

Monthly Report on Consumer Complaint Activity



July 2000

Maureen O. Helmer, Chairman

*Catherine W. Black, Director
Office of Consumer Services*

August 21, 2000



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July 2000

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August 21, 2000

Dear Reader:

Welcome to the second on-line version of our Monthly Complaint Statistics Report. This month we have added a new report on notable cases handled in our Informals, Appeals and Shared Meter Groups.

Our staff will continue to improve this report, making it informative and web-friendly. If you have any questions, you can e-mail barry_bedrosian@dps.state.ny.us or me, catherine_black@dps.state.ny.us.

Sincerely,

Catherine W. Black
Director
Office of Consumer Services

COMPLAINT RATES* OF MAJOR NEW YORK UTILITIES

July 2000

(revised 8/23/00)

Utility	Jun-00		Jul-00		Annual Complaint Volume			Y-T-D Complaint Volume			12 Month Compl. Rate* Jul-00
	Rate*	No.	Rate*	No.	12 mos ending		%	Year-to-date		%	
					Jul-99	Jul-00		Change	1999		
Central Hudson	2.2	6	3.7	10	167	121	-27.5	79	50	-36.7	3.7
Con Edison	4.4	156	4.1	157	1874	1788	-4.6	1038	1036	-0.2	4.2
KeySpan of L.I. (BUG E)	1.9	9	1.5	7	55	51	-7.3	38	34	-10.5	0.4
NYSEG	1.7	15	1.4	16	181	162	-10.5	100	88	-12.0	1.5
Niagara Mohawk	3.4	58	3.1	54	1483	1064	-28.3	1004	435	-56.7	5.1
Orange & Rockland	5.0	10	13.0	26	95	139	46.3	57	65	14.0	5.8
RG & E	4.5	17	4.2	16	269	229	-14.9	166	122	-26.5	5.1
KeySpan of NY (BUG)	2.6	30	1.8	21	380	295	-22.4	183	180	-1.6	2.2
National Fuel Gas	4.5	23	3.3	17	255	205	-19.6	144	111	-22.9	3.4
Other Energy Utilities	N/A	8	N/A	4	59	49	-16.9	30	29	-3.3	N/A
ESCOs	N/A	40	N/A	24	235	361	53.6	125	234	87.2	N/A
Bell Atlantic	5.7	460	5.1	409	3741	4768	27.5	2192	2739	25.0	4.9
Citizens Telcom	1.1	3	2.6	7	96	97	1.0	52	58	11.5	3.0
Frontier of NY	0.0	0	5.7	4	21	12	-42.9	10	4	-60.0	1.4
Alltel	1.0	1	1.0	1	19	29	52.6	12	16	33.3	2.3
Frontier Tel of Roch.	5.3	28	4.3	23	464	236	-49.1	149	127	-14.8	3.7
Other LEC's	N/A	670	N/A	608	1117	6174	452.7	682	2926	329.0	N/A
OCC's / Resellers	N/A	319	N/A	296	3049	3516	15.3	1733	2306	33.1	N/A
COCOT Vendors	N/A	2	N/A	0	47	40	-14.9	30	21	-30.0	N/A
Adelphia	N/A	15	N/A	22	108	136	25.9	49	79	61.2	N/A
Cablevision Systems	N/A	30	N/A	47	780	499	-36.0	394	253	-35.8	N/A
Time-Warner	N/A	35	N/A	74	743	613	-17.5	402	346	-13.9	N/A
Other Cable Cos.	N/A	19	N/A	11	155	147	-5.2	85	105	23.5	N/A
Long Island Water	0.0	0	4.1	3	16	8	-50.0	8	1	-87.5	0.9
UW - New Rochelle	3.4	1	0.0	0	25	15	-40.0	22	4	-81.8	4.3
New York Water	0.0	0	0.0	0	15	9	-40.0	7	4	-42.9	1.7
New York American	0.0	0	0.0	0	4	0	-100.0	2	0	-100.0	0.0
UW - New York	12.5	7	3.6	2	38	49	28.9	21	16	-23.8	7.3
Other Water Utilities	N/A	1	N/A	5	80	70	-12.5	53	41	-22.6	N/A

All complaint rates are based on 1998 customer populations.

Customer populations are not available for cable companies.

* - Complaints per 100,000 customer accounts

CREDIT COMPLAINTS vs. TOTAL COMPLAINTS

Major New York Energy Utilities

July 2000

Utility	July 2000 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	10	2	20%	121	33	27%	3.7	1.0
Con Edison	157	31	20%	1788	430	24%	4.2	1.0
Brooklyn Union East	7	1	14%	51	10	20%	0.4	0.1
NYSEG	16	5	31%	166	50	30%	1.5	0.5
Niagara Mohawk	54	20	37%	1067	240	22%	5.2	1.2
Orange & Rockland	28	16	57%	141	34	24%	5.9	1.4
RG & E	16	11	69%	229	154	67%	5.1	3.4
Brooklyn Union	22	3	14%	296	78	26%	2.2	0.6
National Fuel Gas	17	7	41%	206	101	49%	3.4	1.6

July 2000

Informal Hearings, Shared Meter Cases, Appeals and Rehearings

Informal Hearings

As of July 31, 2000 16 complaints were in pre-hearing. Nine cases were resolved with pre-hearing mediation. July ended with 112 informal hearing cases in the unit. During the month, four complaints were resolved with negotiated settlements. The following is a synopsis of some of the interesting complaints closed during July.

A complaint was brought to CSD by five seasonal customers concerning a utility's determination of the billed demand as stipulated in its tariff. The tariff requires billing for the first year to be based on the complainant's specified capacity as determined by information presented in the customer's application for service. Because seasonal customers generally take service for less than one year, the accounts in question had been billed to demands based on the specified capacity in some cases, for many years. In its position the utility stated it had not obtained a written application for service in 17 years. The hearing officer determined the utility had erred and had based the contract demand on something other than the criteria set forth in the tariff. The utility was directed to cancel the charges with demands based on the specified capacity and bill the customers to the recorded demands.

A complaint against a water company concerned the rate on which the customer was billed during the period of January 29, 1999 to June 24, 2000. The premises had been a large hotel and resort and was unmetered and billed to a special rate. The hotel was closed in 1998 and went into bankruptcy. The current owner bought the property on January 29, 1999. The utility neither obtained an application for service nor installed a meter for the new customer. The account was placed on the rate designated specifically for the (previous) hotel and resort. In addition, PSC records showed that the hotel and resort used 46% of the water company's service but paid 55% of the Water Company's revenue. At the hearing the customer stated the premises never used the amount of service that had been used by the hotel. The main building was never opened and although the clubhouse was opened for a short time its 42 rooms were never fully occupied. The utility argued there was significant water loss on the property due to leaks. Although the hearing officer directed the utility to present its production reports from the period of 1997 through June 1999 no reports were forthcoming. Accordingly, the utility has been directed to reduce the billing to \$55,000 plus fire service for the period of January 29, 1999 to June 24, 1999. In addition, the utility has been directed to apply interest to any overpayment.

In another complaint a consultant argued the utility failed to meet its obligation to assist the customer in the selection of the most favorable rate. The consultant was seeking the have the utility install a time-of-use meter at the customer's premises to determine if the customer would benefit from the voluntary time-of-use rate. The utility argued it had assisted the consultant when it did a rate comparison of the residential rate versus the non-residential rate 9. However, it could not take on the expense of installing a time-of-use meter when the consultant could determine how and when the customer used the service and from that information the utility would be able to calculate the cost of the service on a time-of-use rate. The facts support the utility. It was determined that the utility had met its obligation.

A complaint brought by a consultant concerned the migration of a customer's account to another, more beneficial rate. The consultant argued the utility delayed the transfer because the demand meter was not installed in a timely manner. The utility argued the delay was caused by a problem at the customer's property. The records showed the utility failed to notify the customer of the problem and once the customer became aware of the cause of the delay the problem was fixed immediately. The hearing officer found the utility was deficient and the customer should not be penalized for the deficiency. Accordingly, the utility was directed to make the rate change effective 11 months prior to the installation of the meter. The revised bill was based on load factor.

Shared Meter Designee Complaints

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 penalty assessed to owners for failure to find and correct instances of shared metering. At the end of July there were 193 shared meter complaints pending, an increase of 11 over the previous month. Twenty-six new complaints were received in July, and 15 complaints were closed.

In three of the cases closed, the penalty was cancelled after staff made a finding that the use was minimal under our regulations. In one case, the penalty was cancelled because the company incorrectly removed the owner's name on the bill and established a tenant on record for a shared meter. In one case the penalty was waived because the owner proved that the cost to correct the condition was extraordinary.¹

Appeals and Rehearings

At the July 21, 2000 session, the Commission approved OCS's recommended determinations of four appeals. One decision, involving Brooklyn Union East, upholds the denial of an informal hearing on the grounds that this gas customer's complaint constituted only a claim for damages. Two other decisions, in high bill complaints involving Brooklyn Union and Con Edison (residential electric service) respectively, uphold utility billing. The fourth decision upholds an informal decision finding that LILCO improperly refused to place a parochial school on the interruptible rate on the grounds that religious institutions could only take service at residential rates; the decision finds that LILCO's tariff did not limit rate assignment in this manner.

During July, two appeals by customers (both concerning billing by Con Edison for electric service) were settled through staff's efforts. One was a residential high bill case, and the other was a nonresidential case concerning a single demand bill.

Also during July, one new appeal was accepted for review. The appeal concerns alleged overbilling of a residential customer by Bell Atlantic.

¹ Under the Shared Meter Law if the cost to correct the condition exceeds four months of rent the cost is deemed to be extraordinary, the owner is not billed a penalty and is also allowed to negotiate an agreement with the tenant.

**NUMBER OF COMPLAINTS RECEIVED BY THE NYS PSC
BETWEEN 07/01/2000 AND 07/31/2000**

Service	Utility	Complaints
Cable	Adelphia - Adirondack	1
	Adelphia - Buffalo	13
	Adelphia - Olean	1
	Adelphia Cable - Utica	4
	Adelphia Cable-Chautauqua	1
	Adelphia Cable-International	2
	Adelphia Cable-Niagara	1
	Cablevision of Brookhaven	1
	Cablevision of Dutchess County	1
	Cablevision of East Hampton	1
	Cablevision of Hauppauge (V-CABLE)	1
	Cablevision of Long Island	11
	Cablevision of New York City	12
	Cablevision of Port Chester	1
	Cablevision of Riverhead	1
	Cablevision of Southern Westchester	8
	Cablevision of Westchester	3
	Cablevision of Windsor	1
	Cablevision of Yorktown	1
	Cablevision-Rockland	5
	Charter Communications	1
	El-Mar Communication Co.	1
	MediaOne - Westchester	1
	Mid Hudson Cablevision, Inc.	2
	RCN of Southeast New York, Inc.	4
	Time Warner - Adelphia - Syracuse	1
	Time Warner - Albany	2
	Time Warner - Amsterdam	1
	Time Warner - Battenkill	2
	Time Warner - Brooklyn	6
	Time Warner - Champlain	2
	Time Warner - Chittenango	1
	Time Warner - Corning	1
	Time Warner - Cortland	1
	Time Warner - Fingerlakes	1
	Time Warner - Genesee	2
	Time Warner - Glens Falls	1
	Time Warner - Ithaca	1
	Time Warner - Manhattan	12
	Time Warner - Newburgh	3
	Time Warner - Ogdensburg	1
	Time Warner - Orange County	5
	Time Warner - Paragon Manhattan	2
	Time Warner - Queens	9
	Time Warner - Rochester	2
	Time Warner - Rome	1
	Time Warner - Saratoga	2
	Time Warner - Saugerties	2
	Time Warner - Staten Island	2
	Time Warner - Sullivan County	4
	Time Warner - Syracuse	2
	Time Warner - Troy	2
	Time Warner - Watertown	3

**NUMBER OF COMPLAINTS RECEIVED BY THE NYS PSC
BETWEEN 07/01/2000 AND 07/31/2000**

Service	Utility	Complaints
<hr/>		
Electric	Central Hudson Electric & Gas	10
	Con Edison	144
	Con Edison Solutions	4
	Econnergy	15
	Energetix, Inc.	2
	Jamestown Board of Public Utilities	3
	New York State Electric & Gas	15
	Niagara Mohawk Power Corp	48
	NYSEG Solutions	1
	Orange & Rockland	25
	Rochester Gas + Electric	13
	Total Energy, Inc.	6
		<hr/>
	286	
Gas	Con Edison	4
	Corning Natural Gas	1
	Econnergy	1
	Keyspan Energy Services, Inc.	4
	KeySpan of Long Island	7
	KeySpan of New York	21
	National Fuel Gas Distribution	17
	Niagara Mohawk Power Corp	6
	Orange & Rockland	1
	Rochester Gas + Electric	3
Total Energy, Inc.	1	
	<hr/>	
	66	
Telephone	Adelphia Telecommunications, Inc.	1
	ADVAMTEL, LLC dba Plan B Communications	11
	Allegiance Telecom of New York, Inc.	8
	Alltel Communications, Inc.	1
	AllTel Of New York	1
	America's Tele-Network Corp.	1
	American International Telephone, Inc.	1
	American Nortel Communications, Inc.	2
	American Phone Services, Corp.	5
	American TelePath, Inc.	1
	AT&T Communications of New York, Inc.	392
	Atcall, Inc.	1
	Bell Atlantic Communications, Inc.	6
	Bell Atlantic Corp.	1
	Bell Atlantic-New York	409
	BridgeCom International, Ltd.	1
	Broadview Networks	42
	Business Discount Plan, Inc.	3
	Business Options, Inc.	1
	Cable & Wireless Commun. Co.	1
	Cablevision Lightpath, Inc.	4
	Choice One Communications of New York In	1
	Citizens Telecom	7
	Citizens Telecom Long Distance	1
	Citizens Telecommunications Co. of NY	1
	Commonwealth Telecom	1

**NUMBER OF COMPLAINTS RECEIVED BY THE NYS PSC
BETWEEN 07/01/2000 AND 07/31/2000**

Service	Utility	Complaints
Telephone	Core-Comm-New York, Inc.	9
	Covad Communications Company	1
	CTC Communications Corp.	2
	Destia Communications Services, Inc.	1
	Equal Net Communications Inc.	1
	Essential.com, Inc.	9
	Essex Communications, Inc.	1
	Excel Telecommunications Inc.	3
	Fairpoint Communications	1
	Frontier Comm of NY/fka Highland Tel	4
	Frontier Comm of Sylvan Lake, Inc.	1
	Frontier Comm Srvs (fka Allnet)	1
	Frontier Communications of Rochester, Inc	2
	Frontier Local Services, Inc.	1
	Frontier Telephone of Rochester, Inc.	23
	Global Crossing Telecommunications, Inc.	3
	IDT Corporate	1
	Intellicall Operator Services Inc.	1
	LCI International Telecom Corp.	3
	Long Island Telephone Company	1
	MCIWorldCom	196
	Metropolitan Telecommunications dba MetT	17
	Middleburgh Telephone	1
	National Accounts, Inc.	1
	Network Plus, Inc.	11
	North American Telecommunications Corpor	5
	North American Telephone Network, LLC.	1
	NOS Communications Inc.	2
	QWest Communications Corporation	7
	RCN Telecom Services of New York, Inc.	1
	Resdntl Comms. Netwrk of NY dba RCN	7
	Sprint Communications Company L.P.	21
	State Telephone	2
	Tel-Save, Inc dba The Phone Company of N	10
	Telco Holdings, Inc. dba Dial & Save	1
	Telecom Plus Shared Tenant Services, Inc	1
	Telepath Communications, Inc.	1
	Teleport Communications	1
	VarTec Telecom, Inc.	1
	Winstar Gateway Network, Inc.	1
	ZTel Communications, Inc.	58

		1319
Water	Brett View Water Company, Inc.	1
	Dutchess Estates	1
	Hunter Water Supply Corp.	1
	Lake Roxanne Waterworks Inc	1
	Long Island Water Corp.	3
	Rand Water CP - Brandt's Farm	1
	United Water-New York	2

		10

Total Complaints for July 2000		1834

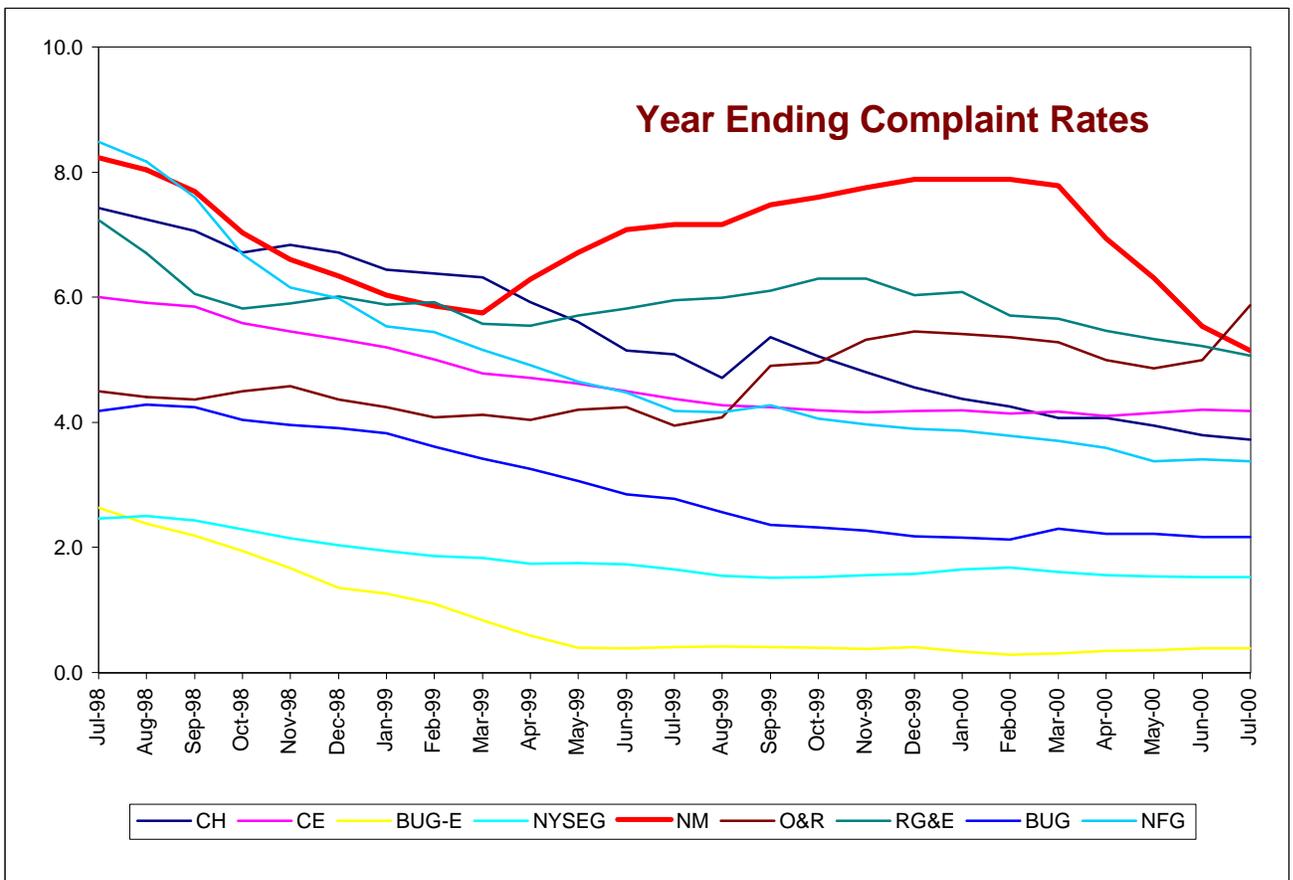
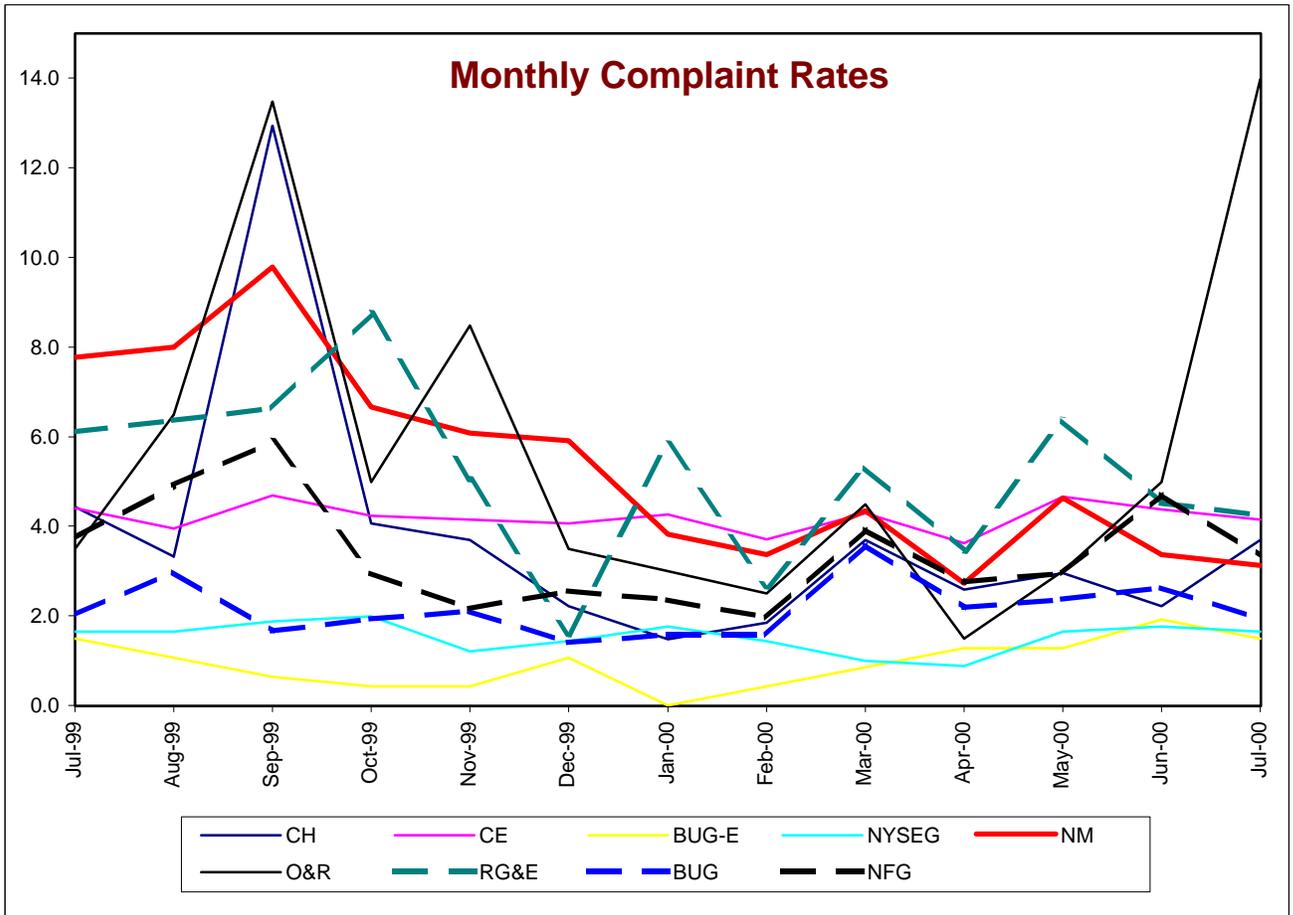
SLAMMING COMPLAINTS RECEIVED BY NYS PSC

CODE	FULL NAME	1997	1998	1999	2000	Jul-00	Jun-00	May-00	Apr-00	Mar-00	Feb-00	Jan-00	Dec-99	Nov-99	Oct-99	Sep-99	Aug-99	Jul-99
6367	North American Telecommunications Corp			1	1	1								1				
5832	North American Telephone Network, LLC	2	3		1	1												
5455	Northland Telephone Systems, Limited		1															
5458	NOS Communications Inc.			4										1	1		1	
5007	Nuestra Telefonica, Ltd.																	
6177	OLS, Inc.	2	19	1														
5887	Oncor Communications	1																
5462	One Call Communications Inc. d																	
5819	OneStar Long Distance, Inc.				1				1									
5A98	One Step Billing, Inc.	5	39	2														1
5761	OPCOM Inc.																	
5883	Operator Services Company																	
5853	Optex, Inc.			1												1		
6508	Opticom Corporation																	
6551	Pacific Gateway Exchange				1				1									
5743	Phoenix Network, Inc.	1																
5763	Phone Calls, Inc.	11		1													1	
5193	Phone One, Inc.				1					1								
5456	Preferred Carrier Services	42	10															
5459	Premier Communications, Inc.			1	1							1						
5245	Primus Telecommunications Inc.			4														
6151	Protel Advantage, d/b/a/ Long Distance			1														
5463	Protel, Inc.		8	13	2							2	1	1	2		2	
5509	PTC - Peoples Telephone a/k/a ASCOM			1											1			
5346	Public Telephone Services, Inc	2																
5797	QAI, Inc d/b/a Long Distance B	5	2	4											1			
5212	QCC, Inc.	8	1															
5700	Quintel Entertainment, Inc.			1														
5468	Qwest Communications Corporati		5	21	6	1		3				2	1	1	1	3	2	1
5830	RCI Corporation see code 5197																	
6316	RCN Long Distance Company		1															
5A13	RCN Telecom Services of NY, Inc.		10	5	1				1									
5558	Residential Communications Network of	3		3	5	1	1			3			1	2				
5824	RRV Enterprises, Inc. dpa Consumer Acc	4																
6278	RSL Com U.S.A. Inc.			1	1			1										
5915	Sonic Communications																	
5748	Sprint Communications Company	80	70	70	39	7	6	8	6	6	4	2	9	5	15	5	4	4
6045	STA Telecommunications Corp	2	1															
5891	Standard Telcom L.D. Inc.																	
5478	Starlink Communications L.L.C.	1	1	1											1			
5479	Startec, Inc.			1													1	
5257	Switched Service Communications, LLC	1																
6049	TTI National, Inc.				1					1								
5913	Target Telecom Inc.		1															
5487	TC Systems, Inc. (TCG)		1															
6375	Telco Holdings dba Dial & Save		1	2											1	1		
5164	Telcom Group USA Inc. d/b/a TelCom			1	1			1									1	
5310	Tele(Allnet Comm.Inc.) Allnet																	
5762	Telecom USA	1	2															
5167	Telecommunications Service Center, Inc.		4															
6161	Telehub Network Service Corp.			1										1				
6288	Telemex/Sprint Communications			1														
6100	Telco Partners, Inc.				1						1							

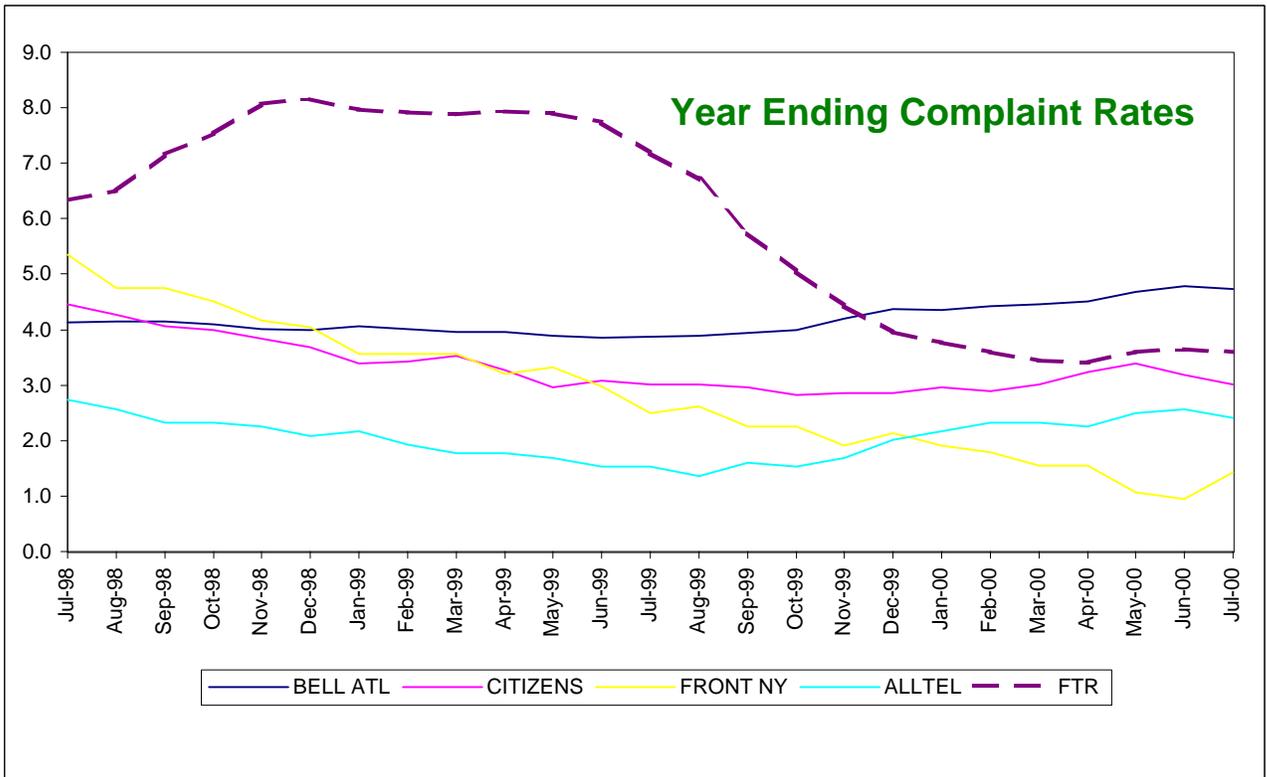
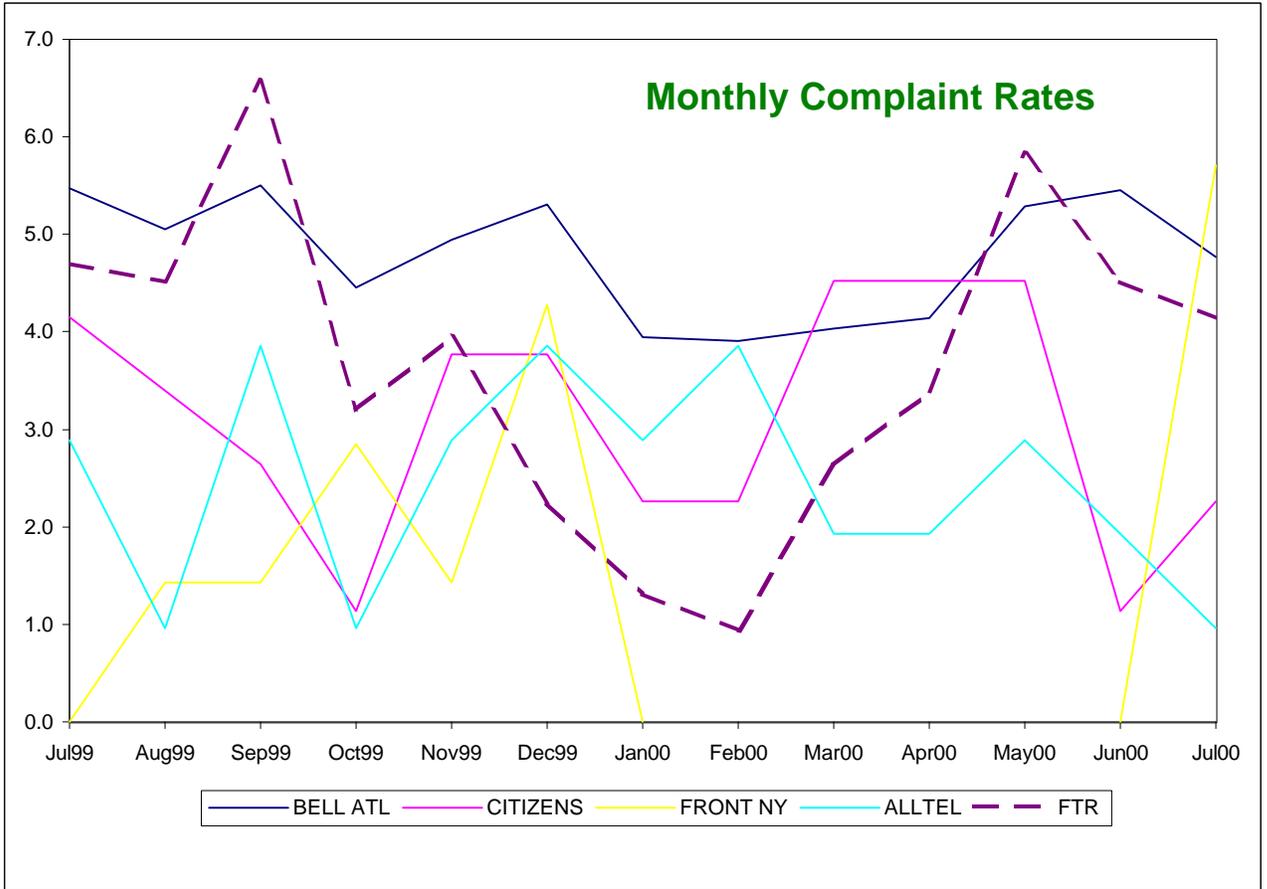
SLAMMING COMPLAINTS RECEIVED BY NYS PSC

CODE	FULL NAME	1997	1998	1999	2000	Jul-00	Jun-00	May-00	Apr-00	Mar-00	Feb-00	Jan-00	Dec-99	Nov-99	Oct-99	Sep-99	Aug-99	Jul-99
6118	Telepath Communications, Inc.				2	1						1						
5845	Teleport Communications	1	2	3	4						2	2		2				
6469	Telergy Network Services, Inc.				1							1						
5492	Telnet Communications, Inc.			1												1		
6088	Tel-Save, Inc dba The Phone Company	6	16	17	64	8	9	9	6	15	14	3	3	1	6	1	1	1
5939	The Furst Group Inc.	8	2		1							1						
6131	The Phonco, Inc. dba Network Services		1															
5499	TI Nat Telecom dba TI World Te			1														
5515	Total - Tel USA, Inc.		1															
5271	Touch 1 Communications, Inc.	1	5	2														1
6093	Touch 1 Long Distance, Inc.		1	1														
5522	Trans National Communications, Inc.	6																
5223	TresCom U.S.A., Inc.	6																
6331	TruCom Corporation				1			1										
5659	U.S. Long Distance, Inc.	6	1															
5A99	U.S. Republic Communications Inc.		1	2														
5036	Unidial, Incorporated	3	3	1	1							1					1	
5A45	United Services Telephone, LLC		1															
6493	Uni-Tel Communications Group, Inc.			1	2						1	1						
5717	Universal Communications, Inc		2															
5860	US Sprint Communications Co./																	
5528	US Wats. Inc.		1															
6137	USA Tele Corp.		6	3													1	
6048	USN Communications Long Distance	2	78	72	1							1		1			3	
5276	V.I.P Network Inc.																	
5101	VarTec Telecom, Inc.	0																
6290	Veterans of America Assn.	4																
6073	Vista Group International, Inc.	12	41	8									1					1
5172	Westinghouse Electric Corporation d/b/s	3	1															
5867	Wittel Inc.	31	3	1														
5303	Winstar Gateway Network, Inc.		1	1														
5770	Working Assets Funding Service	2		1													1	
5319	World Com Inc, dba LDDS World	5	6		2				1		1							
5716	World Communications, Inc.	6																
5203	WorldCom Network Service, dba Wil			1											1			
6307	Worldcom Technologies, Inc.		1															
6124	Worldcom, Inc.	9																
5516	Xtracom, Inc.		1															
6447	Ztel Communications, Inc.			54	148	11	11	15	17	31	30	33	26	15	11		2	
6659	erbia Network, Inc.				1						1							
	Complaints Assigned by CPCN	1738	1904	1041	1033	145	158	174	130	194	130	104	108	114	98	73	78	53
	Unassigned Complaints	42	6	5	5	1	1	3	0	0	0	0	1	0	0	0	2	0
	Total	1780	1910	1046	1038	146	159	177	130	194	130	104	109	114	98	73	80	53

MAJOR ENERGY UTILITIES



MAJOR TELEPHONE UTILITIES



MAJOR WATER UTILITIES

