

Your Rights as a New Orleans Electric & Gas Utility Customer



COUNCIL OF THE CITY OF NEW ORLEANS

Summary of Utility Customer Complaint and Dispute Resolution Process

How to File a Formal Complaint

1. File an informal complaint with the Utility.
2. Receive a written response from the Utility concerning the disposition of your informal complaint that is unacceptable to you.
3. Obtain a formal complaint form from the Council Utilities Regulatory Office or the Utility.
4. Complete all sections of the formal complaint form and attach a copy of the written disposition from the Utility of your informal complaint.
5. Submit the formal complaint by fax, mail or in person to the Council Utilities Regulatory Office within 10 calendar days of receiving written disposition of your informal complaint from the Utility.

Customer Complaint and Dispute Resolution Process

(Section 158-1046 through Section 158-1053 Code of the City of New Orleans)

If you feel that the Utility has violated your rights or is in violation of its Customer Service Regulations, you have the right to participate in the Customer Complaint and Dispute Resolution Process.

INFORMAL COMPLAINT

1. You must first submit your complaint informally to the Utility in writing or orally. The Utility will provide you a reference number for your complaint. You will be entitled to have a Customer Service Manager review the Utility's decision with respect to your informal complaint.
2. If you and the Utility cannot satisfactorily resolve the dispute within 10 business days of the Utility's receipt of your complaint, the Utility shall notify you in writing, via certified mail, return receipt requested, of its disposition of your informal complaint and your right to file a formal complaint through the Council Utilities Regulatory Office.

FORMAL COMPLAINT

1. You have the right to file a formal complaint in writing within 10 calendar days of the date you receive the Utility's written notification of the disposition of your informal Complaint. You must have received the Utility's written response to your informal complaint and completed the formal Utility complaint form available at the Council Utilities Regulatory Office or from the Utility.

In completing the formal Utility complaint form you must:

- a. attach a copy of the written disposition that you received from the Utility.
- b. provide authorization for the Utility to release to the Council Utilities Regulatory Office and the Complaint Officer any confidential customer information related to the complaint.

- c. provide a statement of your dispute, including identification of the Customer Service Regulation(s) you believe the Utility has violated.
 - d. provide your proposed solution to your complaint.
 - e. provide copies and other supplemental, relevant information that you believe is relevant to your dispute.
2. The Council Utilities Regulatory Office will notify the Utility and a designated Complaint Officer of your formal complaint within 3 business days of the day that you file your formal complaint.
 3. The Utility shall acknowledge in writing to the Council Utilities Regulatory Office, the Complaint Officer, and you, of its receipt of your complaint within 3 business days. The acknowledgement may also contain the Utility's response to your complaint, the reasons in its opinion why your formal complaint should be dismissed, and any reports or documentation produced by the Utility in connection with its investigation of your informal complaint.
 4. The Complaint Officer will determine if your formal complaint is eligible for an Administrative Hearing.

Your Right to Have an Administrative Hearing

1. Your formal complaint, if eligible, will be heard by a Complaint Officer who will conduct and arrange for an Administrative Hearing. In addition, the Complaint Officer will make a determination as to whether the Customer Service Regulations and any of your Enumerated Rights have been violated by the Utility and will recommend an appropriate solution.
2. The Complaint Officer has the authority to resolve your formal Complaint through settlement on terms that are agreeable to both you and the Utility.
3. The Complaint Officer also has the authority to dismiss, without hearing, complaints that fail to meet the definition of a Complaint in the Customer Complaint and Dispute Resolution Process within 8 business days of the Notice of Formal Complaint issued by the Council Utilities Regulatory Office.
4. Taking into account any unique or special circumstances of your ability to attend on a proposed date, an Administrative Hearing for your formal complaint will be heard within 20 business days of the issuance of the Notice of Formal Complaint by the Council Utilities Regulatory Office, but in no event later than 30 business days. The Complaint Officer will provide written notice of the hearing date to you and the Utility 5 business days prior to the hearing date. Hearings will be held during regular business hours of 9:00 a.m. to 5:00 p.m., Monday through Friday, at a location in the City of New Orleans and normally will not exceed 1½ hours in duration.
5. Failure to attend a hearing may be a basis for the dismissal of your complaint, or, with respect to the Utility, a finding in your favor.
6. **You are not entitled to an Administrative Hearing if:**
 - a. you did not initiate a complaint that follows the informal complaint process on or before the 90th day after you knew or should have known about the subject of the dispute;
 - b. you did not file a formal complaint requesting an administrative hearing;
 - c. you are disputing:
 - the terms or denial of a deferred payment agreement voluntarily offered by the Utility;
 - your financial ability to pay for utility services provided by the Utility;
 - a Council-approved rate schedule, Fuel Adjustment Clause, or Purchased Gas Adjustment Clause;
 - unlawful use of service, damage to Utility equipment, unauthorized sale of utility service, or violation of law;
 - the right of the Utility to collect for undercharged costs or charges assessed for unlawful use of service, or damage to Utility equipment;
 - your complaint involves utility consumption and, as part of the informal complaint process, your meter has been tested and found accurate, or you have refused a meter test on the basis that you may be required to bear the cost of the test if the meter is found accurate;
 - denial or discontinuance of Utility service based on a danger to public health and safety;
 - a matter subject to a court decision;
 - the application or amount of a security deposit;
 - d. you have a claim for property damage or loss due to an adverse action of the Utility. Such claim is to be considered by a separate process as provided for in Section 50 of the Service Regulations.
7. Within 15 calendar days after the hearing, the Complaint Officer shall issue written findings indicating whether there has been a violation of Rights or Regulations, the basis, proposed remedy, or terms of any settlement reached prior or during the hearing.

SUMMARY OF YOUR ENUMERATED RIGHTS
(Section 158-1045 of the Code of the City of New Orleans)

You Have the Right to:

- a. safe and reliable electric and gas service in accordance with industry standards.
- b. in lieu of a deposit choose to obtain a satisfactory credit score if a residential consumer, or an irrevocable bank letter of credit or surety bond from a bank or surety company if a commercial customer.
- c. earn interest on your deposit.
- d. have your deposit returned after 24 months if your last 12 months of bills have been paid on time, or at any time, if you discontinue service from the Utility and you do not have an outstanding balance.
- e. have your customer information kept confidential.
- f. receive written notification at least five days prior to the disconnection of service due to non-payment, and to request alternate payment arrangements or make payment to avoid disconnection.
- g. to not have service disconnected when, (1) the daytime temperature is forecast to remain at or below 40 degrees F or the night time temperature 32 degrees F or lower, or (2) if the high temperature for the day is forecast to be 100 degrees F or higher, or (3) if the National Weather Service issues an Excessive Heat Warning for New Orleans for the day.
- h. have, with a licensed physician's letter, a special designation which prohibits service from being disconnected for 30 days if you are on a life-sustaining medical treatment system which requires electricity or natural gas.
- i. not be disconnected on a weekend, holiday, day before a holiday or Friday after 1:00 p.m.
- j. have same day reconnection as long as payment is received before 7:00 p.m.
- k. have a meter that is maintained and accurate.
- l. have the Utility test your meter as provided for in the Service Regulations.
- m. be charged only for actual usage of electricity and gas based on accurate metering or an estimation process as defined in the Service Regulations.
- n. have your complaint relative to accuracy resolved prior to disconnection as long as you pay the amount currently chargeable for the period(s) at issue pursuant to the Service Regulations.
- o. not have late fees charged on the portion of a bill that is the subject of a Complaint, provided you pay all amounts currently due.
- p. participate in the Customer Complaint and Dispute Resolution Process.

This information is intended only to provide a summary of the Customer Complaint and Dispute Resolution Process contained in Article VIII, Customer Protections, Sections 158-1041 to 158-1059 of the Code of the City of New Orleans ("Customer Bill of Rights"). To the extent that anything contained herein conflicts with the actual provisions of the Customer Bill of Rights, the Customer Bill of Rights shall prevail. To obtain further information, a complete copy of the Customer Bill of Rights, a copy of the Utility Customer Complaint Form, and additional information, please contact:

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