

2.300 CONSUMER COMPLAINTS**2.301 Definition**

A consumer complaint is a complaint filed by any person (whether an individual, corporation, association, partnership or other entity) receiving service or entitled to receive service from a utility regulated by the Board seeking a refund of charges and/or an order requiring a utility to comply in a reasonable manner with any applicable tariff, statute, rule or order of the Board.

2.302 Form and Content

A consumer complaint shall set forth in writing a short and plain statement of facts showing that the complainant is entitled to relief. The statement shall be signed by the consumer. Notwithstanding the foregoing, the Board may in its discretion treat any written communication to it concerning a matter within its jurisdiction to be a claim for relief.

2.303 Acknowledgment and Distribution of Complaints

The Board shall acknowledge receipt of all written complaints and shall send a copy thereof to the affected utility.

2.304 Referral to the Department of Public Service

In its discretion, the Board may refer any complaint to the Department of Public Service and request the Department to attempt to resolve the dispute. If the complaint is not thus referred, if the Department of Public Service refuses to accept the referral, or if the Department is unable to resolve the matter, then the Board, if it find, assuming, that the allegations of the complaint are true, that there is a probability of a violation of tariffs, statutes, rules or other orders of the Board, shall set the complaint for a hearing.² If, assuming that the allegations of the complaint are true, there is no probability of such a violation, it shall dismiss the complaint.

2.306 Hearings on Consumer Complaints

In setting a case for hearing, the Board shall assign a docket number and shall specifically set forth the issues to be resolved, which issues, unless the requirements of justice dictate otherwise, shall be the only issues controverted at the hearing. If issues in addition to those so specified are to be heard, the parties shall be afforded a reasonable time to prepare and respond. The hearing shall be assigned by the clerk for the earliest practicable date.

2.306 Representation by Persons Not Admitted to Practice

Notwithstanding the provisions of Rule 2.201, the Board may in its discretion permit consumers to be represented in consumer complaint proceedings by persons who are not admitted to the practice of law, provided that such representatives shall demonstrate a sufficient familiarity with these rules and with all substantive and procedural provisions of law applicable to such proceedings. Except for the requirement of admission to practice, such representatives shall comply with all rules, laws, practices, procedures and other requirements applicable to proceedings before the Board.

2. Editor's note: This sentence should apparently read: "... then the Board, if it finds, assuming[] that the allegations. . . ."