

Monthly Report on Consumer Complaint Activity



September 2005

William M. Flynn, Chairman

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

November 2, 2005



Monthly Report on Consumer Complaint Activity

September 2005

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
Credit Related Complaints vs. Total (Energy Utilities)	5
Customer Service Response Index	6
Informal Hearings, Shared Meter Cases, Appeals and Rehearings	10
Summary of Customer Contacts recorded against ESCO's	11



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

September 2005

Utility	Aug-05		Sep-05		Annual Complaint Volume			Y-T-D Complaint Volume			12 Month Compl. Rate* Sep-05
	Rate*	No.	Rate*	No.	12 mos ending		%	Year-to-date		%	
					Sep-04	Sep-05		Change	2004		
Central Hudson	1.7	5	1.7	5	28	37	32.1	19	29	52.6	1.0
Con Edison	2.9	107	2.2	82	749	833	11.2	590	622	5.4	1.8
KeySpan of L.I.	0.6	3	1.0	5	47	43	-8.5	39	32	-17.9	0.7
NYSEG	0.6	6	0.3	3	38	38	0.0	28	24	-14.3	0.3
Niagara Mohawk	1.2	21	1.4	24	324	246	-24.1	246	181	-26.4	1.3
Orange & Rockland	0.9	2	1.9	4	26	28	7.7	22	18	-18.2	1.1
RG & E	1.8	7	1.8	7	70	51	-27.1	65	40	-38.5	1.1
KeySpan of NY	2.6	32	1.4	17	148	223	50.7	125	174	39.2	1.5
National Fuel Gas	2.0	10	1.4	7	85	61	-28.2	64	40	-37.5	1.1
Other Energy Utilities	N/A		N/A	0	58	110	89.7	17	27	58.8	N/A
ESCO's	N/A		N/A	20	487	130	-73.3	294	448	52.4	N/A
Verizon	0.4	36	0.4	12	571	377	-34.0	392	291	-25.8	0.3
Citizens Telcom	1.6	5	1.6	1	19	19	0.0	13	16	23.1	0.5
Frontier of NY	0.0	0	0.0	0	10	8	-20.0	9	7	-22.2	0.9
Alltel	0.0	0	0.0	0	3	1	-66.7	3	1	-66.7	0.1
Frontier Tel of Roch.	0.7	3	0.7	1	19	19	0.0	17	14	-17.6	0.3
Other LEC's,CLEC's, IXC's	N/A		N/A	155	1895	2033	7.3	1175	1100	-6.4	N/A
DSL Providers	N/A		N/A	0	N/A	25	#VALUE!	N/A	13	#VALUE!	N/A
Adelphia	N/A	3	N/A	2	24	21	-12.5	20	17	-15.0	N/A
Cablevision Systems	N/A	12	N/A	10	146	146	0.0	110	92	-16.4	N/A
Time-Warner	N/A	14	N/A	7	125	154	23.2	95	105	10.5	N/A
Other Cable Cos.	N/A		N/A	0	17	8	-52.9	7	8	14.3	N/A
Long Island Water	2.7	2	0.0	0	6	7	16.7	2	7	250.0	0.8
UW - New Rochelle	3.3	1	0.0	0	13	7	-46.2	11	3	-72.7	1.9
New York Water	4.5	2	2.3	1	4	7	75.0	4	6	50.0	1.3
Aquarion of NY/New York Ame	9.1	1	0.0	0	0	1	0.0	0	1	0.0	0.8
UW - New York	0.0	0	0.0	0	8	6	-25.0	5	6	20.0	0.7
Other Water Utilities	N/A		N/A	1	17	13	-23.5	11	5	-54.5	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

September 2005

Utility	September 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	5	1	20%	37	10	27%	1.0	0.3
Con Edison	82	15	18%	833	148	18%	1.8	0.3
KeySpan - LI	5	1	20%	43	10	23%	0.7	0.2
NYSEG	3	1	33%	38	12	32%	0.3	0.1
Niagara Mohawk	24	3	13%	246	67	27%	1.3	0.3
Orange & Rockland	4	1	25%	28	11	39%	1.1	0.4
RG & E	7	3	43%	51	21	41%	1.1	0.4
KeySpan - NY	17	2	12%	223	69	31%	1.5	0.5
National Fuel Gas	7	3	43%	61	22	36%	1.1	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.

Customer Service Response Index September 2005

<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>
Time Warner - New York City Division	69	3	4.6	10.3	2	0	2	9.1	1	9.6
Verizon Advanced Data, Inc.	16	0	5	12.8	2	0	2	31	0.6	9.6
Long Island American Water	11	0	5	5	2	0	2	30.6	0.6	9.6
Frontier Telephone of Rochester, Inc.	21	1	4.5	5.4	2	5.6	2	0	1	9.5
New York State Electric & Gas Corp.	72	3	4.6	10.5	2	12.1	1.8	4.6	1	9.4
Econergy	16	1	4.4	7.5	2	1.1	2	2	1	9.4
Time Warner - Rochester Division	17	1	4.4	12.2	2	0	2	17.8	0.9	9.3
Citizens Communications (ILEC)	15	1	4.3	12.1	2	5	2	1	1	9.3
Broadview Networks, Inc.	15	1	4.3	6.6	2	3.6	2	16.3	0.9	9.2
Cablevision of Long Island	18	2	3.9	11.3	2	2.8	2	5	1	8.9
Cablevision of New York City	26	3	3.8	13.2	2	7.1	2	4.4	1	8.8
Optimum Voice	12	1	4.2	9.1	2	0	2	33.4	0.6	8.8
Verizon Communications (LEC)	334	12	4.6	9.7	2	20	1.1	11.4	1	8.7
National Fuel Gas Distribution	50	7	3.6	8.7	2	8.5	2	8.6	1	8.6
NYSEG Solutions, Inc.	7	1	3.6	10.6	2	0	2	6	1	8.6
Sprint Communications	13	2	3.5	8.8	2	8.4	2	4.1	1	8.5
Accent Energy Midwest, LLC	43	7	3.4	8	2	0	2	9.9	1	8.4
Orange & Rockland	25	4	3.4	5.1	2	1.1	2	4.2	1	8.4
Rochester Gas & Electric Corp.	69	7	4	9.5	2	17.3	1.3	5.2	1	8.3
Trinsic	7	1	3.6	18	1.6	0	2	11.7	1	8.2
Central Hudson Gas & Electric Corp.	28	5	3.2	13	2	10.5	1.9	9.5	1	8.1
AT&T (C)	169	33	3	6.2	2	5	2	11.3	1	8
Adelphia Cable - Buffalo	7	1	3.6	5.8	2	1.1	2	44	0.4	8
KeySpan of Long Island	24	5	2.9	3.2	2	3.3	2	5.7	1	7.9
Metropolitan Telecommunications	9	2	2.8	1.6	2	0.1	2	2	1	7.8
KeySpan of New York	90	17	3.1	10.2	2	11.1	1.9	31.4	0.6	7.6
Liberty Power Corp.	25	6	2.6	8.7	2	2.2	2	22.1	0.8	7.4
Time Warner - Albany Division	10	2	3	4	2	9.4	2	46.3	0.3	7.3
XO Communications, Inc.	10	3	2	9.7	2	2.5	2	4.5	1	7
Niagara Mohawk - A National Grid Company	179	25	3.6	12.6	2	33.6	0	14.2	0.9	6.5
MCI	128	37	2.1	8.7	2	17.1	1.3	12.6	1	6.4
MX Energy, Inc	9	2	2.8	14	2	22.9	0.6	25.9	0.7	6.1
IDT America Corp.	24	10	0.8	11.9	2	0.8	2	14.5	0.9	5.7
Con Edison of New York	367	85	2.7	28.1	0	31.7	0	17.4	0.9	3.6
Cordia Communications Company	25	6	2.6	5.9	2	190.9	0	79.3	-3	1.6

Customer Service Response Index September 2005

<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>
Acceris Communications, Inc.	4	1		36		0		27.7		
ACN Communication Services, Inc.	4	1		5.7		0		32		
ACN Energy, Inc.	0	0		68		0		95		
Adelphia Cable - Glens Falls	1	0		11		0		45		
Adelphia Cable - Lancaster	1	0		2		0		0		
Adelphia Cable - Niagara	1	1		3		0		29		
Adelphia Cable - Utica	2	0		0.5		0		60		
Agway Energy Services, LLC.	2	0		3		0		9		
Alliance Telecom of New York, Inc.	0	0		16		0		0		
AllTel Communications, Inc.	1	0		1		0		0		
AllTel of New York	5	0		4.2		0		4		
Alphaphone Inc.	1	1		1		0		41.5		
American Long Lines, Inc.	1	0		1		0		0		
American Network Services, Inc.	1	1		1		14		0		
American Telecommunications Corporation	1	0		1		0		0		
Amerinet Telecommunications Group, Inc.	1	0		0		0		4		
AMF Telecommunications, Inc.	0	0		0		0		67		
Aquarion Water Company of NY	0	0		0		0		57		
Aquarion Water Company of Sea Cliff	0	0		0		0		57		
Arbor Hills Waterworks	0	1		25		0		22		
ARC Networks, Inc.	0	0		0		0		16		
Armstrong Telephone Company - New York	0	0		0		0		33		
BAS Communications	0	3		0		0		29		
Berkshire Telephone Corp.	0	0		0		41.9		0		
Bonville Water Co. Inc.	1	0		0		0		12		
BridgeCom International, Ltd.	3	2		28.5		13.1		40.3		
Brown's Fuel	1	0		8		0		0		
BullsEye Telecom, Inc.	1	2		34		0		10		
Business Network Long Distance, Inc.	2	0		0		0		15		
Cablevision - MediaOne - Rockland	3	1		19		7.2		12		
Cablevision - MediaOne - US Cablevision	1	0		2.2		0		0		
Cablevision - MediaOne - Westchester	3	1		8.1		0		8		
Cablevision Lightpath, Inc.	1	0		0.2		0		0		
Cablevision of Brookhaven	2	0		10.5		0		0		
Cablevision of Dutchess County	6	1		16.1		0		3		
Cablevision of Hauppauge	1	0		5.8		0		0		
Cablevision of Riverhead	2	0		4.6		0		0		
Cablevision of Rockland	2	1		2.2		0		0		
Cablevision of Rockland/Ramapo, Inc.	1	0		7.3		0		0		
Cablevision of Southern Westchester	3	0		14		0		13		
Cablevision of Westchester	5	1		9.3		8.3		2		
Cablevision of Yorktown	0	0		0		6.6		0		
Chain Lakes Cablevision	0	0		0		0		45		
Champlain Telephone Co.	1	0		2		0		0		
Charter Communications	1	0		0		0		22.5		
Chazy & Westport Telephone Corp.	0	0		0		0		115		
Choice One Communications of New York, Inc	2	1		15		0		0		
City of Jamestown Board of Public Utilities	0	0		40.5		0		15		
City of Salamanca Electric	1	0		6		1.9		0		
Cleartel Communications, Inc.	0	0		0		0		78		
Columbia Energy Services Company	1	1		14		0		0		
Commerce Energy, Inc	2	0		0		0		14		
Communicate Technological Systems, CTS, L	0	0		0		0		136		
Conserve	0	0		0		0		109		
Convergent Telesis LLC	0	0		11		0		0		
Conversent Communications of New York, LLC	3	0		10		0		1		
Core-Comm-New York, Inc.	0	0		0		0		45		
CornerStone Telephone Company, LLC.	1	0		0		0		1		
Corporatepage.com, Inc.	0	0		0		0		395		
Covad Communications Company	1	0		3		0		0		
Covista Communications, Inc.	4	1		9.4		18.1		16		
CROWN ENERGY SERVICES, INC	1	0		0		0		10		
Dara Owners Corp.	0	0		0		0		360		
Eclipse Telecommunications, Inc.	0	0		0		0		236		
Empire One Telecommunications, Inc.	0	0		3		0		93.5		
Empire Telephone Corp.	1	0		2		0		0		
Energetix, Inc.	1	0		4		0		0		
Energy Service Providers, Inc.	0	0		0		0		32		
Enhanced Communications Group, LLC.	0	0		60		0		0		
ETS Payphones, Inc.	0	1		0		0		42.7		
Excel Telecommunications, Inc.	1	0		0		0		8		
Fairfield Towers Condominium Corporation	0	4		0		0		21		
Forest Park Water Co. Inc.	1	0		0		0		29		

*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 September 2005

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
Frontier Communications of AuSable Valley	2	0		5		6		1		
Frontier Communications of NY/fka Highland T	3	0		1.6		0		3.5		
Frontier Communications of Rochester, Inc.	1	0		2.2		0		0		
Future Focus Telecommunications	0	0		0		0		556		
Global Network Comms.	0	0		0		0		189		
GNC Public Communications	0	0		0		0		256.7		
Haefele TV	1	0		0		0		19		
Hudson Energy Services, LLC	2	1		22		0		4.5		
IDT Energy, Inc.	6	1		13.9		0		33		
ILD Telecommunications, Inc.	1	0		0		0		8		
Infinite Energy, Inc.	0	0		0		0		40		
Intelecom Solutions, Inc.	3	2		4.2		0		34.5		
J&N Communications	0	0		0		0		47		
Keyspan Energy Services, Inc.	0	0		0		0		37.5		
LCI International Telecom Corp.	1	0		12		0		0		
LDC Telecommunications, Inc.	0	0		0		0		106		
Legacy Long Distance International, Inc.	1	1		8		0		3		
Levy Associates	0	0		600		0		0		
Lightyear Network Solutions, LLC.	0	0		10		0		0		
Local Phone Company	0	0		0		0		52		
Long Distance Consolidated Billing Co.	1	0		7		0		0		
M & L Milevoi	0	0		0		0		121.5		
Mahopac Water Company Inc.	0	0		0		0		65		
Main Street Telephone Company	1	0		0		0		2		
Mascom Inc	0	0		0		0		311		
Metro Teleconnect Companies, Inc.	0	0		0		0		334		
Mid Hudson Cablevision, Inc.	1	0		4		0		47		
MIG Communications, Inc	0	0		0		0		52		
Mountain Lodge Park Water Corp.	0	0		0		0		115		
MTG Communications, Inc	0	0		0		0		238.3		
National Aqueous	0	0		0		0		326		
NeTel Inc. (Tel3 Communications)	0	0		0		0		197		
Network PTS, Inc.	1	0		0		0		10		
New Rochelle Telephone Company	2	1		168		0		100.5		
New York City Public Telephone	0	1		0		0		16		
New York Water Service	1	1		0		0		43.1		
Next Gen Telephone Co.	2	0		42		0		31		
Nexus Payphones	0	1		0		15		0		
NOS Communications, Inc.	0	0		13		0		0		
NOW Communications Inc	0	0		0		0		445		
OLYMPIC POWER, INC.	0	0		0		0		170		
One Call Communications, Inc.	2	0		12		0		8		
OneLink Communications, Inc.	0	0		0		0		122		
Ontario Telephone	1	0		2		0		0		
Orchard Hill Water Co.	0	0		0		0		61		
PAETEC Communications, Inc.	1	0		29		0		33.5		
Phone Management Enterprises, Inc.	0	0		0		0		152		
PowerNet Global Communications	2	0		3.5		0		0		
Primelink, Inc.	0	0		0		0		64		
Primus Telecommunications, Inc.	0	0		0		0		79		
PT-1 Communications, Inc.	0	0		0		0		491.5		
Pyne Company	0	0		0		0		111.5		
Qwest Communications Corporation	0	0		0		0		0		
Rand Water CP - Brandt's Farm	0	0		0		0		103		
Reconex, Inc. (USTEL/1-800-Reconex)	3	3		17.5		0		30		
Resdntl Comms. Netwrk of NY	2	1		7.5		0		11		
Ridley Telephone Company	1	0		3		0		0		
Rowlands Hollow Water Works, Inc.	0	0		0		0		444		
SBC Long Distance, LLC d/b/a SBC Long Dist	1	0		0		0		3		
SBC Telecom, Inc.	0	1		30		0		2		
ServiSense.com, Inc.	0	0		0		0		328		
Spectrotel, Inc.	3	1		19.5		0		70.7		
St. Lawrence Gas	1	1		4		0		1		
State Telephone Company, Inc.	0	0		0		44.1		0		
STRATEGIC ENERGY LLC	1	0		0		0		19		
Supercade Amusements Inc	0	0		0		0		90		
Supra Telecommunications & Information Syst	1	0		0		0		60.3		
SusCom Communications - CATV	4	0		5.7		0		18		
SusCom Communications - LEC	3	0		7		0		2		
Taconic Telephone Corp.	4	0		2		0		1.5		
Talk America, Inc.	6	3		13		0		30.8		
TDS Telecom-Port Byron Office	2	0		6.5		0		0		
TelCove Investment	1	1		5		0		59		

*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 September 2005

<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>
Telebeam	0	0		0		0		428		
Telecarrier Services, Inc.	4	1		1		0		234.9		
Telecom Management, Inc. D/B/A Pioneer Tel	1	0		1		0		0		
Telecom USA	1	0		1.8		0		0		
Telecom Communications Corp	1	0		0		0		274		
Teleplex Coin Communications	0	0		0		2.2		0		
Teletech Inc.	0	0		0		0		52		
Tiffany Mews	0	0		0		0		470		
Time Warner - Binghamton	6	1		1.5		0		3		
Time Warner - Syracuse Division	4	0		0.1		11.6		3.5		
Time Warner ResCom of New York,LLC	5	1		12.9		0		30.6		
Touch 1 Communications, Inc.	0	0		0		0		93		
Tristate Bell Inc	3	3		3.7		0		35		
Tri-Tel Communications, Inc.	1	0		0		0		18		
U.S. Gas & Electric, Inc.	1	0		0		0		3		
United Systems Access Telecom	1	1		13		0		12		
United Telecom of America, Inc.	1	0		0		0		60.3		
United Telecom, LLC	0	0		0		0		59		
United Water-New Rochelle	2	0		0		0		46.5		
United Water-New York	1	0		0		0		86		
USN Communications Long Distance, Inc.	0	0		0		0		240		
Utility Solutions	0	0		0		0		151.5		
Valley Energy, Inc.	0	0		25		0		0		
VarTec Telecom, Inc.	6	1		3.3		0		22.2		
Verizon Communications (LD)	6	0		10.3		0		54.8		
Verizon Communications (PayPhones)	2	0		6.8		0		0		
Village of Churchville	0	0		0		0		68		
Village of Freeport Electric	1	0		0		0		0		
Village of Sherburne Municipal Utility	1	0		17		0		0		
Vonage Communications	5	2		10.2		0		33.6		
Warwick Valley Telephone Company	1	0		3		0		58		
Westelcom Network, Inc.	1	1		4		0		1		
Western NY Communications, Inc. (Trusty Pay	0	1		0		0		18		
World-Link Solutions, Inc	0	1		0		0		51.5		
XChange Telecom	4	0		4.8		0		3		

Informal Hearings, Shared Meter Cases, Appeals and Rehearings September 2005

Informal Hearing Cases

At the end of September, there were 98 cases in the Informal Hearing Unit. During this month, 2 complaints were resolved with pre-hearing mediation, 20 informal hearings were scheduled, 9 hearings were postponed, 8 hearings were held during which 6 settlements were reached and 3 other disputes were resolved rather than proceeding with a hearing. Written decisions were issued in 13 informal hearing cases.

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 September there were 183 shared meter complaints pending (118 SMD & 65 SMU). Forty-one (41) cases were closed.¹ Further information on the closed cases follows.

The designee reduced the 12-month assessment to the minimum of 25% in 28 cases, between 26% to 50% in 2 cases and between 51% to 75% in 3 cases. In 1 case the assessment was sustained. In 1 case, the landlord was held responsible only for the shared area charges because he had requested the investigation. In 2 cases, the assessments were cancelled due to minimal use. In 1 case, the appeal to the designee was denied because it was late.

Appeals and Rehearings

At its August 24, 2005 session, the Commission approved OCS's recommended determinations of 4 appeals and 1 rehearing petition. The first appeal determination requires Verizon to rebill a nonresidential customer's flexpath circuits at the Additional Channel rate. The second determination upholds Con Edison's charges to a new customer for facilities necessary to provide service. The third determination upholds AT&T's denial of out-of-service-credit to a residential customer. The fourth determination upholds Con Edison's billing of a residential customer for electricity. The rehearing determination upholds a Commission appeal determination that a nonresidential Verizon customer was not entitled to the Block Loop charge.

During September, 3 appeals were accepted for review. The first appeal concerns a landlord's objection to Con Edison's denial of retroactive billing at the residential rate for two apartments, each in a different multiple dwelling, which the landlord asserts were occupied since 2003 by each building's superintendent. The second concerns whether the owner of a two-family house is entitled to additional retroactive rebilling at Con Edison's residential electric rate after Con Edison granted him three and a half years of retroactive residential billing for his own apartment in that house. The third concerns a Verizon customer's objection to the denial of an informal hearing.

Seven rehearing petitions concerning decisions by the Commission's designee for shared meter matters were also accepted in September for review. In 5 of the cases landlords seek rehearing; 2 of these cases involve NFG gas service, 2 involve KeySpan gas service, and 1 involves Con Edison electric service. Two tenants seek rehearing in cases involving Con Edison electric service.

¹ Two out of the 41 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)**

Table of Consumer Contacts filed against ESCO's

CODE	FULL NAME	2002	2003	2004	2005	Sep-05	Aug-05	Jul-05	Jun-05	May-05	Apr-05	Mar-05	Feb-05	Jan-05	Dec-04	Nov-04	Oct-04	Sep-04	Aug-04
D108	1st Rochdale Coop Group	1	1	2	0												1		
D128	Accent Energy			3	155	43	30	39	24	19						3			
D105	ACN Energy, Inc.	1	4	3	13	0	0	3	2		2	6			1				
D078	Advantage Energy Inc.	3	0	0	0	0	0												
D001	Agway Energy Services Inc.	17	18	12	10	2	0			1	1	1	2	3	4				2
D036	All Energy Marketing Co.	1	2	1	0	0	0												
D002	Amerada Hess	0	0	0	0	0	0												
D113	Brown Fuel, Inc	0	0	0	2	1	0						1						
D005	Castle Power Corporatoin	2	0	1	0	0	0												
D040	Columbia Energy Services Co.		1	10	13	1	3			3		4	1	1					2
D208	Commerce Energy, Inc.				2	2													
D086	Con Edison Solutions	55	43	18	4	0	0	1	1			1	1		3		1		5
D084	Constellation NewEnergy	0	0	0	0	0	0												
D131	Crown Energy Services, Inc.				1	1													
D046	Econnergy	123	133	221	155	16	8		16	16	21	26	18	34	21	6	13	11	24
D047	Empire Natural Gas Corp	0	0	0	1	0	0		1										
D087	Energetix, Inc.	17	25	71	25	1	1	7	2		1	2	5	6	5	1	3	3	2
D137	Energy Service Providers, Inc.				2	0	2												
D054	Enron Energy Services	9	1	0	0	0	0												
D023	Federal Electric & Gas Co.	0	0	0	0	0	0												
D138	FFC Energy	0	0	1	0	0	0										1		
D104	Great Eastern Energy	3	3	4	4	0	0	1			1		2						
D`120	Hudson Energy Services, Inc.				4	2	2												
D177	IDT Energy, Inc.				14	6	5	2	1										
D167	Infinite Energy, Inc.				1	0	1												
D013	Interstate Energy Resources Inc.	2	4	0	0	0	0												
D015	Keyspan Energy Services, Inc.	154	194	50	3	0	2			1					1	3	11	0	5
D117	Liberty Power	0	0	2	50	25	10	2	8	5							2		
D060	Main-Care Energy	0	1	0	0	0	0												
D107	Metro Energy Group	0	8	1	0	0	0												
D098	Metromedia Energy	1	0	0	1	0	0						1						
D018	Mirabito Fuel Group Inc.	3	9	3	2	0	0			2								2	
D020	Mitchell-Supreme Energy	3	2	5	0	0	0											1	
D032	MX Energy, Inc. (Total Gas & Electric (Ene	116	46	23	35	9	5	1	3	5	1	5	3	3	2	3	1	1	1
D021	National Fuel Resources, Inc.	76	18	4	1	0	0		1								1	1	1
D023	New York Gas Co, Inc.	4	0	0	0	0	0												
D024	North American Energy	20	25	3	7	0	0	1		1			2	3					1
D026	North Atlantic Utilities Inc.	0	0	0	0	0	0												
D103	NYSEG Solutions	20	32	8	41	7	3	7	6	3	6	5	2	2	2	1			
D067	PG&E Energy Trading	0	0	1	0	0	0												1
D114	PRO-ENERGY RESOURCES	2	0	1	2	0	0			1		1			1				
D093	Robison Energy of Westchester	2	9	1	2	0	1			1									
D068	Select Energy of New York (aka Plub St)	2	0	0	0	0	0												
D112	Smart Energy Services	1249	129	0	0	0	0												
D159	Strategic Energy, LLC				2	1	0		1										
D102	Telecon Energy Services Corp.	0	0	0	0	0	0												
D052	TXU Energy	2	1	0	0	0	0												
D118	US Energy Partners	0	0	1	2	0	0		1	1							1		
D119	U.S. Gas & Electric, Inc.				1	1													
D888	Unassigned Customer Contacts	30	8	7	11	0	0			2	1		3	5	6		0	1	
	Total	1918	717	457	566	118	73	64	67	61	34	51	40	58	46	22	33	18	44

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