

Monthly Report on Consumer Services



December 2006

Patricia L. Acampora, Chairwoman

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

*January 17, 2007
Revised January 19, 2007*



Monthly Report on Consumer Complaint Activity

December 2006

Table of Contents

If You Have a Complaint About Your Utility Service	3
Customer Service Response Index (Quick Reference Guide)	4
Table of Complaint Rates of Major New York Utilities	5
2006 Credit Adjustments Received For Customers	6
Customer Service Response Index	7
Informal Hearings, Shared Meter Cases, Appeals and Rehearings	11
Summary of Consumer Complaints recorded against ESCO's	13



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

December 2006 - Revised

Utility	Nov-06		Dec-06		12 Month Compl. Rate* Dec-06
	Rate*	No.	Rate*	No.	
Central Hudson	2.7	8	0.3	1	0.9
Con Edison	2.6	96	2.2	80	2.3
KeySpan of Long Island	0.4	2	0.4	2	0.7
NYSEG	0.7	7	0.6	6	1.0
National Grid	1.1	19	1.0	17	1.0
Orange & Rockland	1.9	4	1.4	3	0.9
RG & E	2.0	8	0.8	3	1.2
KeySpan of New York	1.4	17	1.4	17	1.3
National Fuel Gas	0.6	3	0.0	0	0.7
All other Energy Utilities	N/A	1	N/A	0	N/A
ESCO's	N/A	46	N/A	38	N/A
Verizon	0.6	50	0.6	55	0.4
Citizens Telcom	0.3	1	0.0	0	0.4
Frontier of NY	0.0	0	0.0	0	0.1
Alltel	1.2	1	1.2	1	0.2
Frontier Tel of Rochester	0.9	4	0.2	1	0.4
All VoIP Cos.	N/A	0	N/A	0	N/A
All other LEC's,CLEC's, IXC's	N/A	84	N/A	80	N/A
Adelphia Cable	N/A	2	N/A	0	N/A
Cablevision Systems	N/A	3	N/A	2	N/A
Time-Warner Cable	N/A	12	N/A	12	N/A
All other Cable Cos.	N/A	0	N/A	2	N/A
Long Island Water	0.0	0	1.4	1	1.1
United Water - New Rochelle	6.4	2	3.2	1	3.7
New York Water	2.2	1	2.2	1	2.9
Aquarion Water Co. of New York	0.0	0	0.0	0	0.0
United Water - New York	1.4	1	1.4	1	1.3
All other Water Utilities	N/A	1	N/A	1	N/A

All complaint rates are based on Dec. 2005 customer populations. Updates occur in December.

* - Complaints per 100,000 customer accounts where populations are reported by the utility

N/A = data not available because populations for these companies/industries are not available.

2006
Credit Adjustments Received
For Consumers

As a result of our investigation into consumer' complaints, when staff determines that a consumer was overbilled, the utility is directed to refund to the consumer, any monies it collected above and beyond what was allowed by tariffs, rules and regulations.

The chart below identifies the credits obtained on behalf of consumers.

JAN '06	\$	442,851.98
FEB '06	\$	69,470.24
MAR '06	\$	44,446.87
APR '06	\$	76,713.75
MAY '06	\$	249,805.56
JUNE '06	\$	59,237.82
JULY '06	\$	464,221.23
AUG '06	\$	52,505.51
SEPT '06	\$	175,093.45
OCT '06	\$	1,287,761.13
NOV '06	\$	271,040.19
DEC '06	\$	513,323.50
2006 Total		\$3,706,471.23

**Customer Service Response Index - Revised
December 2006**

<i>Service Provider</i>	<i>QRS Cases</i>	<i>SRS Compl.</i>	<i>CSM Index</i>	<i>Avg. QRS Response</i>	<i>QTM Index</i>	<i>Avg. SRS Response</i>	<i>SRM Index</i>	<i>Avg. Age of Cases</i>	<i>PCM Index</i>	<i>CSRI</i>
Accent Energy Midwest, LLC	49	2	4.6	9.7	2.0	0.9	2.0	29.7	0.7	9.3
New York State Electric & Gas Corp.	78	6	4.2	8.0	2.0	10.6	1.9	9.6	1.0	9.1
Broadview Networks	14	1	4.3	9.6	2.0	10.6	1.9	22.0	0.8	9.0
National Grid, Inc	136	17	3.8	12.7	2.0	10.3	1.9	12.7	1.0	8.7
KeySpan of Long Island	15	2	3.7	8.9	2.0	1.3	2.0	6.5	1.0	8.7
Central Hudson Gas & Electric Corp.	16	1	4.4	9.0	2.0	17.2	1.3	10.5	1.0	8.7
National Fuel Gas Distribution	25	3	3.8	6.9	2.0	13.7	1.7	8.6	1.0	8.5
U.S. Energy Savings Corp	52	7	3.7	16.9	1.7	5.9	2.0	16.4	0.9	8.3
Verizon Communications (LEC)	426	55	3.7	9.0	2.0	16.2	1.4	20.5	0.8	7.9
Time Warner - Buffalo	21	3	3.6	6.4	2.0	0.0	2.0	51.7	0.2	7.8
Frontier Telephone of Rochester, Inc.	11	1	4.1	10.3	2.0	17.4	1.3	40.2	0.4	7.8
Citizens Communications (ILEC)	17	0	5.0	8.5	2.0	34.0	0.0	20.5	0.8	7.8
KeySpan of New York	73	17	2.7	3.8	2.0	12.6	1.8	13.7	1.0	7.5
AT&T (C)	111	24	2.8	8.3	2.0	4.7	2.0	37.0	0.5	7.3
Orange & Rockland	11	3	2.3	5.5	2.0	1.4	2.0	0.0	1.0	7.3
MCI	67	15	2.8	13.1	2.0	10.1	1.9	36.4	0.5	7.2
Rochester Gas & Electric Corp.	49	3	4.4	3.7	2.0	29.5	0.0	26.7	0.7	7.1
Time Warner - New York City Division	72	4	4.4	13.4	2.0	32.8	0.0	42.8	0.4	6.8
Time Warner - Albany Division	14	3	2.9	18.9	1.5	0.0	2.0	50.2	0.2	6.6
IDT Energy, Inc.	28	2	4.3	27.6	0.2	17.1	1.3	24.6	0.8	6.6
Con Edison of New York	360	80	2.8	18.5	1.5	18.5	1.2	21.5	0.8	6.3
IDT America, Corp.	29	11	1.2	9.4	2.0	5.2	2.0	11.9	1.0	6.2
Hudson Energy Services, LLC	26	10	1.2	21.8	1.2	7.9	2.0	63.4	0.0	4.4
Cordia Communications Corp	11	6	0.0	14.6	1.9	14.9	1.6	48.5	0.3	3.8
Liberty Power Corp.	15	6	1.0	9.5	2.0	7.7	2.0	153.0	-9.0	0.0

Customer Service Response Index December 2006

Service Provider	QRS Cases	SRS Compl.	CSM Index	Avg. QRS Response	QTM Index	Avg. SRS Response	SRM Index	Avg. Age of Cases	PCM Index	CSRI
Acceris Communications, Inc.	0	0		54		0		0		
ACN Communication Services, Inc.	1	0		52		0		19.5		
Adams Cable, Inc.	0	1		5		10		0		
Adelphia Cable - Harbor Vue	0	0		0		0		115		
Adelphia Cable - Lancaster	1	0		0		0		12		
Adelphia Cable - Niagara	0	0		0		0		93.5		
Adelphia Cable - Springville	0	0		0		0		143		
Adelphia Cable - Utica	6	0		4.2		0		38.5		
Advantage Energy, Inc.	0	0		40		0		0		
Agway Energy Services, LLC.	0	1		59.5		0		146		
Airnex Communications, Inc.	1	0		0		0		4		
Alphaphone Inc.	1	0		55		0		0		
America Net, LLC.	1	0		0		0		36		
American Network Services, Inc.	0	0		0		0		41		
American Pay Phone, Inc.	1	0		0		0		132		
American Phone Services, Corp.	0	0		0		0		161		
Americatel Corporation	1	0		0		0		28		
AMF Telecommunications, Inc.	0	0		0		0		137		
Aquarion Water Company of Sea Cliff	1	0		1		0		161		
Arbor Hills Waterworks	0	0		0		0		94		
Armstrong Telephone Company - New	1	0		1		0		0		
Axcels, Inc.	0	0		0		0		180		
BAS Communications	0	0		0		4.9		0		
Beaver Dam Lake Water Corp.	0	0		0		0		46		
Birns Telecommunications	0	0		0		0		143		
BridgeCom International, Ltd.	5	0		17		0		23.5		
Broadwing Communications, LLC.	0	0		0		0		53		
Brown's Fuel	1	0		2		0		0		
BullsEye Telecom, Inc.	0	0		4		0		0		
Business Network Long Distance, Inc.	0	0		253		128.9		124		
Cablevision - MediaOne - Rockland	2	0		10.3		0		6		
Cablevision - MediaOne - US Cablevis	3	0		9.8		0		0		
Cablevision - MediaOne - Westchester	1	1		11.9		3		0		
Cablevision of Hauppauge	1	0		0		0		5		
Cablevision of Long Island	4	0		12.3		0		20.7		
Cablevision of New York City	8	0		10.8		10.4		3.7		
Cablevision of Rockland	1	0		10		0		0		
Cablevision of Southern Westchester	1	1		5.6		5.9		0		
Cablevision of Warwick	1	0		0		0		3		
Cablevision of Westchester	5	0		9		2.9		0		
Chain Lakes Cablevision	1	1		5		0		14		
Charter Comm. - Plattsburgh	2	0		1		0		14		
Charter Communications	1	0		0		0		31		
Choice Communications, LLC.	1	0		0		0		10		
Choice One Communications of New \	3	0		9.3		3.1		6		
City of Jamestown Board of Public Util	1	0		0		5		0		
Cleartel Communications, Inc.	2	2		3		5.9		121.8		
Columbia Utilities, LLC	3	1		4.5		0.1		0		
Comcast Cable of New York - CATV	6	1		5.5		0		47.8		
Comcast Telecommunications, Inc.	0	0		0		0		63		
Commerce Energy, Inc	0	0		0		0		104		
Communicate Technological Systems,	0	0		0		0		196		
Communications Network Billing, Inc.	1	0		8		0		145.8		
Con Edison Solutions	2	1		7		0		0		
Consumer Telcom, Inc.	1	1		4.5		7		0		
Convergent Communications, Inc.	0	0		0		0		48		
Conversent Communications of New Y	1	0		30		0		0		
CornerStone Telephone Company, LL	2	0		3		0		0		
Corning Natural Gas Corp.	3	0		3.3		0		4		
Covad Communications Company	0	0		0		0		34		
Covista Communications, Inc.	2	1		34.7		0		43.6		
CTC Communications Corp.	0	0		9		0		89.5		
Dara Owners Corp.	0	1		0		0		20		
DaveTel, Inc.	0	0		0		0		157		
Direct Energy Services LLC	3	2		29		0.7		61.5		

Customer Service Response Index

December 2006

Service Provider	QRS Cases	SRS Compl.	CSM Index	Avg. QRS Response	QTM Index	Avg. SRS Response	SRM Index	Avg. Age of Cases	PCM Index	CSRI
DSLnet Communications, LLC.	0	0		0		0		69		
Dutchess Estates	0	0		0		0		97		
Earthlink, Inc.	0	0		0		0		41		
Econnergy	6	1		10		1.9		13		
Empire Payphones, Inc	0	0		0		0		152		
Energetix, Inc.	6	2		7.5		1		22.5		
Eureka Telecom, LLC	0	0		0		0		247.3		
Excel Telecommunications, Inc.	1	0		11		6.5		0		
Fairfield Towers Condominium Corpor.	0	0		0		0		232.2		
FFC Energy	0	0		0		0		184.8		
Fisher Island Electric	0	0		0		0		124		
Forest Park Water Co. Inc.	0	0		0		0		143		
Frontier Communications of AuSable \	1	0		2.9		0		0		
Frontier Communications of NY/fka Hiq	2	0		13.3		0		5		
Frontier Communications of Rochester	1	0		0		0		34		
Frontier Communications of the West,	0	0		0		0		97		
Global Crossing Telecommunications,	0	0		0		0		45		
Global Network Comms.	0	0		0		0		178		
Granite Telecommunications, LLC	0	0		0		0		68		
Great Eastern Energy	0	0		95.5		0		0		
H & S Property Management	0	1		0		0		5		
H V Water	1	0		3		0		0		
Heritage Springs Water Works, Inc.	0	0		147		0		0		
ILD Telecommunications, Inc.	0	0		0		0		335		
Independent Payphone Association of	1	0		0		0		17		
Infinite Energy, Inc.	1	1		6.5		0.2		35		
InfoHighway Solutions	0	1		36		0		185.1		
Intelecom Solutions, Inc.	1	1		7		3.6		17.5		
Interstate Gas Supply of New York, Inc	0	0		0		0		53		
IP Telesis Inc	0	0		0		0		133		
ISTA - North America	0	1		0		0		28		
J&N Communications	1	0		4		0		0		
Knolls Water Co.	0	0		0		0		112.5		
Lake Meadows Water Company	0	0		0		0		101		
LDC Telecommunications, Inc.	0	0		0		0		144.2		
Legacy Long Distance International, In	0	0		0		0		121		
Level 3 Communications, LLC	0	0		0		0		90.3		
Levy Associates	0	0		0		0		54		
Liberty Bell Corp.	0	0		0		0		270		
Long Island American Water	6	1		3.2		0		38.5		
Major Energy Services LLC	1	0		4		0		0		
McGraw Communications, Inc.	0	0		69		0		0		
Metro Energy Group, LLC	0	0		0		0		206		
Metromedia Energy	1	0		0		0		26		
Metropolitan Telecommunications	4	2		20.3		0.2		6.5		
Mid Hudson Cablevision, Inc.	0	0		0		0		81		
Milestone Communications	0	0		0		0		70		
Mountain Lodge Park Water Corp.	0	0		0		0		33		
Mx Energy	4	0		32.2		0		51.7		
My Tel Co, Inc.	9	2		27.7		1.8		37.4		
Natgasco, Inc. - A Mitchell-Supreme C	1	0		20		0		0		
National Aqueous	0	0		0		0		83		
National Fuel Resources	1	0		151		1		3		
Network Communications Internationa	3	0		0		0		16		
New Century Telecom, Inc.	1	0		0		0		4		
New Rochelle Telephone Company	2	0		0		0		38.5		
New York Water Service	4	1		9		0		36.8		
Next Gen Telephone Co.	4	3		16.3		7		131		
NOCO ENERGY CORP.	3	0		0		0		29.8		
NOS Communications, Inc.	0	0		0		0		61		
NYSEG Solutions, Inc.	3	0		1		0		3		
Ogden Telephone	1	0		0		0		20		
One Touch Communications	1	0		0		0		5		
One-to-One Communications	0	0		0		0		86		
Optical Telephone Corporation	0	0		0		0		136		
Optimum Voice	2	0		9		0		64.4		

Customer Service Response Index

December 2006

Service Provider	QRS Cases	SRS Compl.	CSM Index	Avg. QRS Response	QTM Index	Avg. SRS Response	SRM Index	Avg. Age of Cases	PCM Index	CSRI
Orchard Hill Water Co.	0	1		34		0		248.5		
PAETEC Communications, Inc.	1	0		53.8		0		68.3		
Pepco	0	0		0		0		131		
Phipps House Services, Inc	0	0		0		0		271.3		
PowerNet Global Communications	1	0		6		0		146		
Primus Telecommunications, Inc.	0	0		0		0		107		
Qtel, LLC	1	0		0		0		0		
Qwest Communications Corporation	2	0		7		4.6		45.5		
Reconex, Inc. (USTEL/1-800-Reconex	1	0		0		0		164		
Resdntl Comms. Netwrk of NY	2	0		6		0		117		
River Road Water District	0	0		0		0		133		
Robison Energy Of Westchester	2	0		3		0		0		
Scott Acres	0	0		0		0		139		
Select Energy New York	1	0		0		0		28		
SILV Communcation Inc.	0	0		0		0		56		
Spark Energy, L.P.	6	1		11.9		10.8		58.8		
Spectrotel, Inc.	2	0		30		0		48.2		
Sprint Communications	5	0		8.2		0		96		
St. Lawrence Gas	1	0		0		0		63.5		
Startec Global Licensing Company	1	0		0		0		40.5		
Steuben Rural Electric Cooperative, In	0	0		0		0		83		
Strategic Energy	3	1		11.8		9.9		51.3		
Strategic Power Management, Inc.	0	0		0		0		140		
SunRocket, Inc.	0	0		0		0		111		
Supra Telecommunications & Informat	1	0		0		0		19		
Taconic Long Distance Service Corp.	0	0		0		0		52		
Taconic Telephone Corp.	0	0		0		0		41		
TDS Telecom-Port Byron Office	0	0		0		0		53		
Tech Valley Communications	2	0		8.8		0		0		
Telecarrier Services, Inc.	1	0		0		0		4		
Telecon Communications Corp	2	0		0		0		29.8		
TELEDIAS Communications, Inc.	2	0		14		0		18		
Teleplex Coin Communications	0	0		0		0		160		
Teleport Communications	1	1		5		0		4		
TeleUno, Inc.	1	0		0		0		13		
Time Warner - Binghamton	4	1		6.3		0		20.7		
Time Warner - Rochester Division	3	1		16.6		1		47.4		
Time Warner - Syracuse Division	4	0		5.5		0		0		
Time Warner ResCom of New York,LL	2	0		6.5		0		155		
Total Call International, Inc.	0	0		0		0		111		
Trinsic	4	1		12		20.9		10		
Tristate Bell Inc	2	1		5		8.1		69.7		
Tri-Tel Communications, Inc.	1	0		0		0		57		
U.S. ENERGY PARTNERS II, LLC/EN	0	0		0		0		97		
U.S. Gas & Electric, Inc.	2	0		3		0		0		
United Communications Systems, Inc.	0	0		0		0		152		
United Systems Access Telecom	0	0		0		0		150		
United Telecom, LLC	1	1		3		6.9		52		
United Water-New Rochelle	3	1		26		3		49.3		
United Water-New York	3	1		24		0		55.1		
US Comm Inc.	0	1		22		0		70.3		
Utility Resource Solutions, L.P.	1	0		23.3		28.9		14		
Utility Solutions	0	0		0		0		74		
VarTec Telecom, Inc.	3	0		11.3		0		26		
Vectren Retail, Llc D/b/a Vectren Sour	0	0		0		0		0		
Verizon Communications (LD)	6	0		23		0		40.7		
Verizon Communications (PayPhones)	0	1		0		1.9		0		
Village of Sherburne Municipal Utility	0	0		0		0		98		
Warwick Valley Telephone Company	0	1		10		0		35.5		
Windstream Communications, Inc.	0	1		17		0		42		
Windstream New York	1	0		7		0		0		
World-Link Solutions, Inc	4	3		12.7		1.3		48.7		
XChange Telecom	7	3		12.3		26.3		16		
XO Communications, Inc.	3	1		14		0		24.5		
YesTel, Inc.	0	0		0		0		33		
Zenith Information System, Inc.	0	0		0		0		157		

Informal Hearings, Shared Meter Cases, Appeals and Rehearings

December 2006

Informal Hearing Cases

As of the end of December, there were 105 cases pending in the Informal Hearing Unit. During December, 16 hearings were scheduled, 5 hearings were postponed and 11 informal hearings were held. Unit members issued nine informal decisions. Among the issues addressed were backbilling due to an inaccurate meter, the period of rebilling on a correct service classification and charges for telecommunications service after contract expiration. Five complaints were resolved by settlements reached either through prehearing mediation or at the informal hearing.

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 December there were 305 shared meter complaints pending (215 SMD & 90 SMU). Twenty-one (21) cases were closed¹ and 40 were opened. Further information on the closed cases follows.

The designee reduced the 12-month assessment to the minimum of 25% in 9 cases, between 26% to 50% in 4 cases, and between 51% to 75% in 1 case. The designee apportioned the charges between the tenant and landlord in 1 case involving minimal shared use.² In 1 case the twelve-month assessment was cancelled because the landlord provided proof that the cost to correct the condition was extraordinary. In 1 case, the charges billed to the third party were reduced from \$8,354.29 to \$4,400.03. Two appeals were denied because they were late.

Appeals and Rehearings

At its December 13, 2006 session, the Commission approved OCS's recommended determinations of six appeals. Two determinations concern the eligibility of two different organizations for National Grid's residential electric rates on the theory that each organization was using its buildings predominantly for religious purposes; each determination upholds the informal review decision, which in one case found the organization entitled to residential rates for the two buildings at issue, and in the other found the organization was entitled to such rates for one building at issue but not for a second building. A third determination concludes that a settlement agreement between a school district and Frontier Communications of Rochester had resolved for the period covered by that agreement the issue of the validity of monthly, per line, ground start charges, and that for the subsequent period the customer was entitled to a refund to the extent that such charges exceeded the company's cost to provide the service; the issue is remanded for another informal hearing or review to resolve the cost issue. A fourth determination concludes that a residential customer was properly billed by the Long Island Water Corporation. A fifth determination denies rebilling of two community residence accounts at Con Edison's conventional residential electric rate for the period prior to the customer's requested transfer from a nonresidential rate to the utility's time-of-use residential rate, on the basis that the utility had adequately notified customers of the possible availability of residential rates to community residences. A sixth determination upholds the denial of an informal hearing for a residential Con Edison electric customer because no complaint had been presented as to which relief could be provided by an informal hearing officer.

¹ Two cases were not SMD.

² The landlord and tenant were unable to negotiate a mutually acceptable agreement for the minimal shared use.

Three appeals were accepted during December 2006 for review. In the first appeal, a school district seeks rebilling of gas service at KeySpan's interruptible rate rather than at the firm rate previously used. The two other appeals involve Con Edison. In the first, a nonresidential customer billed at the utility's electric heat rate seeks a larger reduction of billed demand; in the second, the owner of a rooming house disputes charges for unmetered electric service.

Table of Consumer Complaints filed against ESCO's

FULL NAME	2006	Dec-06	Nov-06	Oct-06	Sep-06	Aug-06	Jul-06	Jun-06	May-06	Apr-06	Mar-06	Feb-06	Jan-06
Accent Energy Midwest, LLC	107	2	5	9	15	12	10	12	11	15	9	2	5
ACN Energy, Inc.	0	0	0	0	0	0	0	0	0	0	0	0	0
Agway Energy Services, LLC	9	1	0	1	2	1	0	2	0	0	0	0	2
All American Gas & Energy	0	0	0	0	0	0	0	0	0	0	0	0	0
Brown's Fuel	5	0	0	0	1	0	0	1	0	1	0	1	1
Columbia Utilities, LLC (fka Col	27	1	4	1	0	0	1	0	2	3	4	7	4
Commerce Energy, Inc.	6	0	0	0	0	1	1	0	1	1	2	0	0
Con Edison Solutions	5	1	0	0	0	1	0	1	1	0	0	0	1
Direct Energy Services, LLC	3	2	0	0	1								
Econnergy	14	1	1	2	1	0	1	0	1	0	1	3	3
Energetix, Inc.	3	2	0	0	0	0	0	0	0	0	0	1	0
FFC Energy	1	0	0	1									
Great Eastern Energy	2	0	0	0	0	0	0	0	1	0	0	0	1
Hudson Energy Services, LLC.	38	10	7	4	4	1	1	0	0	3	1	5	2
IDT Energy, Inc.	59	2	6	2	5	8	1	4	4	4	9	7	7
Infinite Energy, Inc.	11	1	0	0	0	0	0	2	1	2	3	0	2
Keyspan Energy Services, Inc.	0	0	0	0	0	0	0	0	0	0	0	0	0
Liberty Power Corp.	43	6	7	8	6	3	2	1	3	1	1	2	3
Metro Energy Group, LLC	2	0	1	0	0	0	0	1	0	0	0	0	0
Mirabito Fuel Group Inc.	2	0	0	0	0	0	0	0	0	0	2	0	0
MX Energy, Inc. (Total Gas & E	19	0	0	0	0	2	0	1	1	7	2	3	3
National Fuel Resources, Inc.	1	0	1	0	0	0	0	0	0	0	0	0	0
NOCO Energy Corp.	0	0	0	0	0	0	0	0	0	0	0	0	0
NYSEG Solutions, Inc.	2	0	0	1	0	0	0	0	0	0	0	1	0
Spark Energy, L.P.	4	1	2	1									
Strategic Energy, LLC	5	1	1	0	1	0	0	0	0	1	1	0	0
Stuyvesant Energy, LLC	2	0	1	0	1								
U.S. Energy Savings Corp.	52	7	10	9	5	6	2	1	5	4	2	0	1
U.S. Gas & Electric, Inc.	8	0	0	0	0	0	0	1	2	0	3	1	1
Utility Resource Solutions, L.P.	3	0	0	1	2	0	0	0	0	0	0	0	0
Total	433	38	46	40	44	35	19	27	33	42	40	33	36