

# Monthly Report on Consumer Complaint Activity



**October 2005**

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# If You Have a Complaint About Your Utility Service

The Office of Consumer Services (OCS) takes all utility consumer matters seriously, including complaints. When you contact our office with a complaint about a utility or other service provider, we take immediate steps through our Quick Response System (QRS) to address your concerns.

## The QRS Process

**We Contact Your Utility** - In an effort to ensure that utilities fulfill their obligation to provide effective customer service, we first ask the utility to contact you and resolve your concerns.

**Your Utility Contacts You** - As directed by OCS, the utility will contact you to:

- Discuss your concerns
- Provide you with the name and telephone number of a utility representative to call if you need further assistance
- Give you a date by which the company will get back to you about your concerns

**You Maintain Contact With Your Utility** - All future correspondence will come directly from the utility. If you have questions regarding your case please call your utility representative.

## The Follow-up

**Contact us if:**

- ◆ The utility does not contact you
- ◆ The utility does not provide its response to you within a reasonable timeframe
- ◆ The matter remains unresolved

If you have any questions regarding the process for addressing your concerns outlined above, please contact us at 1-800-342-3377.

# Customer Service Response Index

## Quick Reference Guide

In order to measure the effectiveness of each service provider's performance concerning issues brought to our attention by their customers the Office of Consumer Services has developed a Customer Service Response Index (CSRI). This index is reported on a monthly basis to compare the level of service and responsiveness delivered by each service provider under the Commission's jurisdiction. The CSRI is determined by measuring the following four metrics:

*The Consumer Satisfaction Metric (CSM)*; a ratio of the number of complaints to the number of QRS cases in the reporting month. All customer contacts begin as QRS cases. A complaint is recorded as a result of the customer being dissatisfied with the service provider's resolution of a case which was handled as a QRS case. A CSM score of 5 points are awarded when a service provider receives no complaints during the reporting month. There is no score awarded if a service provider satisfies less than 50% of the customers that the PSC refers to them.

*The QRS Response Time Metric (QRM)*; the average number of days it took the service provider to respond to QRS cases closed in the reporting month. A QRM score of 2 points is awarded when a provider's average response time for QRS cases is 14 days or less. The response time on each case is calculated by subtracting the response date from the date the case was opened. The average response time for each service provider is calculated by adding all the response times for QRS cases closed in the reporting month and dividing by the number of QRS cases closed that month. No points are earned if the average response time for QRS cases is more than 28 days (twice the acceptable reply standard).

*The SRS Response Time Metric (SRM)*; the average number of days it took to respond to SRS cases closed in the reporting month. An SRM score of 2 points is awarded when a service provider's average response time for SRS cases is 10 days or less. The response time on each case is calculated by subtracting the SRS response date from the date the SRS case was opened. The SRM average response time for each provider is calculated by adding all the response times for SRS cases closed in the reporting month and dividing by the number of SRS cases closed that month. If the case was in rebuttal status (a request by staff for additional information subsequent to a service providers initial reply), the response time will be calculated by subtracting the response date from the date the case was rebutted by staff. No points are earned if the average response time for SRS cases is more than 25 days (two weeks past due).

*The Pending Case Metric (PCM)*; the average age of all cases awaiting response, determined on the last day of the reporting month. A PCM score of 1 point is awarded when a service providers' average age of cases is 14 days or less. The age of each case is determined by subtracting the last day of the reporting month from the date opened on all cases awaiting a utility response. The PCM average is calculated by adding the age of all pending cases at the months end and dividing by the number of open cases. No points are earned if the average age of cases exceeds 70 days (two months delinquent) and a negative score is applied and if the average age is between 70 and 90 days.

The final CSRI score is the sum of the four metrics. Complete CSRI data is posted for those service providers that average 10 or more QRS cases per month. For all other service providers, the performance in each area is reported monthly less the actual CSRI measure. The volume of activity for these companies would result in significant fluctuations on a month to month basis. These fluctuations may result in the reader reaching an inaccurate conclusion as to a service providers performance.

# COMPLAINT RATES\* OF MAJOR NEW YORK UTILITIES

## October 2005

Utility	Sep-05		Oct-05		Annual Complaint Volume			12 Month Compl. Rate* Oct-05
	Rate*	No.	Rate*	No.	12 mos ending		%	
					Oct-04	Oct-05		
Central Hudson	1.7	5	0.3	1	27	36	33.3	1.1
Con Edison	2.2	82	1.7	62	781	819	4.9	1.9
KeySpan of L.I.	1.0	5	1.0	5	47	46	-2.1	0.7
NYSEG	0.3	3	0.3	3	38	38	0.0	0.3
National Grid	1.4	24	1.1	19	316	236	-25.3	1.2
Orange & Rockland	1.9	4	0.5	1	27	26	-3.7	1.1
RG & E	1.8	7	1.3	5	72	52	-27.8	1.1
KeySpan of NY	1.4	17	1.2	15	160	217	35.6	1.5
National Fuel Gas	1.4	7	1.8	9	77	66	-14.3	1.0
Other Energy Utilities	N/A	0	N/A	1	N/A	29	#VALUE!	N/A
ESCO's	N/A	20	N/A	120	N/A	125	#VALUE!	N/A
Verizon	0.1	12	0.4	35	571	372	-34.9	0.3
Citizens Telcom	0.3	1	0.7	2	19	19	0.0	0.5
Frontier of NY	0.0	0	0.0	0	10	7	-30.0	0.8
Alltel	0.0	0	1.2	1	3	2	-33.3	0.2
Frontier Tel of Roch.	0.2	1	0.4	2	19	18	-5.3	0.3
Other LEC's,CLEC's, IXC's, VoIP	N/A	155	N/A	186	N/A	1769	#VALUE!	N/A
DSL Providers	N/A	0	N/A	0	N/A	23	#VALUE!	N/A
Adelphia	N/A	2	N/A	0	25	21	-16.0	N/A
Cablevision Systems	N/A	10	N/A	8	150	146	-2.7	N/A
Time-Warner	N/A	7	N/A	10	135	154	14.1	N/A
Other Cable Cos.	N/A	0	N/A	0	N/A	21	#VALUE!	N/A
Long Island Water	0.0	0	1.4	1	3	8	166.7	0.9
UW - New Rochelle	0.0	0	0.0	0	14	6	-57.1	1.6
New York Water	2.3	1	0.0	0	4	7	75.0	1.3
Aquarion of NY/New York Americ	0.0	0	0.0	0	0	1	0.0	0.8
UW - New York	0.0	0	2.9	2	6	8	33.3	1.0
Other Water Utilities	N/A	1	N/A	2	N/A	9	#VALUE!	N/A

All complaint rates are based on 2004 customer populations.

\* - Complaints per 100,000 customer accounts

## CREDIT COMPLAINTS vs. TOTAL COMPLAINTS

### Major New York Energy Utilities

## October 2005

Utility	October 2005 Complaint Volume			Last 12 Months Complaint Volume			12 mos. Total	12 mos. Credit
	Total	Credit	% Credit	Total	Credit	% Credit	C/Rate	C/Rate
Central Hudson	1	0	0%	36	9	25%	1.1	0.3
Con Edison	62	11	18%	819	141	17%	1.9	0.3
KeySpan - LI	5	0	0%	46	9	20%	0.7	0.1
NYSEG	3	1	33%	38	12	32%	0.3	0.1
National Grid	19	7	37%	236	69	29%	1.2	0.3
Orange & Rockland	1	0	0%	26	11	42%	1.1	0.4
RG & E	5	1	20%	52	21	40%	1.1	0.4
KeySpan - NY	15	6	40%	217	70	32%	1.5	0.5
National Fuel Gas	9	2	22%	66	24	36%	1.0	0.4

Note: This chart shows the correlation between all complaints received and cases concerning credit related issues such as: Payment agreements, extensions for payment, threatened termination of service and termination of service to to non-payment.

## Customer Service Response Index October 2005

<b>Service Provider</b>	<b>QRS Cases</b>	<b>SRS Compl.</b>	<b>CSM Index</b>	<b>Avg. QRS Response</b>	<b>QTM Index</b>	<b>Avg. SRS Response</b>	<b>SRM Index</b>	<b>Avg. Age of Cases</b>	<b>PCM Index</b>	<b>CSRI</b>
Central Hudson Gas & Electric Corp.	32	1	4.7	12.2	2	10.7	1.9	9	1	9.6
Optimum Voice	8	0	5	9.4	2	2.9	2	33.3	0.6	9.6
Orange & Rockland	21	1	4.5	3.9	2	3.2	2	4	1	9.5
Cablevision of Long Island	20	1	4.5	8.2	2	0	2	6	1	9.5
New York State Electric & Gas Corp.	62	3	4.5	10.2	2	11.4	1.9	5.9	1	9.4
Verizon Communications (LEC)	630	35	4.4	7.7	2	14	1.7	10.1	1	9.1
Accent Energy Midwest, LLC	49	4	4.2	6.2	2	1.4	2	19.2	0.9	9.1
Time Warner - New York City Division	65	6	4.1	11.6	2	11.4	1.9	8	1	9
Rochester Gas & Electric Corp.	73	5	4.3	5.2	2	15.5	1.5	9.1	1	8.8
Frontier Telephone of Rochester, Inc.	16	2	3.8	2.5	2	3.5	2	0	1	8.8
Time Warner - Syracuse Division	8	1	3.8	2.6	2	0.1	2	0	1	8.8
Cablevision of New York City	23	4	3.3	9.8	2	0	2	8	1	8.3
Choice One Communications of New York, Ir	6	1	3.3	4.5	2	5.1	2	11.5	1	8.3
Citizens Communications (ILEC)	11	2	3.2	7.5	2	4.8	2	3.3	1	8.2
National Grid, Inc.	168	20	3.8	10.6	2	17	1.4	22.8	0.8	8
National Fuel Gas Distribution	46	9	3	13.4	2	5.8	2	13.6	1	8
Sprint Communications	9	2	2.8	12.5	2	5.4	2	8.3	1	7.8
AT&T (C)	234	57	2.6	5.8	2	5.4	2	6.9	1	7.6
MCI	119	27	2.7	10.6	2	9.8	2	15.1	0.9	7.6
KeySpan of Long Island	21	5	2.6	4.1	2	3.9	2	3.5	1	7.6
Econnergy	16	4	2.5	11.1	2	0.1	2	8.9	1	7.5
Time Warner ResCom of New York,LLC	8	0	5	25.7	0.6	19.7	1.1	31.3	0.6	7.3
Broadview Networks, Inc.	26	8	1.9	10.4	2	4	2	9.6	1	6.9
Con Edison of New York	363	63	3.3	21.9	1.2	19.3	1.1	21.2	0.8	6.4
Long Island American Water	7	1	3.6	18	1.6	70	0	4	1	6.2
IDT Energy, Inc.	6	1	3.3	16.2	1.7	24.7	0.2	5	1	6.2
Liberty Power Corp.	21	8	1.2	12.1	2	3.9	2	24.5	0.8	6
KeySpan of New York	80	15	3.1	15.6	1.8	34.9	0	35.7	0.5	5.4
IDT America Corp.	36	17	0.3	9.8	2	2.6	2	10.6	1	5.3
Cordia Communications Company	25	3	3.8	27.7	0.2	115	0	15	0.9	4.9
Metropolitan Telecommunications	6	3	0	6.9	2	4.9	2	19.5	0.9	4.9

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Acceris Communications, Inc.	0	1		25		60.6		79.5		
Access Network Services, Inc.	1	0		0		0		11		
Access Point, Inc.	1	0		7		0		0		
ACN Communication Services, Inc.	5	2		12.2		0		49.7		
ACN Energy, Inc.	2	0		76		0		5.5		
Adelphia Cable - Buffalo	4	0		7.7		3		14		
Adelphia Cable - Century Communications	1	0		4		0		0		
Adelphia Cable - Glens Falls	0	0		0		45		0		
Adelphia Cable - Niagara	0	0		0		0		21		
Adelphia Cable - Penn Yan	1	0		0		0		8		
Adelphia Cable - Utica	3	0		34		0		18		
Agway Energy Services, LLC.	1	1		20		0		7		
All American Gas & Energy	1	0		7		0		0		
Allegiance Telecom of New York, Inc.	1	0		0		0		4		
AllTel Communications, Inc.	1	0		3		0		0		
AllTel of New York	2	1		7.3		0		12		
Alphaphone Inc.	2	0		31		0		54		
American Long Lines, Inc.	1	1		3		0		1		
American Network Services, Inc.	0	0		0		0		4		
American Telecommunications Corporation	1	0		1		0		0		
Americatel Corporation	1	0		0		0		1		
Amerinet Telecommunications Group, Inc.	0	0		15		0		0		
AmeriVision Communications, Inc.	1	0		3		0		0		
AMF Telecommunications, Inc.	0	1		0		0		62.5		
Apollo Communication Services, LLC	1	0		0		0		0		
Aquarion Water Company of NY	0	0		0		76		0		
Aquarion Water Company of Sea Cliff	0	0		76		0		0		
Arbor Hills Waterworks	0	0		0		25.8		0		
ARC Networks, Inc.	1	1		5		0		34		
Armstrong Telephone Company - New York	0	1		35		0		29		
BAS Communications	1	0		0		0		32		
Bath Municipal Electric & Gas	2	0		0		0		16.5		
Bay City Metering	0	0		0		476.8		0		
Bonville Water Co. Inc.	0	0		0		0		43		
BridgeCom International, Ltd.	5	0		4.7		48.9		40.4		
Brown's Fuel	1	0		0		0		0		
BullsEye Telecom, Inc.	3	0		13.5		11.4		10		
Business Network Long Distance, Inc.	2	0		4		0		46		
Cablevision - MediaOne - Rockland	0	0		14		0		0		
Cablevision - MediaOne - US Cablevision	2	0		9.6		0		0		
Cablevision - MediaOne - Westchester	0	0		0		8.4		0		
Cablevision Lightpath, Inc.	2	0		7.5		15.8		0		
Cablevision of Dutchess County	3	0		5.4		10		0		
Cablevision of Hauppauge	3	1		12		0.2		6		
Cablevision of Riverhead	1	0		8.7		0		0		
Cablevision of Rockland/Ramapo, Inc.	1	0		0.9		0		0		
Cablevision of Southern Westchester	2	1		10.8		5		0		
Cablevision of Westchester	5	1		8.1		0		4.3		
Cablevision of Yorktown	0	0		0		0		0		
Chain Lakes Cablevision	0	0		0		0		76		
Charter Communications	0	0		0		0		53.5		
Chazy & Westport Telephone Corp.	0	0		0		0		146		
Chronometric Telecommunications, Inc.	1	0		0		0		0		
City of Jamestown Board of Public Utilities	1	0		3		23.7		0		
City of Plattsburgh Municipal Lighting	1	0		0		0		0		
Cleartel Communications, Inc.	1	1		12		0		88.6		
Columbia Energy Services Company	0	0		0		0		0		
Commerce Energy, Inc	0	1		24.5		0		0		
Communications Network Billing, Inc.	1	0		0		0		8		
Con Edison Solutions	2	0		6		0		1		
Conserve	0	0		0		0		140		
Convergent Communications, Inc.	1	0		0		0		12		
Conversent Communications of New York, LI	5	1		5.8		3.1		19.5		
Core-Comm-New York, Inc.	0	0		0		0		76		
CornerStone Telephone Company, LLC.	2	0		2.3		0		0		

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Corning Natural Gas Corp.	1	0		4		0		0		
Corporatepage.com, Inc.	0	0		0		0		426		
Covad Communications Company	2	1		1		1.1		5		
Covista Communications, Inc.	2	1		51		14.9		41.7		
CROWN ENERGY SERVICES, INC	0	0		29		0		0		
CTC Communications Corp.	2	0		7		0		12		
Dara Owners Corp.	0	0		0		0		391		
Datone Communications	0	1		0		0		4		
Eclipse Telecommunications, Inc.	0	0		0		0		267		
Edwards Telephone	1	1		1		0		0		
Empire One Telecommunications, Inc.	1	0		0		99.4		4		
Empire Telephone Corp.	1	0		1		0		0		
Energetix, Inc.	2	0		3		0		0		
Energy Service Providers, Inc.	0	0		0		0		63		
ETS Payphones, Inc.	0	0		58		51.5		0		
Euro Connect Inc.	1	0		0		0		28		
Excel Telecommunications, Inc.	4	0		11.7		0		10		
Fairfield Towers Condominium Corporation	0	0		0		0		42		
Featherwood Water Works, Inc.	1	0		0		0		27		
Forest Park Water Co. Inc.	0	1		31		0.7		0		
Frontier Communications of AuSable Valley	0	1		16.5		4.8		0		
Frontier Communications of NY/aka Highland	2	0		7.1		0		5		
Frontier Communications of Rochester, Inc.	1	0		0.1		0		0		
Future Focus Telecommunications	0	0		0		0		587		
Global Network Comms.	0	0		0		0		220		
GNC Public Communications	0	0		0		0		287.7		
Granite Telecommunications, LLC	1	0		0		0		7		
Great Eastern Energy	1	0		4		0		0		
Haefele TV	0	0		0		0		50		
Hancock Telephone Company	1	0		6		0		0		
Heritage Hills Water Works	1	0		3		0		0		
Hudson Energy Services, LLC	2	1		11		0		15		
Huntington Atrium Communications, LLC.	1	0		0		0		29		
ILD Telecommunications, Inc.	1	0		0		0		12		
Infinite Energy, Inc.	2	0		57		0		3		
Intelecom Solutions, Inc.	0	0		0		4.7		99		
J&N Communications	0	0		0		0		78		
Keyspan Energy Services, Inc.	0	0		0		0		8		
LCI International Telecom Corp.	2	0		14		0		1		
LDC Telecommunications, Inc.	0	0		0		0		137		
Legacy Long Distance International, Inc.	0	0		0		0		34		
Lightyear Network Solutions, LLC.	1	0		0		0		14		
Local Phone Company	1	0		0		0		47.5		
M & L Milevoi	0	0		0		0		56.7		
Mahopac Water Company Inc.	0	0		0		0		96		
Main Street Telephone Company	0	0		8		0		0		
Mascom Inc	0	0		0		0		342		
Metro Teleconnect Companies, Inc.	0	0		0		353		0		
MIG Communications, Inc	0	0		0		0		83		
Mountain Lodge Park Water Corp.	0	0		0		0		146		
MTG Communications, Inc	0	0		0		0		269.3		
Municipal Commission of Boonville	1	0		0		0		8		
MX Energy, Inc	5	2		26.9		15		26.3		
National Aqueous	0	0		0		0		357		
National Fuel Resources	1	0		0		0		7		
NeTel Inc. (Tel3 Communications)	0	0		0		0		228		
Network Billing Systems, LLC	1	0		0		0		1		
Network Enhanced Technologies, Inc.	1	0		2		0		0		
Network PTS, Inc.	0	0		0		0		41		
New Century Telecom, Inc.	1	0		0		0		0		
New Rochelle Telephone Company	3	1		5		118.1		117.1		
New York City Public Telephone	0	0		0		0		47		
New York Coin Telephone Company, Inc.	0	1		0		0		20		
New York Water Service	1	0		57		107.1		55.2		
Newport Telephone Company, Inc.	1	0		0		0		5		
Next Gen Telephone Co.	1	1		47		0		48.5		

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NOW Communications Inc	0	0		0		0		476		
NYSEG Solutions, Inc.	6	0		6		0		0		
OLYMPIC POWER, INC.	0	0		0		0		201		
One Call Communications, Inc.	2	0		7.5		0		39		
OneLink Communications, Inc.	0	0		0		141.1		0		
Orchard Hill Water Co.	0	0		0		0		92		
PAETEC Communications, Inc.	2	0		18		0		36.3		
PayPhone Systems, Inc.	0	1		0		0		15		
Phone Management Enterprises, Inc.	0	0		0		0		183		
PowerNet Global Communications	2	2		6		23.8		1		
Primelink, Inc.	1	1		5		8.3		95		
Primus Telecommunications, Inc.	1	0		1		7.2		7		
PT-1 Communications, Inc.	0	0		0		0		522.5		
Pyne Company	0	0		0		0		142.5		
Qwest Communications Corporation	2	0		15		0		12		
Reconex, Inc. (USTEL/1-800-Reconex)	3	2		4.5		0.2		61		
Resdntl Comms. Netwrk of NY	4	0		12		0		8		
Rowlands Hollow Water Works, Inc.	0	0		471		0		0		
SBC Long Distance, LLC d/b/a SBC Long Di:	0	0		15		0		0		
SBC Telecom, Inc.	0	0		0		8.1		0		
ServiSense.com, Inc.	0	0		0		0		359		
Spectrotel, Inc.	2	0		0		28.8		73		
Startec Global Licensing Company	3	0		4.5		0		7		
STRATEGIC ENERGY LLC	1	0		18.5		0		0		
Supercade Amusements Inc	0	0		0		0		121		
Supra Telecommunications & Information Sy	0	1		13		14.9		120.5		
SusCom Communications - CATV	1	1		17		0		18		
SusCom Communications - LEC	4	1		11		0		13.5		
Taconic Telephone Corp.	1	0		25		0		32.5		
Talk America, Inc.	6	1		8.6		13.7		47.3		
TDS Telecom-Port Byron Office	0	1		22		6.1		0		
Tech Valley Communications	1	1		14		0		15		
TelCove Investment	0	0		0		0		90		
Telecarrier Services, Inc.	0	0		0		463		100		
Telecom USA	2	0		0.1		0		5		
Telecon Communications Corp	1	1		5		0		245.6		
Telemanagement Services, Inc.	1	0		0		0		0		
Teletech Inc.	0	0		0		0		83		
Tiffany Mews	0	0		0		0		501		
Time Warner - Albany Division	5	0		45.3		39.9		57.1		
Time Warner - Binghamton	4	3		4.2		4.8		20		
Time Warner - Rochester Division	5	0		17		6.9		14.5		
Time Warner Telecom	0	0		0		0		0		
Touch 1 Communications, Inc.	0	0		0		0		124		
Trinsic	5	2		12		2.5		22		
Tristate Bell Inc	4	0		2.7		3.5		54		
Tri-Tel Communications, Inc.	0	0		0		0		49		
U.S. Gas & Electric, Inc.	0	0		21		0		0		
United Systems Access Telecom	2	0		0		15.8		28		
United Telecom, LLC	1	0		0		0		51		
United Water-New Rochelle	5	0		41		0		36.8		
United Water-New York	4	2		13.6		91.5		20		
USN Communications Long Distance, Inc.	1	0		0		0		145		
Utility Solutions	0	0		0		0		182.5		
VarTec Telecom, Inc.	5	0		8.8		85		7.2		
Verizon Advanced Data, Inc.	2	0		20.3		0		0		
Verizon Communications (LD)	4	0		40		175.8		18		
Village of Churchville	0	0		0		0		99		
Village of Freeport Electric	3	1		2		0		0		
Village of Ilion	1	0		0		0		7		
Vonage Communications	2	0		27		33.9		48.8		
Warwick Valley Telephone Company	0	0		0		0		89		
Warwick Water Company	1	1		13		0		8		
Westelcom Network, Inc.	0	0		0		4.9		0		
Western NY Communications, Inc. (Trusty P:	0	0		0		0		49		
WorldLink Communications, Inc.	1	0		3		0		0		

*This report is considered confidential and is for information purposes only.  
Only the PSC Staff is authorized to disseminate or discuss this information with third parties.*

## Customer Service Response Index October 2005

<b>Service Provider</b>	<b>QRS Cases</b>	<b>SRS Compl.</b>	<b>CSM Index</b>	<b>Avg. QRS Response</b>	<b>QTM Index</b>	<b>Avg. SRS Response</b>	<b>SRM Index</b>	<b>Avg. Age of Cases</b>	<b>PCM Index</b>	<b>CSRI</b>
World-Link Solutions, Inc	4	1		19		24.1		35.9		
XChange Telecom	4	3		12.5		4		4		
XO Communications, Inc.	5	1		11.2		0		8		
Zoom-I-Net Communications, Inc.	4	0		5		0		28		

## **Informal Hearings, Shared Meter Cases, Appeals and Rehearings October 2005**

### **Informal Hearing Cases**

At the end of October, there were 100 cases in the Informal Hearing Unit. During this month, 4 complaints were resolved with pre-hearing mediation, 18 informal hearings were scheduled, 8 hearings were postponed, one complainant failed to appear for her hearing, 9 hearings were held and 12 informal hearing cases were closed with either a written decision or settlement agreement.

### **Shared Meter Designee Cases**

Under Section 52 of the PSL (Shared Meter Law) only the Commission or its Designee can decide certain complaints. The majority of these cases concern the 12-month charge assessed to owners for failure to find and correct instances of shared metering. At the end of October there were 197 shared meter complaints pending (131 SMD & 66 SMU). Thirty-four (34) cases were closed<sup>1</sup>. Further information on the closed cases follows.

The designee reduced the 12-month assessment to the minimum of 25% in 20 cases, between 26% to 50% in 3 cases and between 51% to 75% in 2 cases. In 1 case, the shared area charges billed to the landlord was cancelled due to third party involvement. In 1 case, the third party tenant was responsible for the apportionment charges. In 3 cases the assessments were cancelled due to minimal use. In 1 case, the minimal shared use issue was resolved after the landlord and tenant signed an agreement.

### **Appeals and Rehearings**

At its October 31, 2005 session, the Commission approved OCS's recommended determinations of 3 appeals and 1 rehearing petition. One appeal determination concludes that a nonresidential Verizon customer was not entitled to the Block Loop charge. Another appeal determination upholds the denial of an informal hearing to a nonresidential Con Edison electric customer (the owner of a multiple dwelling) where no relief was sought from the Commission. The third appeal determination upholds Con Edison's billing of a residential customer for gas. The rehearing determination upholds a decision by the Commission's designee in an electric shared meter case involving Con Edison.

In October, 3 appeals were accepted for review. The first appeal concerns a nonresidential applicant's objection to Con Edison's refusal (on the grounds that the applicant had not shown it was a different entity from the past customer at the premises, whose account was in arrears) to establish an account for service in the applicant's name. The second appeal concerns a commercial customer's objection to the rate it was being charged by Con Edison for gas service. The third concerns a residential customer's objection to the rate he was charged by NFG.

Three rehearing petitions were accepted for review. In two cases landlords seek rehearing of decisions by the Commission's designee about shared meter matters involving Con Edison's electric service. In the third case, a nonresidential Con Edison electric customer challenges an appeal determination upholding Con Edison's charges for providing new electric service.

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<sup>1</sup>Two out of the 34 cases were not SMD and were returned to TCR. One case was a duplicate.

**Number of Customer Contacts related to Energy Service Companies  
(ESCO's)**

CODE	FULL NAME	2002	2003	2004	2005	Oct-05	Sep-05	Aug-05	Jul-05	Jun-05	May-05	Apr-05	Mar-05	Feb-05	Jan-05	Dec-04	Nov-04
D108	1st Rochdale Coop Group	1	1	2	0	0											
D128	Accent Energy			3	204	49	43	30	39	24	19						3
D105	ACN Energy, Inc.	1	4	3	14	1	0	0	3	2		2	6			1	
D078	Advantage Energy Inc.	3	0	0	0	0	0	0									
D001	Agway Energy Services Inc.	17	18	12	8	1	2	0			1	1	1	2	3	4	
D123	All American Gas & Energy				1	1											
D036	All Energy Marketing Co.	1	2	1	0	0	0	0									
D002	Amerada Hess	0	0	0	0	0	0	0									
D113	Brown Fuel, Inc	0	0	0	3	1	1	0						1			
D005	Castle Power Corporatoin	2	0	1	0	0	0	0									
D040	Columbia Energy Services Co.		1	10	12	0	1	3			3		4	1	1		
D208	Commerce Energy, Inc.				2	0	2										
D086	Con Edison Solutions	55	43	18	6	2	0	0	1	1			1	1		3	
D084	Constellation NewEnergy	0	0	0	0	0	0	0									
D131	Crown Energy Services, Inc.				1	0	1										
D046	Econnergy	123	133	221	137	16	16	8		16	16	21	26	18	34	21	6
D047	Empire Natural Gas Corp	0	0	0	1	0	0	0		1							
D087	Energetix, Inc.	17	25	71	21	2	1	1	7	2		1	2	5	6	5	1
D137	Energy Service Providers, Inc.				2	0	0	2									
D054	Enron Energy Services	9	1	0	0	0	0	0									
D023	Federal Electric & Gas Co.	0	0	0	0	0	0	0									
D138	FFC Energy	0	0	1	0	0	0	0									1
D104	Great Eastern Energy	3	3	4	5	1	0	0	1			1		2			
D'120	Hudson Energy Services, Inc.				6	2	2	2									
D177	IDT Energy, Inc.				20	6	6	5	2	1							
D167	Infinite Energy, Inc.				3	2	0	1									
D013	Interstate Energy Resources Inc.	2	4	0	0	0	0	0									
D015	Keyspan Energy Services, Inc.	154	194	50	3	0	0	2			1					1	3
D117	Liberty Power	0	0	2	72	22	25	10	2	8	5						2
D060	Main-Care Energy	0	1	0	0	0	0	0									
D107	Metro Energy Group	0	8	1	0	0	0	0									
D098	Metromedia Energy	1	0	0	0	0	0	0							1		
D018	Mirabito Fuel Group Inc.	3	9	3	2	0	0	0			2						
D020	Mitchell-Supreme Energy	3	2	5	0	0	0	0									1
D032	MX Energy, Inc. (Total Gas & Electric (En	116	46	23	38	6	9	5	1	3	5	1	5	3	3	2	3
D021	National Fuel Resources, Inc.	76	18	4	2	1	0	0		1							
D023	New York Gas Co, Inc.	4	0	0	0	0	0	0									
D024	North American Energy	20	25	3	4	0	0	0	1		1			2	3		
D026	North Atlantic Utilities Inc.	0	0	0	0	0	0	0									
D103	NYSEG Solutions	20	32	8	45	6	7	3	7	6	3	6	5	2	2	2	1
D067	PG&E Energy Trading	0	0	1	0	0	0	0									
D114	PRO-ENERGY RESOURCES	2	0	1	2	0	0	0			1		1			1	
D093	Robison Energy of Westchester	2	9	1	2	0	0	1			1						
D068	Select Energy of New York (aka Plub St)	2	0	0	0	0	0	0									
D112	Smart Energy Services	1249	129	0	0	0	0	0									
D159	Strategic Energy, LLC				3	1	1	0		1							
D102	Telecon Energy Services Corp.	0	0	0	0	0	0	0									
D052	TXU Energy	2	1	0	0	0	0	0									
D118	US Energy Partners	0	0	1	2	0	0	0		1	1						1
D119	U.S. Gas & Electric, Inc.				1	0	1										
D888	Unassigned Customer Contacts	30	8	7	6	0	0	0			2	1		3	5	6	
	<b>Total</b>	<b>1918</b>	<b>717</b>	<b>457</b>	<b>628</b>	<b>120</b>	<b>118</b>	<b>73</b>	<b>64</b>	<b>67</b>	<b>61</b>	<b>34</b>	<b>51</b>	<b>40</b>	<b>58</b>	<b>46</b>	<b>22</b>

Not all ESCO's listed above are currently operating in New York.