

Utility Rate Analysis Consultants (URAC)

156 Scranton Avenue
Lynbrook, NY 11563

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email: DDiCeglie@UracCorp.com

April 29, 2005

Ms. Jaclyn Brilling
State of New York
Department of Public Service
3 Empire State Plaza
Albany, NY 12223

Re: Petition for Declaratory Ruling
Failure of Office of Consumer Service to abide by 16 NYCRR 12

PSC CASE _____

2005 MAY -3 AM 10:37
FILED
PUBLIC SERVICE
COMMISSION
OFFICE OF CONSUMER SERVICE
ALBANY

Dear Secretary Brilling:

Petitioner requests that the Office of Consumer Service ("OCS") be ordered to abandon its Quick Resolution System ("QRS") when dealing with consumer complaints.

This petition is prompted by OCS's failure to adhere to 16 NYCRR 12 requiring that the Commission investigate and render an initial decision once a consumer files a complaint. Petitioner has an interest in a ruling on this matter as it represents consumers in the State of New York regarding billing disputes with a utility.

BACKGROUND

By letter dated April 20, 2005 Urac was advised by Mr. John Wicka, Supervisor, Consumer Assistance, Office of Consumer Services, that the OCS will be referring cases which we file with the Commission on behalf of our clients, back to the utility for a second review. (copy enclosed)

Subsequently, Urac received two letters dated April 27, 2005 regarding billing dispute case numbers

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510720 and 510737, which indicate that if we are not satisfied with the utilities second response, we should file these complaints again with the Commission. (copies enclosed)

Urac objects to this new policy as it places additional burdens on consumers and is inconsistent with 16 NYCRR 12. In addition, though there were many meetings over a two and half year period which resulted in an agreement as to how consultant represented consumer complaints were going to be handled, OCS staff has completely discarded all the agreed upon terms, without any input from the interested parties. In short they wasted our time and efforts and more importantly have now created a cloud of mistrust.

POSITION

All the provisions within 16 NYCRR 12 clearly require, once a consumer files a complaint with the Commission, that the Commission investigate the complaint and render an initial decision. Nothing within these regulations allows the Commission to send the complaint back to the utility for a second response to the customer. Nothing within these regulations requires that a consumer be burdened with filing the same complaint, upon receipt of a second adverse determination by the utility. In short, the OCS's implementation of the QRS is not supported by the regulations and fails to properly protect consumers who are exercising their right to utilize the Public Service Commission to resolve an issue with a utility.

SUMMATION

Regulations do not allow for the OCS staff to send a complaint back to the utility once it is filed with the Commission. They do not require that a consumer file the same complaint two times in

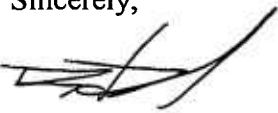
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order for the OCS to review it.

We request that the Commission direct the OCS to discontinue the use of the Quick Resolution System and that it be made clear that once a complaint is filed by a consumer they must investigate it and render an initial decision.

We await the Commission's declaratory ruling on this matter.

Sincerely,



Douglas DiCeglio
President

DDC:wp
Enc.

C: John Wicka
Office of Consumer Services
Department of Public Service
814 Ellicott Square Building
295 Main Street
Buffalo, NY 14203-2508

Senator Dean Skelos
55 Front Street
Rockville Centre, NY 11570

John Favreau, Assistant Council
Public Service Commission
Three Empire State Plaza
Albany, NY 12223-1350

STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE

PUBLIC SERVICE COMMISSION

Internet Address: <http://www.dps.state.ny.us>

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JACLYN A. BRILLING, *Secretary*

814 ELLICOTT SQUARE BUILDING,
295 MAIN STREET,
BUFFALO, NY 14203-2508

April 27, 2005

Urac Corp.
Mr. DiCeglio Douglas
156 Scranton Avenue
Lynbrook, NY 11563

Dear Mr. Douglas:

This letter acknowledges your recent contact with our Office of Consumer Services regarding your concern(s) with Con Edison of New York and to advise you of the process by which your concern will be addressed.

We have instructed Con Edison of New York to contact you directly to resolve the concern you brought to our attention. By the time you receive this letter, a Con Edison of New York representative should have contacted you to discuss your concerns and to provide you with a date by which it will resolve your concerns. In addition, you should have been given the name and telephone number of the designated representative at Con Edison of New York to contact if you have questions or need further assistance.

After its initial acknowledgement, we have asked Con Edison of New York to resolve your concerns as soon as possible. If you have questions concerning your service provider's response, please contact the designated representative at Con Edison of New York. If Con Edison of New York has not contacted you with its initial acknowledgement, does not resolve your concern within two weeks or the matter remains unresolved after you have received their response, you can contact us and we will investigate the matter and report our findings to you.

If you have any questions regarding this process, please contact us at 1-800-342-3377 and refer to case number 510737.

Sincerely,

John Thompson

Office of Consumer Services

This letter acknowledges your recent contact with our Office of Consumer Services regarding your concern(s) with Con Edison of New York and to advise you of the process by which your concern will be addressed.

We have instructed Con Edison of New York to contact you directly to resolve the concern you brought to our attention. By the time you receive this letter, a Con Edison of New York representative should have contacted you to discuss your concerns and to provide you with a date by which it will resolve your concerns. In addition, you should have been given the name and telephone number of the designated representative at Con Edison of New York to contact if you have questions or need further assistance.

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Secretary

April 20, 2005

Mr. Douglas DiCeglio
URAC Corp.
156 Scranton Avenue
Lynbrook, NY 11563

Dear Mr. DiCeglio:

This letter is to once again familiarize you with changes made in June 2002, with respect to the process for handling consumers' issues against all energy, water, telephone and cable television service providers operating in New York State. This process, known as the **Quick Resolution System** or **QRS**, has resulted in service providers working more effectively with their customers to resolve their concerns.

When **QRS** was implemented, Consumer Services originally decided not to apply it to cases brought to us by rate consultants. We wanted to provide the service providers with the opportunity to become familiar with the new **QRS** process and to resolve any administrative concerns. Subsequently, after the **QRS** process had been in place for over a year and the service providers had effectively adapted to it, we decided to expand the process to include cases from rate consultants. Handling consumer issues in a consistent manner, regardless of how the issues are brought to Consumer Services' attention, allows us to collect performance statistics to measure the quality of customer service provided by service providers in New York.

It is worthwhile to note that over that last seventeen (17) months, we continue to see the benefits of having all cases handled through the **QRS** process include more responsive and accountable service providers and quicker resolutions.

This letter is also to advise you that there has been a change in reporting responsibilities and supervision of rate consultant case assignments. John Thompson, in our New York City office, will be the person primarily responsible for investigating and responding to energy rate consultant cases. He will report to me for supervisory review of issues and matters that are forwarded to the Office of Consumer Services for review and handling.

As we work through this administrative change, we continue to look forward to working with you to resolve your client's concerns through our Quick Resolution System. Please feel free to contact me at 716-847-3231 if you have any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "John R. Wicka", written over a large, stylized flourish.

John R. Wicka
Supervisor, Consumer Assistance
Office of Consumer Services

Cc: John Thompson

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BUFFALO, NY 14203-2508

April 27, 2005

Urac Corp.
Mr. Douglas DiCeglio
156 Scranton Avenue
Lynbrook, NY 11563

Dear Mr. DiCeglio:

This letter acknowledges your recent contact with our Office of Consumer Services regarding your concern(s) with Orange & Rockland and to advise you of the process by which your concern will be addressed.

We have instructed Orange & Rockland to contact you directly to resolve the concern you brought to our attention. By the time you receive this letter, a Orange & Rockland representative should have contacted you to discuss your concerns and to provide you with a date by which it will resolve your concerns. In addition, you should have been given the name and telephone number of the designated representative at Orange & Rockland to contact if you have questions or need further assistance.

After its initial acknowledgement, we have asked Orange & Rockland to resolve your concerns as soon as possible. If you have questions concerning your service provider's response, please contact the designated representative at Orange & Rockland. If Orange & Rockland has not contacted you with its initial acknowledgement, does not resolve your concern within two weeks or the matter remains unresolved after you have received their response, you can contact us and we will investigate the matter and report our findings to you.

If you have any questions regarding this process, please contact us at 1-800-342-3377 and refer to case number 510720.

Sincerely,

John Thompson

Office of Consumer Services

contact the designated representative at Orange & Rockland as soon as possible. If you have questions concerning your service provider's response, please contact the designated representative at Orange & Rockland. If Orange & Rockland has not contacted you with its initial acknowledgement, does not resolve your concern within two weeks or the matter remains unresolved after you have received their response, you can contact us and we will investigate the matter and report our findings to you.

have questions or need further assistance, please contact the designated representative at Orange & Rockland. If Orange & Rockland has not contacted you with its initial acknowledgement, does not resolve your concern within two weeks or the matter remains unresolved after you have received their response, you can contact us and we will investigate the matter and report our findings to you.