

4901:1-10-21

Customer complaints and complaint-handling procedures.

- (A) As used in this rule, customer/consumer complaint means a customer/consumer contact (either in person, by mail, by telephone, or any other reasonable means designated by the ~~company~~ EDU) when such contact necessitates follow-up by the ~~electric distribution company~~ EDU other than routine service orders.
- (B) Except as ordered by the commission or directed by the commission staff in disconnection or emergency cases, each ~~electric distribution company~~ EDU shall investigate customer/consumer complaints and provide a status report within three business days of the date of receipt of the complaint to:
- (1) The customer/consumer, when investigating a complaint made directly to the ~~electric distribution company~~ EDU; or
 - (2) The customer/consumer and commission staff, when investigating a complaint referred to the ~~electric distribution company~~ EDU by the commission or commission staff.
- (C) If an investigation is not completed within ten business days, each ~~electric distribution company~~ EDU shall provide status reports to update the customer/consumer, or update the customer/consumer and commission staff where appropriate, either orally or in writing, at five business day intervals until the investigation is complete, unless the action that must be taken will take longer than five days (e.g., volt meter will be placed on the premises for twenty days). In such cases the ~~electric distribution company~~ EDU may omit the status report for a maximum of thirty days if a response date is given to the customer/consumer or the customer/consumer and commission staff, where appropriate, when the investigation is initiated.
- (D) Each ~~electric distribution company~~ EDU shall inform the customer/consumer, or the customer/consumer and commission staff, of the results of the investigation, orally or in writing, no later than five business days after completion of the investigation. The customer/consumer or commission staff may request the final report to be in writing.
- (E) If the customer/consumer disputes the ~~electric distribution company's~~ EDU's report(s), each ~~electric distribution company~~ EDU shall inform the customer/consumer that the commission staff is available to mediate complaints. The company shall provide the customer/consumer with the current address, local/toll-free numbers, and TDD/TTY number of the commission's public interest center.
- (F) Each ~~electric distribution company~~ EDU shall make good faith efforts to settle

unresolved disputes, ~~including~~ which may include meeting with customer/consumer at a reasonable time and place.

(G) If customers contact the ~~electric distribution company~~ EDU concerning competitive retail electric service issues, the ~~electric distribution company~~ EDU shall:

- (1) Review the issue with the customer to determine whether it also involves the ~~electric distribution company~~ EDU;
- (2) Coordinate the resolution of any joint issues with the ~~competitive retail electric service~~ CRES provider; and
- (3) Refer the customer to the appropriate ~~competitive retail electric service~~ CRES provider only in those ~~instances~~ instances where the issue lacks any ~~electric distribution company~~ EDU involvement.

(H) Slamming complaints

~~Upon receipt of a slamming complaint, the electrical distribution company shall:~~

- (1) ~~Record the complaint and send it to the commission's consumer services department by e-mail or fax; A slamming complaint is a customer's allegation that the customer's electric supplier has been switched without the customer's authorization.~~
- (2) ~~If an unauthorized switch is confirmed by the commission staff, the electric distribution company the customer contacts the EDU with a slamming complaint after the end of the seven-day rescission period for the customer's enrollment with the alleged slamming CRES provider, the EDU shall:~~
 - (a) ~~Switch~~ Provide the customer ~~back to the previous supplier without charging the customer for such corrective action with the enrollment information contained in its records, and refer the customer to the commission;~~
 - (b) ~~Credit the customer's account for any switching fees associated with the unauthorized switch~~ Provide the customer with the local/toll-free telephone numbers of the commission's consumer services department;
and
 - (c) ~~Credit the customer for any usage charges made by the slamming party (if such charges are billed by the electric distribution company or its~~

~~agent); Cooperate with the staff in any subsequent investigations of the slamming complaint, including assisting the staff in determining the amount of any restitution owed the customer pursuant to paragraph (C)(5) of rule 4901:21-08 of the Administrative Code if the customer was switched without authorization from the EDU's standard offer service.~~

~~(d) Report to the previous provider the customer's metered usage for the period slammed, or charge such usage to the customer's previous account; and~~

~~(e) Maintain records of such actions, including the number of monthly slamming events corrected by the electric distribution company.~~

(3) If a customer initiates a slamming complaint within thirty days after being issued a bill from the alleged slammer, the customer shall not be required to pay the current charges assessed by the alleged slammer until the staff determines that the change in the customer's electric service provider was authorized.

(4) If the commission staff determines that a customer's service was switched without the customer's authorization, the staff shall notify the EDU of such determination. After such notification, and if the EDU is not at fault, the EDU may then seek reimbursement from the CRES provider that improperly initiated the switch for any incremental costs incurred by the EDU to correct the unauthorized switch including any switching fees. The EDU shall provide the CRES provider an itemized list of any such incremental costs.

(5) If correcting an unauthorized switch involves returning the customer to its previous CRES provider, the EDU shall make the corrective switch at the next regularly scheduled meter reading date following receipt of the enrollment request from the previous CRES provider. Such corrective switch shall be made in accordance with the EDU's normal practices and procedures for switching customers, except that the EDU shall not charge or shall credit to the customer any switching fees and the EDU is not required to issue the customer the notice required by paragraph (F)(1) of rule 4901:1-10-29 of the Administrative Code.

(6) If correcting an unauthorized switch involves returning the customer to the EDU's standard offer service, the EDU shall make the corrective switch at the next regularly scheduled meter reading date in accordance with the EDU's normal practices and procedures for switching customers, except that the EDU shall not charge or shall credit to the customer any switching fees and that the EDU is not required to issue the customer the notice required by paragraph (F)(1) of rule 4901:1-10-29 of the Administrative Code.

- (7) If, as part of correcting an unauthorized switch, a customer who was taking standard offer service from the EDU at the time of the unauthorized switch is returned to standard offer service, the customer shall not be subject to any minimum stay or other commission-approved alternative for returning customers, unless the customer would have been subject to such a requirement had the unauthorized switch not occurred.
- (8) If the EDU switches the customer served by a CRES provider to the EDU's standard offer service without authorization by the customer, without authorization by the appropriate CRES provider or pursuant to a commission order, the EDU shall:
- (a) Not charge or shall credit the customer any switching fees and shall return the customer to the previous CRES provider, making the corrective switch at the next regularly scheduled meter reading date following receipt of the enrollment request from the previous CRES provider;
- (b) By the next billing cycle:
- (i) Credit the customer's EDU account for any fees previously charged for switching the customer to the EDU; and
- (ii) If reported to the commission staff within thirty days after being issued a bill from the alleged slammer, absolve the customer of any liability for any charges assessed to the customer, excluding the distribution charges and refund to the customer any charges collected from the customer; or
- (iii) If reported to the commission staff more than thirty days after being issued a bill by the alleged slammer, credit the customer any fees the EDU charged in excess of the amount the customer would have paid its previous CRES provider for the same usage;
- (c) If the customer can not be returned to the original contract terms with its previous CRES provider, the slamming EDU shall credit or refund to the customer, the value of the customer's contract with the previous CRES provider for the remaining term of the contract immediately prior to the slam;
- (d) Reimburse the CRES provider, within thirty days of receiving an invoice, for any incremental costs incurred by the CRES provider to correct the unauthorized switch.

Effective:

R.C. 119.032 review dates: 07/30/2003

Certification

Date

Promulgated Under: 111.15
Statutory Authority: 4905.04, 4905.22, 4905.28,
4928.06
Rule Amplifies: 4905.06, 4905, .22, 4928.11,
4933.18, 4933.19, 4933.122
Prior Effective Dates: 7/1/99, 9/18/2000