

2.300 Consumer Complaints**2.301 Definition**

A consumer complaint is a complaint filed by any person (whether an individual, corporation, association, partnership, or other entity) receiving service or entitled to receive service from a utility regulated by the Commission seeking a refund of charges or an order requiring a utility to comply in a reasonable manner with any applicable tariff, statute, rule, or order of the Commission.

2.302 Form and Content

A consumer complaint must set forth in writing a short and plain statement of facts showing that the complainant is entitled to relief. The statement must be signed by the consumer. Despite the foregoing, the Commission may in its discretion treat any written communication to it concerning a proceeding within its jurisdiction to be a claim for relief.

2.303 Acknowledgment and Distribution of Complaints

The Commission will acknowledge receipt of all written complaints.

2.304 Referral to the Department of Public Service

In its discretion, the Commission may refer any consumer complaint to the Department of Public Service and request the Department to attempt to resolve the dispute. If the consumer complaint is not referred, if the Department refuses to accept the referral, or if the Department is unable to resolve the matter, then the Commission may open an investigation, order a response from the utility, and set the complaint for a hearing if (assuming the allegations in the complaint to be true) there are reasonable grounds to believe there has been a violation of tariffs, statutes, rules, or other orders of the Commission. If, assuming that the allegations of the complaint are true, there are no reasonable grounds to believe there has been a violation, the Commission must dismiss the consumer complaint.

2.305 Hearings on Consumer Complaints

In setting a case for hearing, the Commission must set the earliest date possible and specifically set forth the issues to be resolved. Those issues, unless the requirements of justice dictate otherwise, must be the only issues addressed at the hearing. If issues in addition to those so specified are to be heard, the parties must be afforded a reasonable time to prepare and respond.

2.306 Representation by Persons Not Admitted to Practice

Despite the provisions of Rule 2.201, the Commission may in its discretion permit consumers to be represented in consumer complaint proceedings by persons who are not admitted to the practice of law, provided that such representatives demonstrate a sufficient familiarity with these rules and with all applicable substantive and procedural provisions of law.

Except for the requirement of admission to practice, such representatives must comply with all rules, laws, practices, procedures, and other requirements applicable to proceedings before the Commission.

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