

PUBLIC UTILITIES COMMISSION

Public Advisor's Office
866-849-8390 (toll free)



**INFORMAL AND FORMAL COMPLAINT PROCEDURES and
ALTERNATIVE DISPUTE RESOLUTION PROGRAM**

The California Public Utilities Commission and its staff are always ready to answer questions about regulation of investor-owned utilities. Many of these utilities operate under tariff rates and rules, which are on file with the Commission and are open to public inspection at utility offices. Each utility also posts their tariff rates on their website. Consumers should seek information on rules, service, or rates directly from the utility. In general, utilities answer most consumer questions and satisfactorily settle disputes. If they do not, please contact the Commission and we will assist you through our informal or formal complaint processes, or Alternative Dispute Resolution Program.

Informal Complaints

Resolution of Informal Complaints

A customer who questions the accuracy of a utility bill may deposit the disputed amount with the Commission to prevent discontinuance of service. However, the Commission cannot accept deposits for rate protests, rules or service complaints.

Commission staff reviews the customer's complaint, the utility's position, the utility's compliance with its rates and rules, and the analysis of collected data. The staff then issues an informal opinion on the dispute, notify each party of its findings, and send money on deposit to either the customer or to the utility. Often the matter is resolved at this point.

Appeal of Staff Findings in an Informal Complaint

If you are dissatisfied with the staff's opinion, you may appeal it to the Consumer Affairs Branch Manager in writing within 15 days of the mailing of the staff's findings. If you are still not satisfied after the Manager's review, you may file a formal complaint with the Commission. See next section.

We Prefer Receiving Informal Complaints in Writing

Although we will accept informal complaints by telephone, we prefer receiving them in writing. Written complains must be complete and clear in describing the dispute with the utility, and include copies of any relevant documents.

To Contact the Commission With Your Question or Concern

Send a written complaint to
Consumer Affairs Branch
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

OR

Visit <http://www.cpuc.ca.gov/CAB>

OR

Call 800-649-7570 (toll free) or 415-703-4973

TDD for speech and hearing impaired call 800-229-6846 (statewide). Public telephone hours are between 8:30 a.m. and 4:30 p.m.

Formal Complaints

Through the Formal Complaint procedure, the Commission can order the utility to take corrective action on a variety of Formal Complaints, including an adjustment to a customer's bill. The Commission can also order reparations if a service which has been paid for has not been provided. It is important to note, however, that the Commission is not allowed to award damages for such things as personal injury, property damage, emotional distress, or loss of wages or profits. To request compensation for damages, the customer must file a claim in a civil court.

Privacy Notice

Whether or not your Formal Complaint is filed in paper form or electronically, Formal Complaints filed with the CPUC become a public record and may be posted on the CPUC's website. Therefore, any information you provide in the Formal Complaint, including, but not limited to, your name, address, city, state, zip code, telephone number, email address and the facts of your case may be available on-line for later public viewing.

If you need help with or have any questions about filing your formal complaint, contact CPUC's Public Advisor's Office

The Public Advisor-CPUC
505 Van Ness Avenue
San Francisco, CA 94102
866-849-8390 (toll free)
415-703-2074
public.advisor@cpuc.ca.gov

<http://www.cpuc.ca.gov/PUC/aboutus/Divisions/CSID/Public+Advisor/>

Alternative Dispute Resolution Program (ADR)

ADR commonly describes processes, such as facilitation, negotiation, mediation, and early neutral evaluation, to help disputants resolve a conflict without a formal decision by a court or agency. When successful, ADR may achieve results that a court or agency could not order, give the parties more ownership in the result, and reduce litigation and agency costs.

Our Administrative Law Judge (ALJ) Division administers the ADR program and trained experienced ALJs serve as neutrals in the program.

Because ADR focuses on the parties' basic interests, a dispute may be settled on terms more favorable to each of the parties. Since the process is voluntary, free, and normally confidential, parties have little "down-side" risk in trying ADR. If it results in a full settlement, ADR may save time and litigation expenses. Even if a complete settlement is not possible, agreement may be reached on some important points and this, also, may save time.

ADR can occur at any time during a formal proceeding. We encourage the early use of ADR to save the parties' time and money and to avoid unnecessary escalation of a dispute. On occasion, ADR may be available to help resolve disputes that are still informal and have yet to be filed as formal complaints. Most ADR sessions are completed in ½ to 2 days. Some ADR sessions continue over several weeks, with the parties meeting for a day or two at a time.

For additional information visit www.cpuc.ca.gov/PUC/ADR/.

Informal Complaint Form

Do you wish to follow-up on a **previously reported complaint**? If yes, enter

Previously Reported
Complaint Number:

Do you wish to file a **new complaint**? If yes, please fill in the form below:

Service Information

First Name:	Last Name:
If the complaint pertains to your business, enter the business name:	
Street:	Unit:
City:	Email:
State:	Daytime Phone:
Zip:	

Contact Information

If the contact information differs from the address provided above, please fill in the information below	
First Name:	Last Name:
Street:	Unit:
City:	State:
Zip:	

Company/Utility Information

Tell us about the company/utility that your complaint involves
Utility Name:
Account No.:

What is the situation that concerns you?

What did the utility say when you contacted them?

What action do you want the CPUC to take?

Attach any documents which pertain to your case.

Mail this form to

Consumer Affairs Branch
California Public Utilities Commission
505 Van Ness Avenue, Room 2250
San Francisco, CA 94102

INSTRUCTIONS FOR FILLING OUT THE ENCLOSED FORMAL COMPLAINT FORM

This step-by-step guide is designed to assist you in filing your formal complaint. You may file a complaint by mail as described in these instructions, or you may file electronically by visiting www.cpuc.ca.gov and clicking on “E-File Documents” link. We do not charge fees for filing a formal complaint.

We have tried to simplify the process by assigning letters corresponding to the blanks on the form. However, you should become familiar with the CPUC's Rules of Practice and Procedure, as they must be followed in all formal proceedings. A complete set of Rules may be obtained upon request from the Public Advisor's office, and is also available on our website www.cpuc.ca.gov, first click on “online documents” and then “General Orders, Codes, Laws, Policies, Rules of Practice & Procedure”.

- A. The individual filing the complaint is the complainant. Provide the name(s) of each complainant.
Example: Mary Smith
- B. The defendant is the utility you have a complaint against. Provide the name(s) of defendant(s).
Example: Acme Utility Company
- C. A complaint that does not allege that the matter has first been brought to the Commission staff for informal resolution (see page 1) may be referred to the staff to attempt to resolve the matter informally. (Rule 4.2(c)).
- D. Provide mailing address and **daytime** telephone number.
Example: Mary Smith, 444 W. 4th Street, Los Angeles, CA, 90012, (213) 400-5005
- E. Provide the utility (defendant's) name and address. Use the address on your bill or contact the Public Advisor's office for the address.
- F. Clearly describe your complaint: Explain the problem you are having with the utility.
- G. You must provide your suggestions regarding several things the Commission will need to consider in order to handle your case (this is called Scoping Memo Information). These items include: The proposed category “adjudicatory” or “ratesetting”. See Categorization of Proceedings Section on page 12 for additional information. Most complaints are “adjudicatory” unless they challenge the reasonableness of a utility’s rate; do you believe that there are facts in dispute that require a hearing before a judge; see page 11 on difference between regular and expedited complaints; the issues to be considered; and a proposed schedule. Include as attachments copies of any documentation you feel will support your case. **NOTE: Please see page 11 for information regarding various ways to challenge the reasonableness of a rate (Rule 4.1).**
- H. You must state the exact relief you are requesting.
Example: The utility should refund the overbilled amount of \$78.00.
- I. (OPTIONAL) If you would like to receive the defendant’s answer and other filings, including information and notices from the Commission, by electronic mail (e-mail) instead of by U.S. Mail, provide your e-mail address.

REMINDER: BY LAW, THE COMMISSION CANNOT AWARD DAMAGES. For example, the Commission cannot order the utility to pay you \$40.00 to replace a shrub the utility drove over. If you are unsure whether the relief you are requesting is an award of damages, please call the Public Advisor's Office.

J. Date and Sign. Example: Los Angeles this 22nd day of April 2009.

K. Provide information for your representative, if applicable.

L, M. Sign Verification Form. Example for individual: April 22, 2009 at Los Angeles Ms. Mary Smith

N. If you are filing your formal complaint on paper, then submit one (1) original, six (6) copies, plus one (1) copy for each named defendant. For example, if your formal complaint has one defendant, then you must submit a total of eight (8) copies (Rule 4.2(b)).

If you are filing your formal complaint electronically (visit <http://www.cpuc.ca.gov/PUC/efiling> for additional details), then you are not required to mail paper copies.

O. Mail paper copies to: CALIFORNIA PUBLIC UTILITIES COMMISSION
ATTN: DOCKET OFFICE
505 VAN NESS AVENUE, ROOM 2001
SAN FRANCISCO, CALIFORNIA 94102

EXPEDITED AND REGULAR COMPLAINT PROCEDURES

The Commission has two kinds of formal complaints: The expedited complaint procedure (ECP) and the regular complaint procedure. The following explains the major differences.

EXPEDITED COMPLAINT (ECP)

Only for cases where the disputed amount is under \$7,500 if filed by a natural person or under \$5,000 if filed by a Corporation or other group.

No attorneys may represent either party.

No court reporter present and no hearing transcript prepared.

Hearing held usually within 30 after defendant utility's answer is filed.

If appealed by either party, and rehearing is granted, the whole case must be reheard under regular complaint procedure.

In filing your formal complaint, you may request that your complaint be handled under the Commission's regular formal complaint procedure. If you do not indicate which procedure you prefer (and if the amount is less than \$7,500 in a complaint filed by a natural person or \$5,000 in a complaint filed by a corporation or other group), the Docket Office will generally consider it as an expedited complaint.

Regardless of the type of formal complaint you have filed, you have the burden to present your case and prove any act or thing done or omitted to be done by the utility which you allege violates the utility's tariff rules, a Commission order or the law.

If your complaint concerns the reasonableness of a utility's rates, it must be signed by the mayor or president or chairperson of the board of trustees or a majority of the council, commission or other legislative body of the city or city and county within which the alleged violation occurred, or by not less than 25 actual or prospective consumers or purchasers of the utility's service. (Rule 4.1)

If requested in your complaint and if administratively possible, the hearing may be held in a location within your community. If you have a situation that prevents you from traveling, please indicate your restriction in your request.

WHAT WILL HAPPEN NEXT

The Docket Clerk will review your formal complaint to ensure it complies with all of the Rules of Practice and Procedure, and that you have provided all of the needed information.

If your formal complaint has been rejected for any reason, the Docket Clerk will notify you why it was not accepted, and what you must do to correct the filing. They may refer to the Commission's "Rules of Practice and Procedure" which is available from the Public Advisor's Office and is on our web site www.cpuc.ca.gov.

Once the formal complaint has been accepted for filing, the Docket Clerk will issue a case number. If you want the Docket Office to send you an official copy of your complaint with the case number, you should send an extra copy of the complaint with a self-addressed, stamped envelope at the time you file your complaint.

You are not required to serve the complaint to the defendant utility. Instead, the Docket Office will mail a copy of the formal complaint to the defendant utility, with the instruction sheet directing an answer in 30 days, or 20 days under the expedited procedure. You will receive a copy of the instruction sheet that was sent to the defendant utility with the case number and the date the answer is due from the defendant utility. The instruction sheet will indicate the Administrative Law Judge (ALJ) that has been assigned to hear your case. If your complaint is a regular complaint, and not an ECP, the instruction sheet will also note the category assigned to your case. The utility will send you a copy of its answer to your complaint. The ALJ may schedule a prehearing conference. Prehearing conferences may be held by telephone or in person. A prehearing conference is held to determine the parties, the issues and the hearing schedule. You will be notified of the date, time and location for the hearing, the positions of the parties and other procedural matters.

Under the expedited procedure, a hearing date may be set at the time the complaint is served on defendant utility, or it may be deferred until after the Answer has been filed. A hearing is usually held within 30 days after the Answer of defendant utility has been filed. ECP hearings will usually be held on Thursday in San Francisco and on Friday in Los Angeles with some exceptions to this schedule as necessary. If you request your hearing be held in a location other than San Francisco or Los Angeles, it may not be possible to set the hearing within 30 days of the answer but it will be as close to that time frame as possible.

If you cannot attend the scheduled hearing date, you should notify the ALJ as soon as possible to avoid any unnecessary expenditures by the parties. Please call the ALJ through the Commission's toll-free number 1-800-848-5580.

CATEGORIZATION OF PROCEEDINGS

Formal proceedings are divided into three categories: Adjudicatory, Ratesetting and Quasi Legislative. Most formal complaints will be Adjudicatory. Those formal complaints which require 25 signatures are not considered adjudicatory. They will likely be categorized as Ratesetting. (Rule 1.3)

Adjudicatory proceedings require a Commission final decision within 12 months of the filing date, barring unusual circumstances. The 12 month time period begins when the complaint is accepted for filing with the Commission's Docket Office.

The ALJ will write a draft decision for the Commission. The five-member Commission can accept, reject or modify the ALJ's draft decision, and the Commission considers and issues its ultimate decision at its publicly noticed business meetings. The Commission can award an adjustment to your bill if you prove you are entitled to it (reparation), but it cannot award damages, such as lost wages.

In adjudicatory proceedings where hearings have been held, the presiding officer's (ALJs) draft decision becomes the Commission's final decision 30 days after the draft decision is mailed to the parties in the proceeding, but only if no appeal or request for review was filed during that 30 day period. If an appeal or request for review is filed, the Commission will consider the draft decision at a Business Meeting, and adopt a final decision.

Commission final decisions in adjudicatory cases can be appealed. To appeal a final decision, a complainant must first file an application for rehearing with the Commission. If, after the Commission issues a decision on the application for rehearing (or 60 days after filing the application for rehearing), the Complainant is not satisfied, he/she may appeal the Commission's decision to the State Court of Appeal, in the District in which he/she resides.

Applications for rehearings shall follow Article 16 of the Rules of Practice & Procedure, and in any appeal you are responsible to specifically explain in what manner the Commission's Decision is unlawful or erroneous.

EX PARTE INFORMATION

Special restrictions apply to conversations with the ALJ or Commissioners when the conversations are about substantive issues in your case. Such "ex parte communications" are prohibited in adjudicatory cases. An ex parte communication is a written communication (including a communication by letter or electronic medium) or oral communication (including a communication by telephone or in person) that:

- (1) concerns any substantive issue in a formal proceeding, and
- (2) takes place between an interested person (like yourself) and a decisionmaker (like the ALJ), and
- (3) does not occur in a public hearing, workshop, or other public setting, or on the record of the proceeding, where all interested parties would have the opportunity to attend.

Communications limited to inquiries regarding the schedule, location, or format for hearings, filing dates, identity of parties, and other such nonsubstantive information are likely to be considered procedural inquiries not subject to any restriction or reporting requirement. If you need help in determining the nature of an intended communication, call the Public Advisor's Office for assistance.

If your case is not classified as adjudicatory, different ex parte rules may apply. Please refer to the "Guide To Public Participation" and its summary of ex parte communications. The complete text of the ex parte rules can be found in Article 8 of the Commission's Rules of Practice and Procedure. You may also want to refer to the law upon which the rules are based (Public Utilities Code Sections 1701.1, 1701.2 and 1701.3). If you have any questions, please contact the Public Advisor's Office.

Reminder

If you have any questions about any part of the formal complaint procedures, please feel free to call the Public Advisor's Office in San Francisco or Los Angeles. We will be glad to answer your questions regarding the process.

See Next Page

for

Formal Complaint

Form

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

(A)

COMPLAINANT(S)

vs.

(B)

DEFENDANT(S)

(Include Utility "U-Number", if known)

(for Commission use only)

(C)

Have you tried to resolve this matter informally with the Commission's Consumer Affairs staff?

YES NO

Has staff responded to your complaint?

YES NO

Did you appeal to the Consumer Affairs Manager?

YES NO

Do you have money on deposit with the Commission?

YES NO

Amount \$ _____

Is your service now disconnected?

YES NO

COMPLAINT

(D)

The complaint of (Provide name, address and phone number for each complainant)

Name of Complainant(s)	Address	Daytime Phone Number

respectfully shows that:

(E)

Defendant(s) (Provide name, address and phone number for each defendant)

Name of Defendant(s)	Address	Daytime Phone Number

(F)

Explain fully and clearly the details of your complaint. (Attach additional pages if necessary and any supporting documentation)

(G) Scoping Memo Information (Rule 4.2(a))

(1) The proposed category for the Complaint is (check one):

adjudicatory (most complaints are adjudicatory unless they challenge the reasonableness of rates)

ratesetting (check this box if your complaint challenges the reasonableness of a rates)

(2) Are hearings needed, (are there facts in dispute)? YES NO

(3) Regular Complaint Expedited Complaint

(4) The issues to be considered are (Example: The utility should refund the overbilled amount of \$78.00):

(5) The proposed schedule for resolving the complaint within 12 months (if categorized as adjudicatory) or 18 months (if categorized as ratesetting) is as follows:

Prehearing Conference: Approximately 30 to 40 days from the date of filing of the Complaint.

Hearing: Approximately 50 to 70 days from the date of filing of the Complaint.

Prehearing Conference (Example: 6/1/09):	
Hearing (Example: 7/1/09)	

Explain here if you propose a schedule different from the above guidelines.

(H)

Wherefore, complainant(s) request(s) an order: State clearly the exact relief desired. (Attach additional pages if necessary)

(I)

OPTIONAL: I/we would like to receive the answer and other filings of the defendant(s) and information and notices from the Commission by electronic mail (e-mail). My/our e-mail address(es) is/are:

(J)

Dated _____, California, this _____ day of _____, _____
(City) (date) (month) (year)

Signature of each complainant

(MUST ALSO SIGN VERIFICATION AND PRIVACY NOTICE)

(K)

REPRESENTATIVE'S INFORMATION:

Provide name, address, telephone number, e-mail address (if consents to notifications by email), and signature of representative, if any.

Name of Representative:	
Address:	
Telephone Number:	
Email:	
Signature	

VERIFICATION
(For Individual or Partnerships)

I am (one of) the complainant(s) in the above-entitled matter; the statements in the foregoing document are true of my knowledge, except as to matters which are therein stated on information and belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.

(L)

Executed on _____, at _____, California
(date) (City)

(Complainant Signature)

VERIFICATION
(For a Corporation)

I am an officer of the complaining corporation herein, and am authorized to make this verification on its behalf. The statements in the foregoing document are true of my own knowledge, except as to the matters which are therein stated on information and belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.

(M)

Executed on _____, at _____, California
(date) (City)

Signature of Officer

Title

(N) NUMBER OF COPIES NEEDED FOR FILING:

If you are filing your formal complaint on paper, then submit one (1) original, six (6) copies, plus one (1) copy for each named defendant. For example, if your formal complaint has one defendant, then you must submit a total of eight (8) copies (Rule 4.2(b)).

If you are filing your formal complaint electronically (visit <http://www.cpuc.ca.gov/PUC/efiling> for additional details), then you are not required to mail paper copies.

(O) Mail paper copies to: California Public Utilities Commission
Attn: Docket Office
505 Van Ness Avenue, Room 2001

PRIVACY NOTICE

This message is to inform you that the Docket Office of the California Public Utilities Commission (“CPUC”) intends to file the above-referenced Formal Complaint electronically instead of in paper form as it was submitted.

Please Note: Whether or not your Formal Complaint is filed in paper form or electronically, Formal Complaints filed with the CPUC become a public record and may be posted on the CPUC’s website. Therefore, any information you provide in the Formal Complaint, including, but not limited to, your name, address, city, state, zip code, telephone number, Email address and the facts of your case may be available on-line for later public viewing.

Having been so advised, the Undersigned hereby consents to the filing of the referenced complaint.

Signature

Date

Print your name