

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
CONSUMER COMPLAINT
PROCEDURES GUIDE

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FILING A COMPLAINT

If you have a problem or concern with a public utility, you can file a complaint with the PUC. There are two kinds of complaints: an Informal Complaint and a Formal Complaint. Before you file a complaint with the PUC, you should contact the utility or company first to give it a chance to fix or address the problem. For some kinds of problems, such as billing and service issues about electric, natural gas, telephone and water/wastewater, you must contact the utility first before you file an Informal or Formal Complaint.

INFORMAL COMPLAINT – ELECTRIC, NATURAL GAS, TELEPHONE & WATER/WASTEWATER

For problems with your electric, natural gas, telephone or water/wastewater service, you can file an Informal Complaint through the PUC's Bureau of Consumer Services (BCS). After you file the Informal Complaint, a BCS representative will work with you and the company to resolve the problem. This is easier and faster than filing a Formal Complaint.

You can file an Informal Complaint about problems with a utility (such as billing or service) by:

- Using the Informal Complaint form available on the PUC website at www.puc.pa.gov
- Calling BCS toll free at 1-800-692-7380
- Sending an Informal Complaint by mail to BCS at:

**Bureau of Consumer Services
PA Public Utility Commission
400 North Street
Harrisburg, PA 17120**

In the Informal Complaint, you will have to tell us about your problem. After receiving an Informal Complaint, a BCS representative will look at the information you provided and the facts about your case. The BCS representative will also get in touch with the company to give it a chance to respond to your concerns. BCS will then tell you and the company what BCS thinks about the problem. This is called the BCS decision and it will be given to you by letter, and sometimes also by phone.

Informal Complaints about your electric, natural gas, telephone and water/wastewater service are private, which means that the information provided stays between you, the company (including its lawyers and employees), and the PUC. Other people will not see your Informal Complaint.

INFORMAL COMPLAINT – TRANSPORTATION

Informal Complaints about companies or people that provide certain transportation services, called “common or motor carriers” (such as taxicabs, limousines, household moving companies, trucking companies, transportation network companies or paratransit companies) should be filed with the PUC’s Bureau of Investigation and Enforcement (I&E). For these kinds of transportation complaints, you should use the “Motor Carrier Complaint Form” that we tell you about below.

You may file an Informal Complaint about transportation problems by:

- Using the Motor Carrier Complaint form available on the website at www.puc.pa.gov
- Calling I&E toll free at 1-800-692-7380
- Sending an Informal Complaint by mail to I&E at:

**Bureau of Investigation & Enforcement
PA Public Utility Commission
400 North Street
Harrisburg, PA 17120**

For taxicab service problems, you can also file an Informal Complaint online through the website at www.puc.pa.gov.

After you file an Informal Complaint, I&E will assign an enforcement officer to get information from you and the company. I&E will review your concerns and the facts about your case. I&E will also contact the company to give it a chance to provide its response to your concerns. I&E will then tell you and the company of its decision by letter. Also, if I&E determines that the motor carrier violated the law or PUC regulations, I&E may file its own Informal or Formal Complaint against the motor carrier.



Informal Complaints about motor carriers are private, which means that the information provided stays between you, the company (including its employees and lawyers) and the PUC. Other people will not see your Informal Complaint.

NOTE: Do not contact the PUC about any problem you have with a Philadelphia taxicab or limousine company. The Philadelphia Parking Authority (PPA) is the agency that is responsible for reviewing those problems. If you have a concern with a Philadelphia taxicab or limousine company you must contact the PPA at www.philapark.org or 1-888-591-3636.

APPEALS OF INFORMAL COMPLAINTS – ELECTRIC, NATURAL GAS, TELEPHONE & WATER/WASTEWATER

If you do not agree with BCS’s decision about your Informal Complaint, you may ask the PUC to take a closer look at your case by filing a Formal Complaint. This is the way to “appeal your BCS decision.”

When you get the BCS decision about your problem in the mail, there also will be a form called a “Notification of Intent to Appeal.” If you would like to appeal, be sure to send the form to the Secretary of the PUC at the address listed on the form. You must return your form no later than 20 days after the date in the form. A Notification of Intent to Appeal cannot be faxed or e-mailed, but should be sent by overnight delivery, certified, or priority mail, to make sure it gets to us on time. After you send your Notification of Intent to Appeal form to the Secretary, the Secretary will send you a Formal Complaint form to complete. You must return the Formal Complaint form to the Secretary of the Commission no later than 30 days after the date of the Secretary’s letter.

Sending the Notice of Intent Form on time is really important. If your case is about setting up a payment arrangement to pay a bill you have already received, the PUC usually can establish only one payment arrangement for you. If the BCS decision includes a payment arrangement – and you do not file an appeal of the BCS decision – you must make all of the payments required by the BCS decision.

Otherwise, the company has the right to shut off your service for failure to pay your bills. Do not mail your payments to the PUC. Send your payments directly to your company.

An appeal of your BCS decision does not mean you will get a lower payment arrangement. Any payment arrangement included in a BCS Informal Complaint decision is based on your income. The income guidelines are set by State and Federal laws. The PUC will take a close look at the case to see if the law has been followed or if there is a reason to change what the BCS decides. Because the law limits the amount and number of payment arrangements the PUC can order, a customer is often better off trying to work out a payment arrangement with the company because the company has more flexibility in setting up payment arrangements.

APPEALS OF INFORMAL COMPLAINTS – TRANSPORTATION

Remember, the Office that handles transportation Informal Complaints is called the Bureau of Investigation and Enforcement, or “I&E.” If you do not agree with I&E’s decision about your Informal Complaint on a transportation problem, you can file a Formal Complaint with the PUC.

FORMAL COMPLAINT

Filing a Formal Complaint means sending a written Formal Complaint form to the PUC. It begins the process to get your problem addressed and usually takes six to nine months. It may involve a hearing that is like a trial before either an Administrative Law Judge (ALJ) or a Special Agent assigned to your case. Formal Complaints can be filed at any time with the Secretary of the PUC. You do not need to go through the Informal Complaint process first.

You may download a Formal Complaint form from the PUC website at www.puc.pa.gov or you can request that one be mailed to you by calling the PUC toll free at 1-800-692-7380.

You may file a Formal Complaint about problems with a utility (such as billing or service) by mailing a Formal Complaint form to the Secretary’s Bureau at:

**Secretary’s Bureau
PA Public Utility Commission
400 North Street
Harrisburg, PA 17120**

eFiling

Formal Complaints also can be filed by using the PUC’s free electronic filing system (eFiling) found on our website. eFiling is the PUC’s system that receives and stores documents in electronic form. It allows you to create an account and to deliver or “serve” documents on other parties electronically rather than by mail. You can download the Quick User Guide to eFiling at www.puc.pa.gov for step-by-step instructions.

NOTE: *eFiling does **not** mean filing by e-mail. We do not accept faxes and e-mailed filings of Formal Complaints.*

There are some times when you cannot use eFiling. For example, you cannot eFile a Formal Complaint when appealing a BCS decision. Also, if you want information in your Formal Complaint to be kept private, you should not eFile the Complaint. Right now, the eFiling system cannot keep things private. So anyone can see the things that are e-filed.

Legal Help



You are not required to have a lawyer if you are the customer or person with the problem involving a utility. Individuals may represent themselves in the PUC Complaint process. If you do not have a lawyer, you will be called a “*pro se*” Complainant in PUC documents. *Pro se* just means you are handling the case for yourself.

Businesses do not need an attorney to file a Formal Complaint. But, corporations, associations, partnerships, limited liability companies and political subdivisions must have a lawyer with them at a hearing and to file any motions, answers, briefs or other legal papers.

FORMAL COMPLAINT TO PROPOSED RATE INCREASE

If your utility is planning to increase your rates, you can file a Formal Complaint. To file a Formal Complaint about the rate increase, use the PUC's "Formal Complaint to a Proposed Rate Increase" Form found on the PUC website at www.puc.pa.gov. You can also ask that the form be mailed to you by calling the PUC toll free at 1-800-692-7380. File the Formal Complaint to a Proposed Rate Increase by either eFiling or mailing the form to the Secretary's Bureau at:

**Secretary's Bureau
PA Public Utility Commission
400 North Street
Harrisburg, PA 17120**



You can find more about eFiling on Page 6 under Formal Complaints or on the PUC website at www.puc.pa.gov.

Filing the Formal Complaint to a Proposed Rate Increase Form will make you a "party" to the case. Being a party means you

may show up for any hearings held regarding this matter in front of an Administrative Law Judge (ALJ). At the hearing you can tell the judge why you think the company's rates should not increase.

If you do not want to be a party to the case, you can fill out and send us a form telling us what you think about the higher rates the company wants to charge you. These are called "Comments." To send Comments use the "Comment to Proposed Rate Increase" Form on the PUC website at www.puc.pa.gov or ask that the form be mailed to you by calling the PUC toll free at 1-800-692-7380.

A Public Input Hearing is a hearing that is open to the public. If a Public Input Hearing is held in your area, you, and other people will have a chance to tell the PUC in person what you think of the higher rates the company wants to charge or anything else the company is asking for in that case. Also, you can ask questions about whether the company is giving you good service or if there are other problems with the service you get.

You can file Comments to a Proposed Rate Increase by either eFiling or mailing the form to the Secretary's Bureau at:

Secretary's Bureau
PA Public Utility Commission
400 North Street
Harrisburg, PA 17120

MEDIATION

You can ask for mediation after filing a Formal Complaint. Mediation is a more flexible program that is meant to help parties resolve their problems after the filing of a Formal Complaint without the need for a hearing. You decide if you want to use Mediation.

If you wish to use mediation, the Office of Administrative Law Judge (OALJ) assigns a mediator who is a neutral PUC staff member to oversee the talks between you and the company. The mediator does not take sides or make a decision. Instead, the mediator will help you and the company work out the problem and reach a solution that you can agree on. Mediation may lower the costs of working out the problem and can also save time. More information about Mediation is on the PUC website at www.puc.pa.gov or by calling the OALJ at 717-787-1191.

PROCEDURE AFTER FILING A FORMAL COMPLAINT

The PUC will send the company a copy of your Formal Complaint after it is filed with the PUC. The company will have a chance to Answer your Formal Complaint, which is explained below in the next section. Someone with the company may contact you about helping to fix your problem.

Once you file a Formal Complaint, it is very important to watch your mail for anything from either the PUC or the company. These documents may contain instructions or other information that could affect the outcome of your case. A number called a “**docket number**” also will be assigned to your case. It is important to include this docket number on anything you send to the PUC. If you write the wrong docket number on a filing or letter, it can cause problems with your case.

If you and the company have agreed to work out your Formal Complaint, the company will let the PUC know. This is called a “settlement.” The company will let us know about the settlement by sending a notice called a “Certificate of Satisfaction.” A Certificate of Satisfaction means you agree that the problem has been fixed and that you want to end your Formal Complaint against the company.

If you move and change your address or get a different telephone number, you must notify the Secretary’s Bureau of the PUC of your new address or telephone number. It is your responsibility to notify the PUC of any changes to your address or telephone number. You must give us any changes to your address or telephone number while your case is before the PUC. If you do not let the PUC know about changes to your address or telephone number, you may not get important information and notices. This might cause you to lose your case.

ANSWERS AND NEW MATTER

The company will have a chance to tell us what it thinks about your Formal Complaint. This is called an “Answer.” You should receive an Answer from the company within 20 days after the company received your Formal Complaint. Answers will either admit or deny the claims you made in your Complaint. You do not need to reply to the company’s Answer unless a “New Matter” is filed.

Sometimes Answers contain a part called “New Matter.” In New Matter, the company is stating what it thinks is a fact or a defense that is more than just saying “no” to your Complaint. New Matter raises facts and arguments from the company’s point of view other than what you have set forth in your Formal Complaint. You have the right to tell us what you think about the New Matter in writing no later than 20 days of the date the New Matter is served.

If you do not respond to the New Matter, the PUC can accept the company’s information as a fact, and can make a decision in your case without the need for a hearing. Information about Answers and New Matter is located in the PUC’s Regulations at 52 Pa. Code §§ 5.61 to 5.63. You can find information about serving these documents in the PUC’s Regulations at 52 Pa. Code §§ 1.54 to 1.56.

PRELIMINARY OBJECTIONS AND MOTIONS

Preliminary Objections (POs) are when someone thinks the person filing a Formal Complaint does not have a right to bring the matter before the PUC. POs can be raised for one of seven reasons, but often because the PUC does not have the right to address your complaint. If the company files POs, you usually have 10 days to answer the POs in writing. In your answer to the POs, you must say why you think the PUC can try to solve your problem. If Preliminary Objections are granted, you may lose all or part of your case without having a hearing.

Once the time to answer any POs or New Matter has passed, a Party can file the following motions:

- Motions for Judgment on the Pleadings, which are requests that the PUC dismiss the case without a hearing. In this motion, the party filing it believes there is no way, even if all the facts are true, that the other party can win.
- Motions for Summary Judgment, which are requests for the PUC to make a decision without a hearing. In this motion, the party filing it believes there are no facts that need to be decided, but that the PUC only needs to apply the facts to the law.

If the company files either a Motion for Judgment on the Pleadings or a Motion for Summary Judgment, you usually have 20 days to respond in writing. If the motion is granted, you may lose all or part of your case without having a hearing. Information about these Motions and the time for responding is located in the PUC's Regulations at 52 Pa. Code §§ 5.101 and 5.102. Also, you can find information about serving these Motions in the PUC's Regulations at 52 Pa. Code §§ 1.54 and 1.56.

HEARINGS

A hearing is held before a Presiding Officer (either an ALJ or a Special Agent). A hearing looks a lot like a trial but there is no jury. The Presiding Officer will schedule a hearing, and you must be present to give testimony and provide proof about your case. There is usually only one hearing called an "Initial Hearing," but another hearing or hearings may be held if necessary.

The Initial Hearing is usually the only chance you will get to prove what you say in your Formal Complaint is true. If you do not show up for the Initial Hearing (or if you cannot give a good reason why you will

be unable to attend), you may lose your case. You may also lose the chance to seek any help from the PUC to resolve your problem with the company if you do not show up for the hearing.

Preparing for the Hearing

The PUC will send you a Hearing Notice and a Prehearing Order prior to the hearing. This information will let you know the date, time, and place of your hearing. Carefully read both documents because they will contain important instructions about your case and the hearing.

Hearings are held in person or by telephone. You may ask for an in-person or a telephone hearing, but the final decision will be up to the Presiding Officer. You should make a request for an in-person or telephone hearing as soon as possible. This request can be included on the Formal Complaint form.

For telephone hearings, the PUC must be able to reach you at the exact time listed for your hearing. If the Presiding Officer has given you a toll-free conference call number, you must call that number at the time listed on the Hearing Notice. If you do not call the number at the time



listed on the Hearing Notice, your case may be dismissed. For in-person hearings, you or your attorney must show up or your case may be dismissed.

If, for a good reason, you will not be able to make the hearing or cannot call at the time listed on the hearing notice, you can ask for a change in the hearing date. This is called a “continuance.” To ask for a continuance, you should write to the Presiding Officer and the company no later than five days before the hearing. You can find more information about continuances in the Prehearing Order that the Presiding Officer will send to you.

Hearing Procedure

During the hearing, you will need to explain why your Formal Complaint should be granted. The more documents you can bring in support of your case, the better. These documents could include letters, bills, cancelled checks, receipts, leases and account statements from the utility. These documents are called “Exhibits” and need to be made part of the official record in the case. Usually, you will need to send copies of your Exhibits to the Presiding Officer and the company’s lawyer before the date of the hearing. You can find information on making exhibits part of the record and for sending copies of Exhibits in the Prehearing Order sent to you by the Presiding Officer.

The PUC prefers for parties to agree to end their cases through “settlement.” A settlement is when you and the company agree on a way to fix your problem without a hearing. Before the hearing begins, the Presiding Officer will give you and the company private time to discuss a possible settlement of the case.

If your Formal Complaint does not settle and the hearing takes place, you will be asked to testify and give written documents or exhibits to support your case. These statements will be typed into a document called a “transcript.”

As the person filing a Complaint, you will go first, because you have the “burden of proof.” This means you are required to prove your case.

When you are finished giving the facts about your case, the company’s lawyer will then be allowed to ask you questions, which is called “cross examination.” The company lawyer will usually put some witnesses on the stand. When the lawyer is finished asking questions, you will be allowed to ask follow-up questions of the company’s witnesses.

During the hearing, you or the utility might think there is a problem with what a witness is saying or with what an exhibit shows. In that situation, a party may make an objection and tell the Presiding Officer why it objects to the statement or the exhibit. If an objection is granted, the things objected to will not be considered by the PUC when making a decision on the Formal Complaint. You must give a reason or state a basis for any objection you make. If necessary, the Presiding Officer may explain the objection, and allow the other party to respond. The Presiding Officer will then decide, at the hearing or in the decision, if the objected-to testimony or exhibits can be considered in making a decision on the Formal Complaint.

Contacting the Commission

Usually, you cannot talk to the Presiding Officer about your case without the other party being present or it may be considered an “*ex parte*” communication. Without the other party present, you may only speak to the Presiding Officer about scheduling issues. You cannot talk with the presiding officer about the facts of your case without the other party present to represent its interests. To avoid any prohibited *ex parte* communications - it is recommended that you contact the Legal Division of the OALJ at 717-787-1191 if you have any questions about the Formal Complaint process.

DECISIONS

Initial Decision

After the hearing, the Presiding Officer will make a decision about the case. The Presiding Officer’s decision is called an “Initial Decision.” The Initial Decision will determine if a Formal Complaint has been successful or whether the Formal Complaint should be dismissed. If successful, the Initial Decision will say that the Formal Complaint is “sustained.” It will be based on the documents presented and what is said during the hearing. It also will be based on the law and how the PUC has ruled on similar cases previously.

The Initial Decision is often the PUC’s final action about your Formal Complaint. But, if Exceptions are filed, the PUC will review the Initial Decision. Parties have a right to file Exceptions. These are written objections to the Initial Decision and are described in more detail below. After Exceptions are filed and any Reply to Exceptions are received, the PUC Commissioners will make a final decision at a Public Meeting. This is a meeting that anyone can attend. During the Public Meeting the Commissioners will vote on your Formal Complaint and any other cases before the PUC. You do not have to attend the Public Meeting. But if you do attend, you cannot speak during the Public Meeting because you already had the chance to explain your problem during the Formal Complaint process.



Recommended Decision

In some cases, such as when a company wants to charge higher rates for customers, the Presiding Officer will write a decision known as a “Recommended Decision.” The Commissioners will make a final decision about Recommended Decisions at a Public Meeting.

Exceptions

If you disagree with any part of what was decided in the Initial or Recommended Decision, you can object to the decision in writing by filing Exceptions with the PUC.

The Secretary’s Bureau at the PUC will send you a letter which encloses the Initial or Recommended Decision. In the letter, the Secretary’s Bureau will tell you the date when Exceptions must be filed. Usually, Exceptions must be *received* by the Secretary’s Bureau no later than 20 days after the date of the Secretary’s letter. You must also send or mail a copy of your Exceptions to the utility’s attorney at the address provided by the PUC. If you need extra time to file Exceptions, you must contact the PUC’s Office of Special Assistants at 717-787-1827.

The Exceptions should explain the reasons why you disagree with the Initial or Recommended Decision. You will need to explain your reasons using the facts, witness statements and exhibits from the hearing. But, you cannot bring up new facts, such as new testimony or documents, which were not discussed at the hearing. When writing your Exceptions, it may be helpful to read the transcript of the hearing. For information about looking at the transcript, call the Secretary's Bureau at 717-772-7777.

The company will have a chance to file a written response to your Exceptions, called a Reply to Exceptions. Also, if the company disagrees with the decision and files Exceptions, you will have the chance to file a Reply to Exceptions. A Reply to Exceptions is usually due no later than 10 days after Exceptions are due. You can find information about Exceptions and Reply to Exceptions in the PUC's Regulations at 52 Pa. Code §§ 5.533 to 5.536.

Final Order

After Exceptions are filed, the PUC Commissioners will review the Presiding Officer's decision, the Exceptions and any Reply to Exceptions. Usually, no additional hearings are held. Afterwards, the Commissioners will vote on the case at a Public Meeting. The Commission's decision is a final order.

The Commissioners may agree with the Initial Decision or Recommended Decision and adopt the Presiding Officer's decision. Or, the Commissioners may change the Initial Decision or Recommended Decision. Also, the Commissioners may only agree with some parts of the Initial Decision or Recommended Decision and change other parts of the decision by making a Motion at the Public Meeting. Sometimes, the Commissioners may send the case back to the Presiding Officer for more hearings and another decision. This is called a remand. The Commissioners will explain their reasons for modifying the presiding officer's decision or remanding the case in a document called an Opinion and Order.



Review of a Final Order

If you do not agree with the PUC’s Opinion and Order about your Formal Complaint, you can ask for another review. These are known by the legal terms of rehearing, reconsideration, clarification, or rescission. Depending on the type of help you are asking for, you must file a petition with the PUC within the time required by the PUC’s Regulations. Usually, petitions for reconsideration must be filed no later than 15 days after the “Order Entered” date on the last page of the Opinion and Order. Information about filing petitions for relief is located in the PUC’s Regulations at 52 Pa. Code §§ 5.571 and 5.572.

Commonwealth Court

You, or any other party, may file an appeal of the Opinion and Order with the Commonwealth Court of Pennsylvania no later than 30 days after the Order Entered date on the last page of the Opinion and Order. You can find information about filing an appeal of a final PUC order on the Commonwealth Court’s website at www.pacourts.us/courts/commonwealth-court/ or you can call the Clerk’s Office at 717-255-1650.

HELPFUL RESOURCES

- www.puc.pa.gov - PUC Website
 - *Responsible Utility Customer Protection Act Factsheets* - explains the changes to the rules that apply to cash deposits; reconnection of service; termination of service; payment arrangements and the filing of termination complaints by electric, gas and water consumers.
- [Public Utility Code of Laws](#) (also called “statutes”)
- [PUC Rules and Regulations](#)
- www.oca.state.pa.us or 1-800-684-6560 - Pennsylvania Office of Consumer Advocate
 - *What’s up with that? Your friendly guide to understanding PUC procedure*
 - *Where can I find it? Your friendly index to PUC procedural rules*
 - *Responsible Utility Customer Protection Act: Your friendly guide to understanding Chapter 14 of the Public Utility Code*

CONTACT INFORMATION

- **1-800-692-7380** (*Consumer Hotline*)
 - Informal Complaint Information for Electric, Gas, Water, Wastewater or Telephone/Telecommunications issues: Bureau of Consumer Services
 - Informal Complaint Information for Transportation or Motor Carrier issues: Bureau of Investigation and Enforcement

- **717-772-7777** (*Secretary's Bureau*)
 - Formal Complaint Information

- **717-787-1191** (*Office of Administrative Law Judge*)
 - Hearing Information
 - Office of Administrative Law Judge Mediation

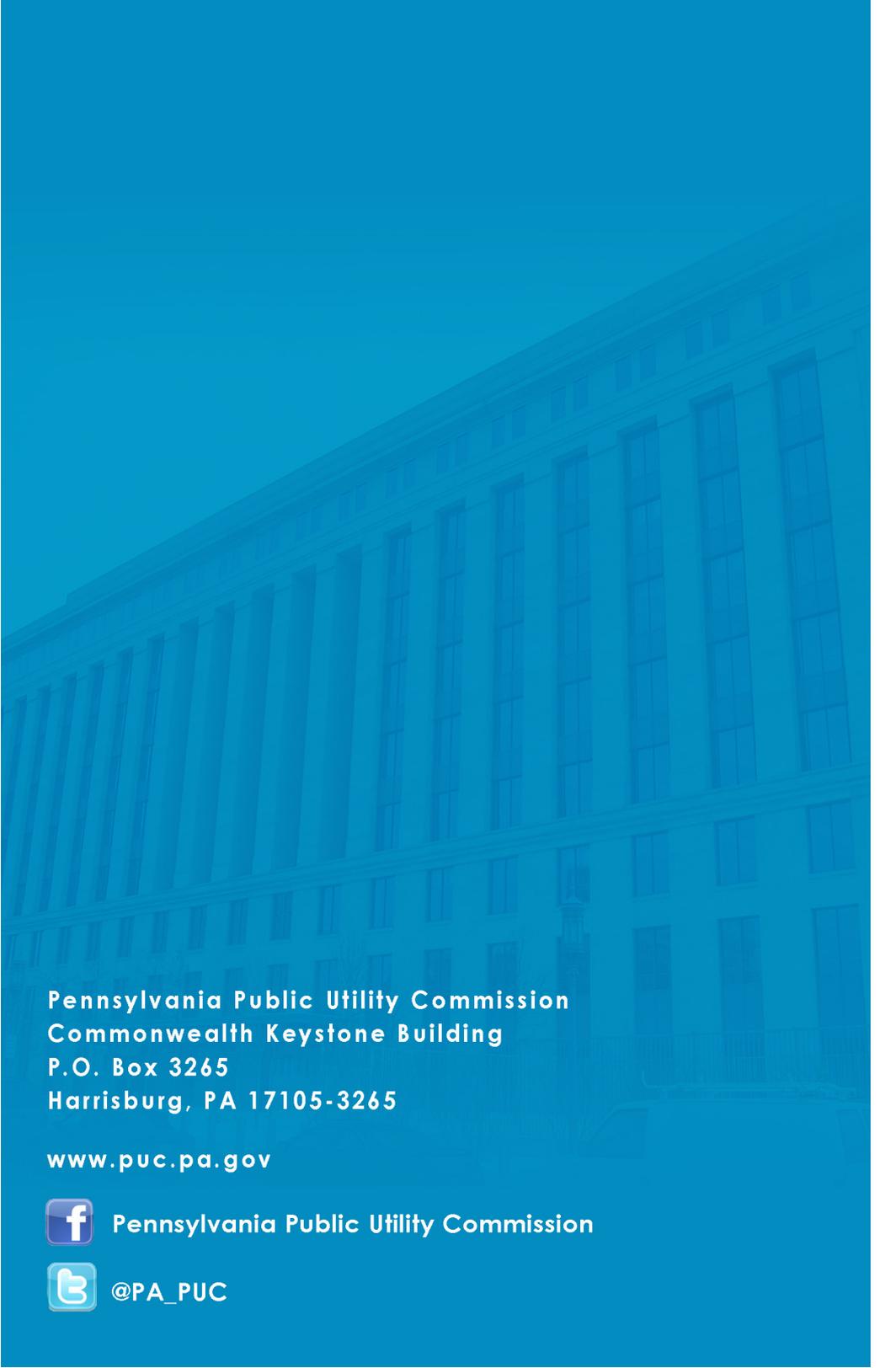
- **717-787-1827** (*Office of Special Assistants*)
 - Extensions for Exceptions and Reply to Exceptions

- **1-800-322-7572**
 - Legal Assistance (throughout Pennsylvania): Pennsylvania Legal Aid Network



DISCLAIMER

This guide gives general information about the PUC's consumer complaint process. It is not intended as legal advice for a problem you may have with a utility. Also, the information in this guide may change. For more information about how to fix a problem with your utility, check the Helpful Resources section (on Page 18) or seek legal help. Information about getting legal help is on Page 6.



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