



Grenada

CONSUMER COMPLAINTS HANDLING PROCEDURES

November, 2019

Consultative Document

As part of the consultative process, the PURC invites feedback from stakeholders on the proposals in this document. Responses, and any other issues which respondents believe should be considered by the PURC in developing the consumer complaints handling procedure, should be sent in writing to:

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1. Introduction

The Public Utilities Regulatory Commission (PURC) was established by the Public Utilities Regulatory Commission Act No. 20 of 2016. The Act provides for a Commission to determine rates for public utilities and to perform certain other functions respecting public utilities. Hitherto, only electricity services fall under the jurisdiction of the PURC. However, Section 3 (2) of the PURC Act empowers the Minister to declare by Order published in the *Gazette* that any public utility named in the Order is subject to the provisions of the PURC Act. Ostensibly, in the future, other providers of public services could fall under the ambit of the PURC.

2. Legal Authority

The PURC's authority to treat with complaints against service providers is derived both from its parent legislation and the Electricity Act, 2016.

Section 17 (1) (b) & (c) of the PURC Act states as follows, the Commission shall:

(b) “determine complaints made by consumers against public utilities to which this Act applies in accordance with section 29 and applicable enactments;”

(c) “hear and resolve any dispute that may arise between parties governed by an enactment regulating the supply of services by a public utility, as may be provided by the enactment, and in accordance the procedure under this part.”

Section 29 (1) of the PURC Act states, “The Commission shall establish a procedure for determination of complaints made by consumers against public utilities in accordance with applicable enactments, which shall be published in the *Gazette*.”

Section 29 (2) states, without prejudice to subsection(1), the Commission shall determine a complaint made by a consumer against a public utility to which this Act applies, where the consumer alleges that the public utility has:

- a) breached any obligation under a licence granted to the public utility to authorize the public utility to provide its services;
- b) contravened any quality of service standard applicable to the public utility;
- c) breached any obligation relating to tariffs as prescribed by any applicable enactment; or
- d) otherwise contravened any applicable enactment.

Section 4 (e) of the Electricity Act, 2016 empowers the Commission to, “hear and resolve complaints against a network licensee through efficient and timely proceedings.”

The Public Utilities Regulatory Commission Act also recognizes the right of

individuals to make complaints against rates. Section 18 states as follows:

- 1) “Any person who is a consumer of services provided by a public utility subject to this Act may make a complaint to the Commission against the rate payable or to be payable for the services, and to that extent against the quality of the services, provided by the public utility on the ground that, subject to section 21 (2), the rate so payable is unfair or unreasonable or contrary to law.”
- 2) “Every complaint under subsection (1) shall be in writing and may be made by the complainant in person, or by his or her legal counsel or by any person authorized by him or her in writing in that behalf.”
- 3) “Particulars of the ground or grounds upon which the complaint is made shall be supplied therewith in the prescribed form.”

What the above citations show is that the Commission has been invested with powers to ensure that consumers are treated in a fair and equitable manner, and to command the service provider to make restitution.

The Commission is expected to receive and investigate complaints brought by members of the public against regulated service providers and to resolve these complaints. However, customers should have made reasonable efforts in good faith to resolve the issue with the service provider and only if dissatisfied with the service provider’s response should turn to the Commission for assistance.

3. General

A customer may visit the office of the Commission to lodge a complaint against a regulated and licensed public utility or may utilize any other suitable medium.

3.1 Query

A query is an inquiry made in order to obtain information, seek clarification, or identify the correct procedures for dealing with an issue. These queries can be received through telephone calls, letters, facsimile, electronic mail or a personal visit to the Commission’s office. Queries must be recorded in the appropriate manner.

3.2 Complaint

A complaint is an expression of dissatisfaction made to a service provider, related to its services, or the service provider’s complaints-handling process itself, where a response or resolution is explicitly or implicitly expected.

Complaints may be classified as admissible or inadmissible complaints.

- An inadmissible complaint is defined as a complaint, where it has been determined that the customer has not exhausted all the licensee's complaint handling procedures, and as a consequence, the PURC is unable to accept the complaint. In such an instance the customer would be advised to seek resolution with the service provider failing which they could then file an official complaint.
- An admissible complaint is defined as a complaint where it has been determined that the customer has exhausted all of the licensee's complaint handling procedures, such that the matter may then be escalated to the PURC.

A complaint is filed with the Commission through the submission of an official complaint form which has been completed and signed by the complainant.

The complaint or query will generally be handled by the Consumer Affairs Officer (CAO), with the Administrative Assistant providing support in the record keeping.

The complaint should include all supporting information. Complainants who do not submit supporting information will be notified that such information should be provided within fifteen (15) working days after lodging their complaints and that failure to submit the information will result in the Commission closing the file on the matter. The Commission will notify the customer if the case has been closed due to lack of supporting information.

4. Query/Complaint Handling Procedure

The query/complaint will be logged by the CAO in the Commission's electronic database set-up for that purpose to permit easy access in order to prepare any required reports.

The following information must be recorded:

- Full Name of Complainant;
- Account Number;
- Contact Telephone Number;
- Method used to contact the Commission i.e. phone, email, visit, letter;
- Date query/complaint was lodged;
- Category of query/complaint;
- Service provider/licensee involved;
- Name of person receiving the query/complaint.

5. Complaint Management Procedure

Each completed complaint form will be assigned a reference number which identifies the particular service provider (for example (GRENLEC 001) and placed the information on a complaint register. A copy of the register is provided in Appendix 1. The official complaint form will be placed on the Commission's complaints file by the CAO.

All actions taken will be recorded in the file of the complaint by the CAO as well as electronically in a complaint tracking log. This log is aimed at creating a database of complaints which would facilitate easy collection of data especially for report purposes. A copy of the format of the log is provided in Appendix 2.

5.1 Resolution of Complaint at Staff Level

Upon receipt of information to substantiate the complaint, the Commission will seek to obtain a response from the relevant service provider about the complaint. Within seven (7) working days of receipt of the complaint, the Commission will send correspondence to the service provider. This correspondence may include:

- A request for specific information with which to assist with investigation of the complaint;
- A copy of the customers complaint and supporting information;
- A request for a response to the customers claims.

The Commission will generally give the Service Provider fifteen (15) working days to submit a response. In the event that a response is not received within this timeframe, follow up action will be taken by telephone and/or letter. The CAO will contact the Service Provider and may allow a further seven (7) working days for the provision of the information.

5.1.1 Standard Complaint Template

Standard templates will be developed for:

- Acknowledging correspondence from complainant or service providers;
- Requesting information from the service provider;
- Informing the complainant that the case is closed.

All information obtained will be objectively evaluated and analyzed by the Consumer Affairs Officer. During the course of investigations, the CAO may contact the Service Provider for additional information.

5.2 Preliminary Analysis of Complaint

Step 1. A - Determine if complaint is admissible and whether any further action is necessary.

The staff analysis of the complaint involves consideration of the following:

- (a) Whether the complaint is trivial, frivolous or vexatious
- (b) The complaint is made in good faith
- (c) The complainant has locus standi in the matter

Step 1. B - If further action is necessary, the complaint will be elevated to step 2.

Step 2. - If it is determined that the investigation should proceed, then the Commission must determine whether the licensee/Service provider against whom the Complaint has been made, has breached any of the provisions of the Electricity Act, 2016 or any other legislation under the purview of the PURC, or any of the conditions of its licences.

After investigations are completed, a staff analysis is prepared and a response is sent to complainant, advising of results and any recommendations, within thirty (30) working days of the date of the complaint. In the event that investigations are likely to extend beyond this period, the complainant is advised of the situation before the expiration of the thirty (30) day period.

The staff may recommend that:

- the Service Provider is at fault and that specific action is required to remedy the situation; or
- the consumer should close the matter as the investigation has revealed that the Service Provider acted appropriately.

In addition, the nature of the matter being considered may require that a meeting be convened between both parties. This meeting will be chaired by the CAO or other PURC staff in order to clarify information. Prior to convening this meeting, the Commission may be informed through the staff analysis that such a meeting is required to seek to resolve the issue.

5.3 Resolution of Complaint at Commission level

A complaint should be referred to the Commission for resolution in the following circumstances:

1. The Service Provider refuses to respond in the manner suggested by the CAO;

2. The CAO considers that due to the complex matter of the issues involved there is need to seek a Commission decision;
3. The CAO requires Commission approval for a recommended action; or
4. The complainant expresses a desire to pursue a complaint despite an opinion given by CAO that there appears to be no breach committed by the service provider.

In the instances where the recommendation of the CAO is accepted by all parties, the CAO will provide a summary of the complaint to the Commission for information purposes only.

In such cases where the Commission is required to adjudicate, it may determine the matter by written hearing or require an oral hearing with both parties (service provider and complainant) present. It is expected that such a hearing would be held within fifteen (15) working days of the review of the complaint by the Commission. The decision should be issued within fifteen (15) working days of the hearing. The PURC Procedural Rules where relevant, will govern the procedures at the hearing.

6. Measuring the Commission's Standard of Service

The response times of the Commission will be monitored and logged for each complaint as a measure of the Commission's quality of service to the public. A flow chart of the Commission Complaint Handling procedure is shown in Figure 1.

A quarterly report prepared by the Consumer Affairs Officer and submitted to the Chief Executive Officer, will include the following information:

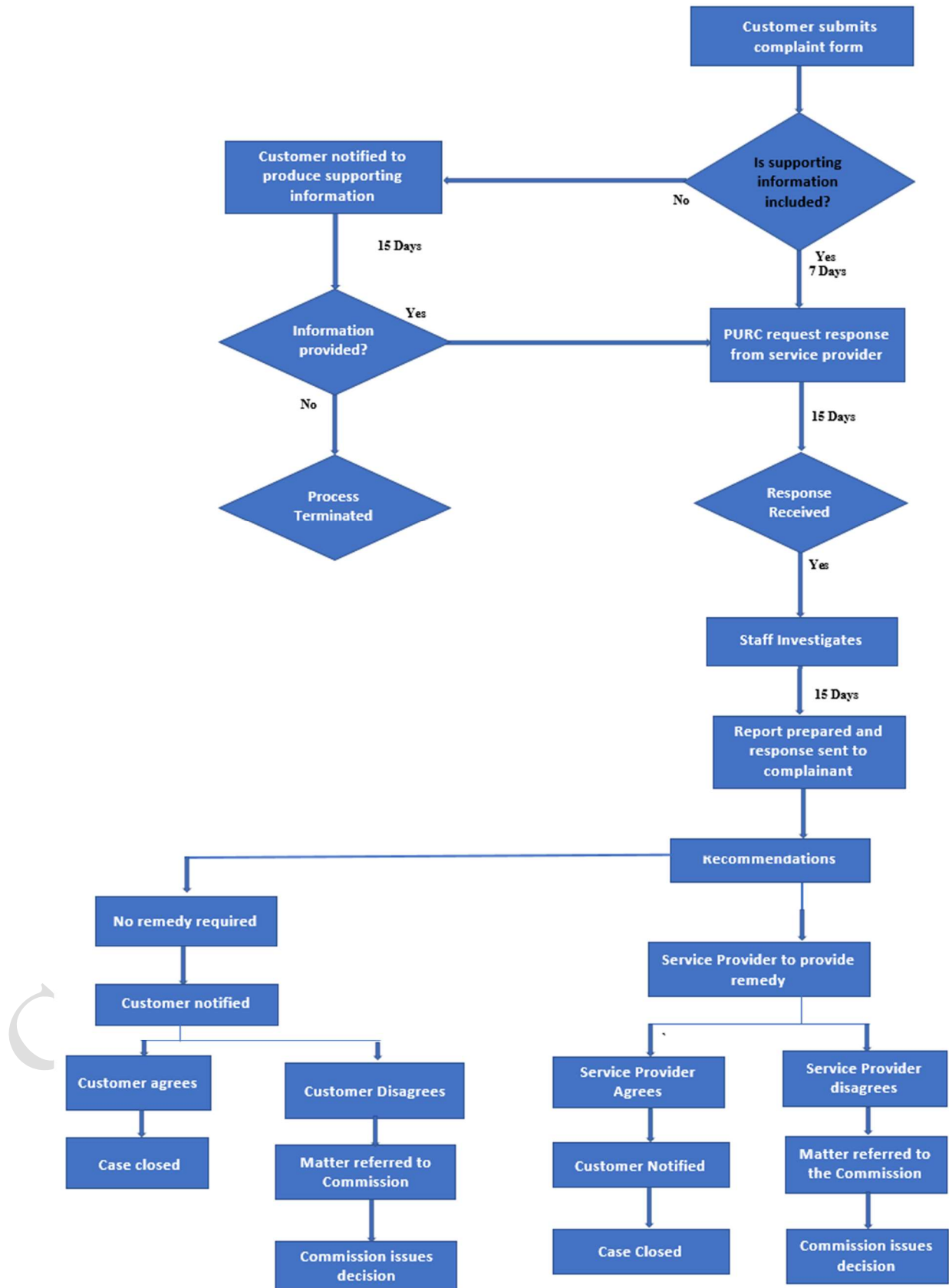
- Number of complaints brought forward from previous period
- New complaints for this period
- Number of complaints in identified categories
- Number of complaints resolved in this period
- Number of complaints carried forward
- Percentage of complaints resolved by staff in accordance with the service standards set by the Commission

A report will also be prepared for Board of Commissioners, which in addition to the information identified above will include the receipt date and completion date of each complaint, and the number of queries that have been escalated to complaints. This report will note any unusual factors that may have hindered the complaint handling procedure or any encumbrances encountered in the resolution

of the complaint and this report will be submitted to the Board within fifteen (15) working days of the end of the quarter.

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Figure 1. Customer Complaints Handling Procedure



Appendices

Appendix 1 Customer Complaints Register

Complaint (Comp.) Date	Name	Issue	Format of Complaint	Comp. No.	Resolution (Res.) Date	Days to Res.	Svc. Std. Met
	Customer A	Billing	Form			35	YES

Appendix 2. Customer Complaints Tracking Sheet

General Information :

Customer

Service Provider

Issue

Description

Customer A

REF. NO:

Tracking Details

1	Date Complaint Filed:	Received	by :
2	Acknowledgment Letter Mailed:	Actioned	by: NA
Staff Comments: Customer A was asked to provide us with a copy of the reference bill.			
Number of Days from filing Complaint to Acknowledgement			
3	Case Letter sent to Utility Service Provider:	Actioned	by:
Number of Days from filing of Complaint to Communication of Complaint to Service Provider			
4	Response received from Service Provider:	Received	by:
Number of Days from Communication of receipt of Response from Service Provider:			
5	If response not received, Follow-up Call/ Letter prepared:	Actioned	by:
Format of Follow-up Communication:			
Number of Days from Communication of Complaint to Follow-Up Work:			
6	Response received from Service Provider:	Received	by:
Number of Days from Follow up Work to receipt of Response from Service Provider			
7	Preliminary Report prepared:	Actioned	by:
Recommendation:			
Number of Days from Receipt of Response from Service Provider to Preliminary Report			
8	Customer Contacted:	Actioned	by:
Number of Days from submission of Preliminary Report to Communication to Customer			
9	Status:		
Total Days to Resolution of Complaint			

Appendix 3. Customer Complaint Form

FOR OFFICE USE ONLY	
Date Received:	<input type="text"/>
Received By:	<input type="text"/>
Reference Number:	<input type="text"/>

1. Information about you (the "Complainant")

Complainant Name

Sex

Male

Female

First Name

Middle Name

Last Name

Salutation

Mr.

Ms.

Mrs.

Dr.

Other Specify:

Mailing Address – Number, Street, P.O. Box, Unit/Apartment Number

Home Telephone

Work Telephone

Cell or Contact Telephone

Fax Number

May we contact you at work?

☐ Yes

☐ No

E-mail

2. Company Details

Company Name

Have you tried to resolve the complaint with your utility provider? If no, please contact the appropriate utility provider. The PURC will only accept a complaint if the customer remains dissatisfied exhausting all available options of the utility supplier's complaints handling process. If yes, provide the names and positions of the individual(s) to whom the complaint was made.

☐ Yes

☐ No

Contact First Name

Contact Last Name

Position/Title	
<input type="text"/>	
Contact First Name	Contact Last Name
<input type="text"/>	<input type="text"/>
Position/Title	
<input type="text"/>	

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3. Complainant Details

a. Date(s) you contacted the utility service provider to lodge complaint:

b. Complaint reference number:

c. By what method did you contact the utility company?

- ☐ Phone ☐ Email ☐ Website ☐ Social Media
☐ Letter ☐ Other, please specify _____

d. Have you filed a law suit?

- ☐ Yes ☐ No

e. Are you represented by a lawyer?

- ☐ Yes ☐ No

4. Your complaint

a. Please tell us about your complaint:

b. Please list all attached supporting documents. (NOTE: Do **NOT** attach originals.)

c. What do you hope will happen as a result of your complaint?

5. Acknowledgement, Consent & Signature

I have read and I understood the following:

I understand that the Public Utilities Regulatory Commission (PURC) will share some or all information and documents that it receives from me to the utility company complained about.

I authorize ☐ I do not authorize ☐ the PURC share and provide copies of information and documents that it receives from me. I understand that if I do not grant authorization, the PURC may be unable to process my complaint.

Name of Complainant:

Please Print

Signature

Date

6. For Official Use Only

a. Type of Complaint

☐ Billing ☐ Meter ☒ Service ☐ Damage to Property
☐ Other, please specify _____

b. Complaint Officer Details

Print Name

Signature

Date

c. Date reviewed by CEO

Date