thank you.

1 **MR. KELLY:** You know, one suggestion along
2 those lines might be "An oral, written or electronic
3 communication made directly by the consumer to the
4 utility." Because I -- and I don't Twitter, I don't
5 tweet, so I don't know how all that works personally.
6 But that doesn't -- I don't know that that's
7 something -- is that something that's made directly to
8 you guys? Or is a tweet or Twitter -- to me, I don't --
9 that's sort of like calling a, to me, I think of calling
10 a newspaper reporter and saying, "Hey, you know, Kelly
11 Company did me wrong. Write about it." I don't -- I
12 don't -- at least when I was at Agriculture, we never
13 considered that to be a complaint. So I don't -- I'm
14 sure you guys don't want it to be considered a complaint
15 either, but maybe there's some -- should consider some
16 language, it just occurred to me, some kind of
17 communication made directly to the utility.

18 **MS. COWDERY:** Uh-huh.

19 **MR. KELLY:** I don't know if that helps or
20 hurts.

21 **MS. RODDY:** This is Lisa Roddy. A question
22 that we had at Gulf is we needed some clarification on
23 what you meant by "inform." What does inform actually
24 mean? I think we have a couple of ways we do that. I
25 know one way is we will call to talk with a customer.

1 If we don't get them, we'll leave a voice mail. Is that
2 satisfactory, or is inform more broad in this case?

3 **MS. COWDERY:** Well, I think that sort of goes
4 to the level of micromanagement the Commission does not
5 get into. You know, inform, I think, would be up to
6 the -- the method that the utility informs the customer
7 would be up to them as long as you're informing the
8 customer.

9 **MS. RODDY:** Okay. Thank you.

10 **MR. TALBOT:** This is Ken Talbot. Just a
11 potential word edit. Would "acknowledge" be something
12 that would be clearer? Just throwing that out there.

13 **MS. COWDERY:** It could be. I mean, I would
14 appreciate comments on that, on your opinion on that.

15 **MS. KEATING:** This is Beth Keating. We have
16 the same concern, you know. If you can't reach the
17 customer, does that not constitute inform? So maybe, I
18 agree, "acknowledge" or "notify" might be a little --

19 **MS. COWDERY:** When you say you can't reach the
20 customer --

21 **MS. KEATING:** So if the -- you are required to
22 inform the customer the next business day. But if the
23 customer doesn't receive your email or your phone call
24 notification, does that constitute informing the
25 customer?

1 **MS. COWDERY:** I think, you know, that's
2 something that you can bring up in your comments. I
3 don't see a big distinction right now as far as if
4 you're informing or acknowledging, so I would
5 appreciate, you know, any comments you have on that.

6 Okay. Any further comments on that
7 particular language?

8 Okay. The last thing that I think we're
9 addressing in subsection (1) is we are, in the draft
10 rule, deleting the requirement for a utility to make
11 a full and prompt investigation of other service
12 requests. And this goes, I think, to a comment that
13 we got from one of our call-in speakers, I think
14 from Duke. That particular language is really not
15 what we're addressing in these rules. These are
16 complaint rules. The language having to do with
17 investigation of other service requests is
18 duplicative of requirements we have with more
19 specificity in some of our other rules. We have a
20 definition of service in 25-6.003(2)(e), and we
21 would read "other service requests" as relating to
22 initiation of service, continuation of service,
23 disconnection or refusal of service. And we have
24 specific rules in 25-6 and 25-7 addressing all of
25 those situations. And, again, I think, as the

1 speaker noted, if there is a problem with
2 initiation, discontinuation, or refusal of service,
3 then that could be elevated to a complaint, and at
4 that point the complaint rules would kick in. So we
5 think that that's sort of outdated language in these
6 particular rules. Any questions or comments?

7 Okay. The draft rules also amend the
8 requirements in 25-6.094 and 27.080 responding --
9 regarding responding to emergency situations. And the
10 rules are a little different in this regard, so I'll
11 address them separately.

12 Rule 25-7.080(2) currently states, "Reports of
13 gas leaks are to be considered as emergencies requiring
14 immediate attention."

15 You know, in our opinion, this language is
16 unnecessary because it's duplicative of the more
17 specific requirements in the gas safety rules that are
18 in 25-12.041 and 25-12.042. So for this reason,
19 we've -- we are deleting this language in the draft
20 rules. Do you have any comments?

21 Okay. Draft Rule 25-6.094 is amended to read
22 that, "Reports of electrical conditions wherein property
23 damage or personal injury is reasonably foreseeable
24 shall be considered emergencies requiring prompt
25 response subject to safe work practices required by Rule

1 25-6.039." We believe that that draft language more
2 specifically describes the manner in which utilities
3 respond to emergency situations and is a more objective
4 standard.

5 Any comments or questions on that change?

6 **MR. BERNIER:** Yes, ma'am. Matt Bernier again.

7 Just trying to understand the difference,
8 if there is one, between a prompt response and an
9 immediate action.

10 **MS. COWDERY:** I don't know that there really
11 is one.

12 **MR. BERNIER:** Okay. Thank you.

13 **MS. COWDERY:** But any comments you may have on
14 that, you know, if you think there is a difference, we'd
15 like to hear them.

16 **MR. BERNIER:** Yes, ma'am.

17 **MS. COWDERY:** Anything further on that change?

18 Okay. That is all that I have for the --
19 those complaint rules. Is there anything else that
20 anyone has on those rules?

21 **MS. CANO:** Hi, there. Jessica Cano again.

22 We would like perhaps some clarity around
23 the change from "disposal" of the complaint and
24 "disposition" to "resolution."

25 **MS. COWDERY:** Uh-huh. Certainly.

1 **MS. CANO:** As much as we would like to resolve
2 every customer concern to that customer's satisfaction,
3 that does not always occur. And so we do have some
4 questions regarding the change to the word "resolution"
5 there.

6 **MS. COWDERY:** We're changing that language to
7 be consistent with our other rule language and some
8 statutory language that would be in, like, more in 367.
9 But the current language, like in 25-22.032, does talk
10 about resolution of complaints. And certainly if you
11 have an unresolved complaint, then that could be
12 elevated to 25-22.032. And I would suggest that, you
13 know, what we're really trying to do, and, in most
14 cases, I'm sure that the utility does, resolve
15 complaints. And if one is not resolved, I would assume
16 that the utility would just say, "Unable to resolve," or
17 something like that. But it's for consistency, and that
18 is the objective is resolution.

19 **MS. KEATING:** We've got really -- this is Beth
20 Keating -- more of a clarification question too. So
21 you've removed "and Service Requests" from the title of
22 that rule. But we would really view sub (3) and (4) as
23 more in the vein of service request as opposed to
24 complaint, so I just wonder if you had any thoughts on
25 that.

1 **MS. COWDERY:** What are you looking at?

2 **MS. KEATING:** 6.094, you've removed "and
3 Service Requests" from the title of the rule.

4 **MS. COWDERY:** Correct.

5 **MS. KEATING:** But sub (3) and (4), FPUC, at
6 least, views those types of inquiries as being more in
7 the vein of service requests as opposed to complaint
8 procedures.

9 **MS. COWDERY:** Well, perhaps it would be
10 complaints and emergency responses or something like
11 that for the heading, because, yes, I think you're
12 correct.

13 **MS. KEATING:** I think that would be helpful.

14 **MS. COWDERY:** Okay. As usual, I appreciate
15 any kind of written post-workshop comments on that.

16 Anything further on the complaint rules,
17 25-6.09?

18 Then we will move to records of complaint
19 rules, which are 25-6.021 on page 6 of the notice
20 and 25-7.020 on page 8 of the notice.

21 Okay. Well, the draft rules do require
22 each utility to keep a record of all complaints
23 received. Currently the record of complaint rules
24 between the industries are not entirely consistent,
25 and so we're looking at consistency. The electric

1 rule currently requires electric public utilities to
2 keep a written copy of all written complaints. The
3 gas rule requires all complaints. Water and
4 wastewater require written and signed complaints.
5 Staff believes that the electric utilities' and the
6 gas utilities' rule should be made consistent and
7 have all complaints received, keep a record of
8 those. And this, again, goes back to the importance
9 of the definition of complaint, so that's what we
10 want to focus on.

11 And whatever that definition is, you know,
12 whether the complaint is in writing or it's verbal,
13 they should be treated the same. So that's our
14 focus with these rules.

15 Any particular comments specific to that
16 25-6.021 or 25-7.021(1) sections?

17 **MR. KELLY:** This is J.R. from OPC. We would
18 just like to see something added that -- where it says,
19 "Each utility shall keep a record of all complaints
20 received and its responses to the customer for those
21 complaints."

22 **MS. COWDERY:** Okay. Hopefully that is taken
23 care of with the language as to what needs to be in the
24 record. I think we've got that, but we'll make sure of
25 it.

1 **MR. KELLY:** Okay. It wasn't clear to me
2 because it says, "How the complaint was resolved and the
3 date of resolution" --

4 **MS. COWDERY:** Oh, I see. Got it.

5 **MR. KELLY:** -- and the result and the nature,
6 but it never says anything about keeping any
7 communications back to the customer.

8 **MS. COWDERY:** Okay. Thank you.

9 Any additional comments? Okay.

10 Now the next section -- well, currently
11 those two rules require electric and gas companies
12 to keep a record of all complaints received, but to
13 my knowledge, there is no Commission rule which
14 tells the utilities how long they must keep these
15 records, you know. And, frankly, that could be
16 interpreted, you know, indefinitely, and that is not
17 our intent. So under the draft rules, we're
18 suggesting that the record of complaints be
19 maintained for a minimum of five years. We believe
20 this is a reasonable amount of time for the
21 complaints to be kept for Commission purposes. The
22 utilities might have other reasons for keeping
23 complaints.

24 It is also generally consistent with the
25 NARUC 2007 guidelines, regulations to govern the

1 preservation of records of electric, gas, and water
2 utilities, that suggests that records and reports of
3 customer service complaints be retained for six
4 years. We have not adopted that, those guidelines,
5 but it is consistent with those guidelines.

6 The draft rules in 25-6.021(2) and
7 25-7.020(2) also require that the records of
8 complaints be provided to the Commission upon
9 Commission staff's request. I don't think this
10 really makes much of a change, but it does put it
11 into the -- into the rule. It assures that the
12 record is kept in such a format that it will be
13 easily provided to Commission staff upon request.

14 And then finally, the draft rules state
15 that, "Documentation relating to customer complaints
16 processed under Rule 25-22.032 shall be retained as
17 set forth in that provision." That particular
18 provision requires documentation having to do with a
19 complaint that's processed under 25-22.032 to be
20 retained for two years. The distinction is
21 documentation having to do with that complaint
22 versus a record of complaint. You know, they're two
23 different things, but we could see a possible
24 confusion by not clarifying that.

25 Questions and comments on these particular

1 changes?

2 **MS. KEATING:** This is Beth Keating. I think
3 we might just suggest, with regard to the five years,
4 maybe just a clarification of "from the date the
5 complaint is received by the utility."

6 **MS. COWDERY:** Okay. Thank you.

7 Any other comments? Yes.

8 **MR. BERNIER:** Yes, ma'am. Matt Bernier again.

9 Just a quick question to make sure that I
10 understand the explanation you just gave regarding
11 the two different time periods. So the record of
12 the complaint that was received would be maintained
13 for five years per 6.021(2).

14 **MS. COWDERY:** Right.

15 **MR. BERNIER:** But the documentation regarding
16 that complaint that was processed under 25-22.032 would
17 be kept for two years.

18 **MS. COWDERY:** Right. Right. And that's a
19 current requirement, yes, the two years; right. That is
20 correct. That is our intent.

21 **MS. CANO:** So now I'm going to ask a follow-up
22 question. Sorry. Jessica Cano.

23 So to make sure I understand, a complaint
24 that is processed under 25-22.032 would need to
25 comply with both Rule 25-6.021 and 25-22.032 in the

1 sense that we would create a record that is
2 maintained for five years and we would retain the
3 documentation under 25-22.032 for two years; is that
4 correct?

5 **MS. COWDERY:** Correct.

6 **MS. CANO:** Thank you.

7 **MS. COWDERY:** Correct.

8 Does anyone have any other matters for
9 discussion on these rules?

10 The transcript of this workshop will be
11 posted on the Commission website by March 10th,
12 2017. We would encourage submission of
13 post-workshop comments. Please file them by
14 March 24th, 2017. Are these -- do these dates work
15 for you all?

16 Okay. As part of this rulemaking, staff
17 will prepare a statement of estimated regulatory
18 costs. It's consistent with Section 120.543(b) and
19 120.541(2). As part of your post-workshop comments,
20 we would appreciate any input you may have as to
21 whether you believe that these rules are likely to
22 have an adverse impact on any of the matters listed
23 in 120.541(2).

24 Are there any final questions?

25 Thank you very much for your participation.

1 This staff workshop is adjourned.

2 (The workshop adjourned at 10:08 a.m.)

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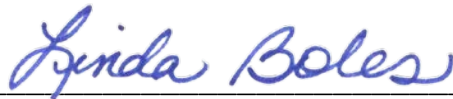
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4 I, LINDA BOLES, CRR, RPR, Official Commission
5 Reporter, do hereby certify that the foregoing
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18 DATED THIS 7th day of March, 2017.

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