

Monthly Report on Consumer Complaint Activity



November 2004

William M. Flynn, Chairman

*Sandra S. Sloane, Director
Office of Consumer Services*

January 11, 2005



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Office of Consumer Services

January 11, 2005

Dear Reader:

In June 2002, the New York State Public Service Commission's Office of Consumer Services implemented a new process for handling consumers' issues against energy, water, telecommunications and cable television service providers operating in New York State. This process is known as QRS – the Quick Resolution System. The process is intended to provide enhanced service to consumer issues. This procedure, in most cases, allows service provider's one opportunity to resolve an issue directly with their customer prior to the OCS classifying the case as a complaint. Service providers are required to contact consumers to discuss their concerns, seek resolution of the issue and then provide expedited feedback to OCS reporting the outcome of the contact.

In order to measure the effectiveness of a service provider's performance under this new program, our staff has spent the past year developing a Customer Service Response Index. The Customer Service Response Index measures a service provider's responsiveness to consumers' problems forwarded to it by the staff of the Office of Consumer Services. The index measures performance in four areas:

- ◆ Success in resolving a customers' problem in the first contact
- ◆ Timeliness of first contact responses
- ◆ Timeliness of complaint responses
- ◆ Age of cases awaiting reply by the service provider

After working with all service providers for several months, we began reporting the Customer Service Response Index (CSRI) as part of our monthly activity report beginning in August 2004. This index is only one of many measures used to monitor utility performance. It is not the sole indicator of a service provider's performance and may not be representative of the level of service you might receive as a consumer.

Preceding the CSRI report is a quick reference guide which will explain each of the individual metrics that make up the index. Questions concerning CSRI should be sent to: Barry_Bedrosian@dps.state.ny.us.

This month we have chosen not to report the CSRI due to a programming error that resulted from a change we made to the database. Since there will be incomplete CSRI data for October and November, we will not report CSRI data again until the December 2004 report.

Sincerely,

Sandra S. Sloane
Director



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 (1-800-342-3330 for cable television matters).

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

November 2004

Utility	Oct-04		Nov-04		Annual Complaint Volume			Y-T-D Complaint Volume			12 Month
	Rate*	No.	Rate*	No.	12 mos ending		%	Year-to-date		%	Compl. Rate* Nov-04
					Nov-03	Nov-04	Change	2003	2004	Change	
Central Hudson	0.7	2	2.1	6	31	27	-12.9	28	27	-3.6	0.8
Con Edison	2.1	76	1.5	56	756	722	-4.5	720	722	0.3	1.8
KeySpan of L.I.	0.4	2	0.8	4	62	45	-27.4	58	45	-22.4	0.8
NYSEG	0.3	3	0.6	6	57	37	-35.1	55	37	-32.7	0.4
Niagara Mohawk	1.7	29	1.3	22	403	297	-26.3	393	297	-24.4	1.5
Orange & Rockland	1.4	3	1.4	3	31	28	-9.7	31	28	-9.7	1.1
RG & E	1.0	4	1.0	4	94	73	-22.3	92	73	-20.7	1.6
KeySpan of NY	1.8	21	1.5	17	102	163	59.8	97	163	68.0	1.2
National Fuel Gas	0.8	4	1.2	6	102	74	-27.5	101	74	-26.7	1.3
Other Energy Utilities	N/A	2	N/A	0	33	118	257.6	30	20	-33.3	N/A
ESCO's	N/A	33	N/A	23	772	456	-40.9	673	412	-38.8	N/A
Verizon	0.6	40	0.3	23	942	536	-43.1	953	455	-52.3	0.6
Citizens Telcom	1.0	2	0.0	0	19	16	-15.8	21	15	-28.6	0.4
Frontier of NY	0.0	1	0.0	0	6	11	83.3	6	10	66.7	1.2
Alltel	0.0	0	0.0	0	6	3	-50.0	6	3	-50.0	0.3
Frontier Tel of Roch.	0.6	3	0.2	1	31	23	-25.8	31	21	-32.3	0.4
Other LEC's,CLEC's, ICX's	N/A	211	N/A	166	1713	2027	18.3	1663	1881	13.1	N/A
DSL Providers	N/A	2	N/A	5	49	29	-40.8	47	27	-42.6	N/A
Adelphia	N/A	2	N/A	2	19	26	36.8	17	24	41.2	N/A
Cablevision Systems	N/A	14	N/A	19	114	153	34.2	142	138	-2.8	N/A
Time-Warner	N/A	14	N/A	12	84	139	65.5	94	121	28.7	N/A
Other Cable Cos.	N/A	0	N/A	0	78	9	-88.5	18	12	-33.3	N/A
Long Island Water	0.0	0	0.0	0	11	2	-81.8	12	2	-83.3	0.2
UW - New Rochelle	3.3	1	0.0	0	3	13	333.3	3	8	166.7	3.6
New York Water	0.0	0	0.0	0	2	4	100.0	2	4	100.0	0.8
New York American	0.0	0	0.0	0	1	0	0.0	1	0	0.0	0.0
UW - New York	0.0	0	0.0	0	9	5	-44.4	10	5	-50.0	0.6
Other Water Utilities	N/A	2	N/A	1	14	17	21.4	7	16	128.6	N/A

All complaint rates are based on 2003 customer populations.

* - Complaints per 100,000 customer accounts

The reduction in the number of complaints is attributed to the method in which complaints are now processed.

Please refer to the July and August 2002 Month Report which describes the Quick Response System and the process by which cases are now handled.

CREDIT COMPLAINTS vs. TOTAL COMPLAINTS Major New York Energy Utilities November-04

Utility	Nov-04 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	6	2	33%	27	15	56%	0.8	0.4
Con Edison	56	11	20%	722	150	21%	1.8	0.3
KeySpan - LI	4	0	0%	45	13	29%	0.8	0.2
NYSEG	6	4	67%	37	15	41%	0.4	0.1
Niagara Mohawk	22	3	14%	297	100	34%	1.5	0.5
Orange & Rockland	3	1	33%	28	7	25%	1.1	0.3
RG & E	4	1	25%	73	48	66%	1.6	1.0
KeySpan - NY	17	4	24%	163	40	25%	1.2	0.3
National Fuel Gas	6	2	33%	74	26	35%	1.3	0.4

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

Summary of Customer Contact Activity - November 2004

Company	QRS Cases	Complaints
Accent Energy Midwest, LLC	3	1
Acceris Communications, Inc.	1	1
Access Point, Inc.	0	1
ACN Communication Services, Inc.	6	0
Adelphia Cable - Auburn	2	0
Adelphia Cable - Buffalo	8	1
Adelphia Cable - Niagara	3	0
Adelphia Cable - Resort	1	1
Adelphia Cable - Utica	2	0
Affinity Network, Inc.	1	0
Allegiance Telecom of New York, Inc.	3	1
AllTel of New York	1	0
American Telecommunications Corporation	3	0
Aquarion Water Company of NY	2	0
Armstrong Telephone Company - New York	1	1
AT&T	256	63
BridgeCom International, Ltd.	3	1
Broadview Networks, Inc.	11	2
BullsEye Telecom, Inc.	3	1
Cablevision of Brookhaven	1	0
Cablevision of Cross River	1	0
Cablevision of Dutchess County	1	0
Cablevision of Hauppauge	1	0
Cablevision of Long Island	16	2
Cablevision of New York City	49	11
Cablevision of Riverhead	1	0
Cablevision of Rockland	8	1
Cablevision of Southern Westchester	4	0
Cablevision of Westchester	2	0
Cablevision of Yorktown	1	0
Capsule Communications, Inc.	1	0
Celtic Communications of Central NY	0	1
Central Hudson Gas & Electric Corp.	7	6
Century Telecommunications, Inc.	2	0
Chain Lakes Cablevision	1	0
Choice One Communications of New York, Inc.	6	1
Citizens Communications (ILEC)	18	0
Citizens Telecommunications Co. of New York	1	0
City of Jamestown Board of Public Utilities	3	0
Cleartel Communications, Inc.	7	4
Communicate Technological Systems, CTS, LLC.	7	3
Con Edison of New York	284	56
Conversent Communications of New York, LLC.	1	0
Cordia Communications Company	9	2
Covista Communications, Inc.	7	4
CTC Communications Corp.	2	0
DFT Long Distance Corporation	1	0
Econnergy	5	1
Energetix, Inc.	1	0
Esodus Communications, Inc.	1	0
Eureka Telecom, LLC	2	0
Excel Telecommunications, Inc.	4	0
FFC ENERGY	0	1
Fortuna Energy Inc.	1	0

Summary of Customer Contact Activity - November 2004

Company	QRS Cases	Complaints
Frontier Communications of NY/fka Highland Tel	2	0
Frontier Communications of Seneca-Gorham, Inc.	1	0
Frontier Communications of Sylvan Lake, Inc.	2	0
Frontier Telephone of Rochester, Inc.	26	1
Global Network Comms.	0	1
Globalplex Telecom & Technologies, Inc.	1	0
GNC Public Communications	0	1
GTC Telecom	4	0
IDT America Corp.	100	19
Intelecom Solutions, Inc.	1	0
InterGlobe Communications	1	0
Keyspan Energy Services, Inc.	2	1
KeySpan of Long Island	25	4
KeySpan of New York	64	17
Kiamesha Artesian Spring Water Co., Inc.	0	1
LCI International Telecom Corp.	4	2
Liberty Power Corp.	2	0
Long Distance Consolidated Billing Co.	1	0
Long Distance Services of N.Y.	1	0
Long Island American Water	6	0
Mascom Inc	0	1
MCI	124	37
Metro Teleconnect Companies, Inc.	0	1
Metropolitan Telecommunications	8	1
Natgasco, Inc. - A Mitchell-Supreme Company	1	0
National Access Long Distance	1	0
National Fuel Gas Distribution	40	6
New Century Telecom, Inc.	5	1
New Rochelle Telephone Company	6	0
New York State Electric & Gas Corp.	39	6
New York Water Service	1	0
Niagara Mohawk - A National Grid Company	147	22
Northland Telephone Systems, Limited	1	0
NOS Communications, Inc.	1	0
NYSEG Solutions, Inc.	1	0
Ogden Telephone	3	0
One Call Communications, Inc.	1	1
Ontario Telephone	1	0
Optical Telephone Corporation	0	1
Optimum Voice	9	0
Orange & Rockland	20	3
PAETEC Communications, Inc.	2	0
Penelec (A First Energy Company)	1	0
Premier Communications, Inc.	2	0
Primus Telecommunications, Inc.	2	0
Protel Advantage, Inc. d/b/a Long Distance Savings	1	0
Qwest Communications Corporation	2	0
Reconex, Inc. (USTEL/1-800-Reconex)	4	1
Resdntl Comms. Netwrk of NY	4	1
Rochester Gas & Electric Corp.	63	4
South County Wat CP - Blue Lake	1	0
Spectrotel, Inc.	3	0
Sprint Communications	45	6
State Telephone Company, Inc.	1	0

Summary of Customer Contact Activity - November 2004

Company	QRS Cases	Complaints
Susquehanna Communications	3	0
Taconic Telephone Corp.	1	1
Talk America, Inc.	8	0
Telecarrier Services, Inc.	14	2
Telecom USA	3	0
Telecon Communications Corp	1	0
TELEDIAS Communications, Inc.	1	1
Teleport Communications	1	0
The Middleburgh Telephone Co.	1	1
Time Warner - Albany Division	10	0
Time Warner - Binghamton	5	0
Time Warner - New York City Division	90	11
Time Warner - Rochester Division	7	0
Time Warner - Syracuse Division	12	0
Time Warner ResCom of New York,LLC	3	1
Time Warner Telecom	2	0
Total Gas & Electric, Inc.	3	0
Touch 1 Communications, Inc.	6	0
Tristate Bell Inc	4	1
TTI National, Inc.	0	1
United Systems Access Telecom	3	1
United Water-New Rochelle	1	0
United Water-New York	1	0
Uni-Tel Communications Group, Inc.	1	0
US Energy Partners, LLC	1	0
VarTec Telecom, Inc.	13	5
Verizon Advanced Data, Inc.	26	3
Verizon Communications (LD)	5	1
Verizon Communications (LEC)	381	21
Verizon Communications (PayPhones)	3	0
Village of Churchville	1	0
Warwick Valley Telephone Company	2	0
Warwick Water Company	1	0
Winstar of New York, LLC	1	0
Working Assets Funding Service, Inc.	1	0
WorldLink Communications, Inc.	0	1
XChange Telecom	1	0
XO Communications, Inc.	4	2
Z-Tel Communications, Inc.	17	3

Informal Hearings, Shared Meter Cases, Appeals and Rehearings November 2004

Informal Hearing Cases

As of the end of November, there were 90 cases in the Informal Hearing Unit. During this month, 5 complaints were resolved with pre-hearing mediation, 13 informal hearings were scheduled, 4 hearings were postponed, 9 hearings were held, and 9 informal hearing cases were closed with written decisions.

Shared Meter Designee Cases

Under Section 52 of 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 November there were 167 shared meter complaints pending. Sixteen new complaints were received in November and 22 cases were closed. Further information on the closed cases follows.

The designee reduced the 12-month assessment to the minimum of 25% in 18 cases and between 25% to 50% in 1 case. In 1 case staff found that the shared use was minimal and directed the company to cancel the charges billed to the landlord. In 1 case, the 12-month assessment was cancelled because the owner requested the shared meter investigation. The designee rendered a decision in 1 minimal shared use case because the landlord and tenant were unable to negotiate an acceptable agreement.

Appeals and Rehearings

At its November 22, 2004 session, the Commission approved OCS's recommended determinations of 1 appeal and 1 rehearing petition. The appeal determination found that a nonresidential Con Edison customer was not entitled to a refund of the gross receipts tax it paid under a gas purchase agreement. The rehearing determination modified a designee's decision in a shared meter case involving Con Edison's electric service to correct an excessive reduction of the 12-month assessment previously granted to a landlord.

During November, appeals were accepted for review in four cases. In the first, Con Edison appeals from an informal decision finding that no electric shared meter condition existed. In the second, a nonresidential electric customer disputes Con Edison's billing of unmetered service charges. In the third, a county seeks to have Central Hudson rebill certain electric accounts at a non-demand rate. In the fourth, a cable customer contends she received inadequate service from Cablevision.

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

Table of Consumer Contacts filed against ESCO's

CODE	FULL NAME	2001	2002	2003	2004	Nov-04	Oct-04	Sep-04	Aug-04	Jul-04	Jun-04	May-04	Apr-04	Mar-04	Feb-04	Jan-04	Dec-03	Nov-03
D108	1st Rochdale Coop Group	2	1	1	2		1									1		
D105	ACN Energy, Inc.	3	1	4	2					1		1						
	Accent Energy				3	3												
D078	Advantage Energy Inc.	0	3	0	0													
D084	Constellation NewEnergy	1	0	0	0													
D001	Agway Energy Services Inc.	17	17	18	8				2				2	1	3		3	
D036	All Energy Marketing Co.	2	1	2	1											1		
D002	Amerada Hess	7	0	0	0													
D113	Brown Fuel, Inc	1	0	0	0													
D005	Castle Power Corporatoin	1	2	0	1									1				
D040	Columbia Energy Services Co.			1	10				2	1		2		2		3		
D086	Con Edison Solutions	4	55	43	15		1		5		2	1		4	1	1	1	
D046	Econnergy	158	123	133	200	6	13	11	24	16	29	19	35	32	8	7	13	8
D047	Empire Natural Gas Corp	2	0	0	0													
D087	Energetix, Inc.	148	17	25	66	1	3	3	2	2	2	15	34	3		1	3	
D054	Enron Energy Services	5	9	1	0													
D023	Federal Electric & Gas Co.	89	0	0	0													
	FFC Energy	0	0	0	1	1												
	Fortuna Energy	0	0	0	1	1												
D104	Great Eastern Energy	3	3	3	4					1			1	2				
D013	Interstate Energy Resources Inc.	11	2	4	0													
D015	Keyspan Energy Services, Inc.	97	154	194	49	3	11	0	5	6	3	2	3	8	2	6	19	22
	Liberty Power	0	0	0	2	2												
D060	Main-Care Energy	1	0	1	0													
D107	Metro Energy Group	1	0	8	1					1								
D098	Metromedia Energy	6	1	0	0													
D018	Mirabito Fuel Group Inc.	1	3	9	3		2							1				
D020	Mitchell-Supreme Energy	6	3	2	5	1		1					3					
D021	National Fuel Resources, Inc.	10	76	18	4		1	1	1	1							1	
D023	New York Gas Co, Inc.		4	0	0													
D024	North American Energy	19	20	25	3				1				1		1		1	1
D026	North Atlantic Utilities Inc.	1	0	0	0													
D103	NYSEG Solutions	10	20	32	6	1				1		1		2	1			1
D067	PG&E Energy Trading	1	0	0	1				1									
D114	PRO-ENERGY RESOURCES		2	0	0													
D093	Robison Energy of Westchester	0	2	9	1						1							1
D068	Select Energy of New York (aka Plub St)	1	2	0	0													
D112	Smart Energy Services	439	1249	129	0													
D102	Telecon Energy Services Corp.	0	0	0	0													
D032	Total Gas & Electric (Energy)	158	116	46	21	3	1	1	1	3	4	5			1	2	2	
D052	TXU Energy		2	1	0													
	US Energy Partners		0	0	1	1												
D888	Unassigned Customer Contacts	26	30	8	1		0	1										1
	Total	1231	1918	717	412	23	33	18	44	33	41	46	79	56	17	22	44	33

Not all ESCO's listed above are currently operating in New York. OCS answers questions and mediates complaints against ESCO's.
Customers are referred to their contract for resolution guidelines.