Annual Report

of the

Commission for Energy Regulation's

Energy Customers Team

2009
To: Mr. Eamon Ryan, T.D. Minister for Communications, Energy and Natural Resources

In accordance with the requirements set out in S.I. 452 of 2004 and S.I. 60 of 2005 the Commission is pleased to present its second report on the number and type of complaints received from customers, their resolution and the service levels provided by suppliers in respect of the period 1st January 2009 to 31st December 2009.

This report also outlines the activities of the Commission’s Energy Customers Team during 2009.

Michael G. Tutty
Chairman
Foreword

The Commission has a statutory function to provide an independent complaints resolution service while also providing consumers with a point of contact for consumer information regarding gas and electricity. To this end, the Energy Customers Team is the Commission’s first point of contact for domestic and small business customers, whether directly or via our dedicated customer website, energycustomers.ie.

2009 was another successful year for the Team. As well as dealing with individual customer contacts, a large portion of 2009 was spent on advertising and promoting the Teams’ services.

During the year, the Energy Customers Team spoke or corresponded with over 1,900 customers during the year with respect to their queries or complaints; this included 262 complex complaints, which required full investigation before the Commission issued formal decisions. This was an increase of over 40% from 2008.

Details of the type of contact and the issues these customers raised can be found later on in the report.

The key project which the Team concentrated on was our communication strategy. This involved developing three leaflets with useful information for customers and to promote our website energycustomers.ie. More information on this project can be found in the report. In September 2009, the Team attended the National Ploughing Championships in Athy. The event took place over three days and was attended by over 188,000 people. This proved to be hugely successful and allowed us to interact with consumers face to face.

While 2009 was a busy and productive year, 2010 will bring its own challenges with respect to customer services, complaint resolution and the provision of relevant information especially as the market place is continuing to open up for both gas and electricity consumers.

Key priorities for the team in 2010 include:

- To maintain and improve the level of service offered to customers by the Energy Customers Team
- To continue to interact with members of the public to inform them of their rights and to ensure that they know how to participate in the competitive electricity and natural gas markets

Michael G. Tutty
Chairman
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1. Introduction

This report is a summary of work undertaken by the Commission for Energy Regulation’s Energy Customers Team in 2009. The Energy Customers Team was established late in 2006 to provide a complaint resolution and information service directly to small business and domestic customers. Since its establishment the Team has worked to make information more freely available to natural gas and electricity customers and to assist customers when they experience difficulties within the market. In this report you will find details of the number and types of complaint the Team received and information on the type of work the Team carried out in 2009.

1.1 The Role of the Commission for Energy Regulation

The Commission has a statutory responsibility to provide a complaint resolution service to customers with an unresolved dispute with their supplier or network operator. The Energy Customers Team fulfils this role for domestic and small business customers on the Commission’s behalf. When a customer has completed their supplier or network operator’s internal complaint process, and is still not satisfied that their complaint has been adequately considered, they can then contact the Energy Customers Team who will investigate the matter on their behalf. Following investigation, the Commission has the power to direct suppliers and network operators to award compensation or to resolve the complaint in a set fashion if the customer’s complaint is upheld. Section 3 outlines examples of investigations completed by the Commission and the directions given.

In addition to responding to customer queries and complaints, the Energy Customers Team uses the information gained through its investigations to give input to industry policy development and to raise customer issues with suppliers and network operators for the long term benefit and development of the natural gas and electricity markets.

Another function of the Commission is to ensure customers have access to information regarding gas and electricity. The Energy Customers Team is the Commission’s first point of contact for domestic and small business information requests. 2009 saw the Team continuing their public awareness campaign which will be outlined later in the report.

1.2 The Energy Customers Team

The Energy Customers Team is part of the Commission’s Safety and Customer Affairs Division. In 2009 the Team consisted of 1 Customer Care Administrator and 2 Customer Affairs Officers who reported to the Customer Care Manager.

1.3 Overview of work in 2009

The work of the Energy Customers Team can be categorised in two ways:

- Regular operational running of the Energy Customers Team, dealing with complaints and information requests from customers; and

- Project based work.

1.4 Structure of report

This report provides an overview of the 3 main areas the Team focussed on in 2009.

The first section covers statistical information. It includes figures on day to day contacts, the volume of complaints and information requests the Team received. It also provides an overview of the main issues people contacted us about.

The second section examines individual case studies. These cases were investigated by the Team in 2009. They demonstrate the types of complaint being handled by the Commission, the way in which they are investigated and the outcome of the customer’s complaint.
2. Operational Work

The operational work of the Energy Customers Team is carried out mainly over the phone, by email and in writing. In 2009 the Team handled 1,925 customer contacts covering complaints and queries. Of these 1,033 made initial contact over the phone, with 892 customers choosing to make contact with the Commission in writing. While the Energy Customers Team handles queries over the telephone, customers who wish to forward a complaint to the Commission for formal investigation must put their complaint in writing. In 2009 just over 80% of customers requesting a full complaint investigation made initial contact in writing.

2.1 Customer Contacts for 2009:

The Energy Customers Team records customer contact under a number of different categories.

1. Complex Complaints – These are complaints formally sent to the Commission against a supplier or network operator which require full investigation. Prior to investigation a customer must have completed their supplier or network operator’s full complaints handling process.

2. Standard Complaints – These are complaints which are forwarded to the Commission which do not necessarily require investigation as they may be in relation to a policy decision or a tariff decision. In these cases, while the customer may have a valid complaint to make, an investigation is not necessary to establish the root cause of the problem.

3. Information Requests – These contacts generally involve customers asking for information on aspects of how the market works.

4. Coordinated Complex Complaints – These are complaints which are received by the Energy Customers Team but investigated and followed up by another team within the Commission. These are usually complaints received from large industrial customers as the Energy Customers Team is geared to domestic and smaller business customers.

5. Return to Supplier – This type of contact is from a customer who has either mistaken the Commission for their supplier or who has contacted the Commission for advice regarding their complaint prior to completing their supplier’s complaints handling process. In these cases the Team would talk through the complaint with the customer and go through the process they need to follow with their supplier. The customer would also be advised of the Commission’s complaint handling process should they need to refer their complaint for investigation at a later stage.

6. Refer to Third Party – From time to time a person may contact the Commission regarding an issue outside the Commission’s remit. In these instances the person would be referred to the most appropriate body for their issue.

The chart below shows the number of contacts received by the Team in each of these areas in 2009.
Of the customer contact categories, information requests, complex complaints and standard complaints generate the highest level of work for the Team. We have examined these in more detail below.

### 2.2 Information Requests:

The type of information requests received by the Team vary greatly from queries about the number and names of energy suppliers to requests for detailed explanations of how different aspects of tariffs work.

In some cases the Team can provide information to the customer at the first point of contact as there may be a standard response available. However in other cases it is necessary to discuss the information request with other internal departments. If a request for information does not fall under the Commission’s remit we will direct the customer to the appropriate body.

In 2009 the Team received 267 Information Requests. This was a decrease when compared to the number of requests received in 2008. We attribute this to the availability of information on the energycustomers.ie website. When the website was built we specifically concentrated on including the most commonly requested information.

23% of contacts were in relation to general aspects of the electricity and gas markets including requests for information on switching.

22% of the requests received were in relation to Commission policy. This category covers a variety of queries including requests for information on regulated tariffs, pass through charges and network charges.

<table>
<thead>
<tr>
<th>Information Request</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commission Policy</td>
<td>59</td>
</tr>
<tr>
<td>Electricity &amp; Gas General</td>
<td>62</td>
</tr>
<tr>
<td>Electricity Bills</td>
<td>13</td>
</tr>
<tr>
<td>Electricity Account Problems</td>
<td>18</td>
</tr>
<tr>
<td>Electricity Switching</td>
<td>9</td>
</tr>
<tr>
<td>Tarriff Changes</td>
<td>33</td>
</tr>
<tr>
<td>Connection Charges</td>
<td>18</td>
</tr>
<tr>
<td>Estimated Bills</td>
<td>11</td>
</tr>
<tr>
<td>Gas Bills</td>
<td>13</td>
</tr>
<tr>
<td>Deposits</td>
<td>14</td>
</tr>
<tr>
<td>Non CER Queries</td>
<td>17</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td><strong>267</strong></td>
</tr>
</tbody>
</table>

### 2.3 Standard Complaints

When a customer contacts the Team and wishes to express their dissatisfaction with a specific policy decision or a regulated charge or tariff the Team logs this as a standard complaint. This is because the complaint does not require a full investigation and its root cause lies in policy rather than the action of a party.

The Energy Customers Team dealt with 467 standard complaints in 2009.
Over 80% of these complaints were in relation to costs or charges in some respect. Tariffs accounted for 41% of standard complaints with billing, deposits and network charges making up a further 43%.

<table>
<thead>
<tr>
<th>Standard Complaints</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Commission Policy</td>
<td>13</td>
</tr>
<tr>
<td>Billing Complaints</td>
<td>81</td>
</tr>
<tr>
<td>Charges</td>
<td>48</td>
</tr>
<tr>
<td>Deposit</td>
<td>27</td>
</tr>
<tr>
<td>Switching</td>
<td>35</td>
</tr>
<tr>
<td>Tariffs</td>
<td>193</td>
</tr>
<tr>
<td>Network Charges</td>
<td>36</td>
</tr>
<tr>
<td>Voltage problems</td>
<td>16</td>
</tr>
<tr>
<td>Non CER Queries</td>
<td>18</td>
</tr>
<tr>
<td>Total:</td>
<td>467</td>
</tr>
</tbody>
</table>

2.4 Complex Complaints

The bulk of the Team’s work lies in the investigation of complex complaints. These complaints are received from customers who are experiencing problems trying to resolve an issue with their supplier or network operator and who have completed their supplier or network operator’s complaints process. To date we have found that the issues forwarded for investigation can vary widely and as such each complaint received is addressed on a case by case basis.

In total the Team investigated 262 complex complaints in 2009. This was an increase of just over 40% when compared to 2008. We believe that customers are becoming more aware of the Commission’s role in complaint resolution and this is the cause of the increase in complaints being referred for investigation.

29% of the complex complaints investigated were due to electricity billing issues. This category includes complaints involving unexplained high peaks of consumption, customers not receiving bills for a long period of time and also overcharging in some cases.

In 2008 over 35% of the Complex Complaints investigated were due to long term estimated readings. A similar number of complaints were received in relation to this issue in 2009. Estimated meter reading complaints are usually generated when a customer receives a large bill following an extended period of no meter readings being taken at a property. This can happen if there is no access at the property, there is an obstruction at the meter or if the network operator has not sent a person to the property to read the meter. When this happens it can lead to bills being underestimated and ultimately a large bill being received by the customer when an actual meter reading is obtained. These types of complaint are dealt with on an individual basis due to the number of reasons this can occur.

In addition to complaints regarding meter reading, the Team received complaints regarding the functioning of the meter. Meter issue complaints relating to electricity meters represented over 7% of the complex complaints received and regarding gas meters accounted for just over 3%. The reasons for these complaints were similar to last year, including complaints regarding cross metering, time switch errors and over recording. Cross metering complaints are received from customers who have been billed for electricity being used in a different property. Typically this complaint will arise when a customer (the occupant or owner of an apartment) suspects that the bill does not reflect his or her pattern of usage, e.g. if the apartment has been unoccupied for a period. Generally the root cause of this problem can be traced to
how the property was wired when it was first metered. This type of complaint is more likely to arise in newer housing and apartment complexes.

Time switch complaints can usually be traced back to one of two things. The switch has been set to incorrect times and a customer is not being billed for usage correctly or the switch has stopped functioning and the customer’s usage is all being recorded at the night rate or the day rate. This can lead to customers being under-charged or over-charged. When the error is identified ESB Networks fix the meter and test the customer’s consumption over a period of time. They then compare the percentage used in the day time and night time and recalculate the incorrect bills using this information. In some cases the customer may have been undercharged and is now left with a large outstanding balance on their account.

Overall, while there was an increase in the number of complaints referred to the Commission in 2009, there were no trends identified which required a significant change to policy. While a large number of the complaints received related to large bills being received, the reasons for the large bills were varied.

<table>
<thead>
<tr>
<th>Complex</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Electricity Billing Complaints</td>
<td>76</td>
</tr>
<tr>
<td>Electricity Account Problems</td>
<td>6</td>
</tr>
<tr>
<td>Charges</td>
<td>5</td>
</tr>
<tr>
<td>Switching</td>
<td>7</td>
</tr>
<tr>
<td>Network Charges</td>
<td>27</td>
</tr>
<tr>
<td>Electricity Meter Issues</td>
<td>19</td>
</tr>
<tr>
<td>Estimated Meter Readings</td>
<td>42</td>
</tr>
<tr>
<td>Voltage Problems</td>
<td>4</td>
</tr>
<tr>
<td>Gas Billing</td>
<td>42</td>
</tr>
<tr>
<td>Gas Account Problems</td>
<td>13</td>
</tr>
<tr>
<td>Gas Meter Issues</td>
<td>8</td>
</tr>
<tr>
<td>Gas Estimated Meter Readings</td>
<td>13</td>
</tr>
<tr>
<td>Total:</td>
<td>262</td>
</tr>
</tbody>
</table>
3. Complaints Received – Case Studies

While there was an increase in complex complaints received by the Commission in 2009, the number of complaints received overall represents an extremely low proportion of the overall number of natural gas and electricity customers. The Commission would however like to recognise Flogas Natural Gas as the only domestic supplier to have no complaints referred to the Commission for examination.

Of the complaints received against suppliers they were adjudicated as follows:

<table>
<thead>
<tr>
<th>Companies</th>
<th>Customer Numbers [Year End]</th>
<th>Number of Complex Complaints</th>
</tr>
</thead>
<tbody>
<tr>
<td>Airtricity</td>
<td>137,000</td>
<td>20</td>
</tr>
<tr>
<td>Bord Gáis Energy</td>
<td>960,000</td>
<td>55</td>
</tr>
<tr>
<td>Bord Gáis Networks</td>
<td>660,000</td>
<td>21</td>
</tr>
<tr>
<td>Energia</td>
<td>46,000</td>
<td>9</td>
</tr>
<tr>
<td>ESB Customer Supply</td>
<td>1,700,000</td>
<td>61</td>
</tr>
<tr>
<td>ESB Networks</td>
<td>2,200,000</td>
<td>92</td>
</tr>
</tbody>
</table>

The table above shows the number of complaints investigated during 2009 against the number of customers held by each supplier or network operator at the end of 2009. It should be noted that suppliers had varying customer numbers during 2009 due to the level of customer switching taking place. As has been said before, the number of complaints investigated by the Commission represents only a very small number of customers across the industry.

The following case studies represent a sample of the complaints received by the Commission in 2009. They outline some of the complaints that we received, the investigation process and the outcome of the complaint. They serve to illustrate the range and individual nature of complaints. We have selected one complaint that was upheld and one complaint that was not upheld for each supplier. These case studies also show that while a customer may contact us with a complaint against their supplier or network operator, when the investigation is carried out the root cause of the problem may be attributable to a different party. It is also the case that while the cause of a problem may lie with the network operator, in many cases the supplier must also form part of the solution for their customer by agreeing to a payment plan for any outstanding balance on the customer’s account. The Commission welcomes suppliers’ flexible approach to assisting their customers even when the root cause has been due to a network issue.
3.1 ESB Networks Case Studies

Case Study – Complaint Upheld

Complaint – Meter reading error

A customer complained that he had received a very large bill, in the sum of more than €6,000 from his supplier. The bill referred to his business premises. When he contacted his supplier to query the bill he was advised that there was an issue with ESB Networks reading the meter for the previous 9 months. He was informed this issue was now resolved and the balance was correct. His supplier offered the facility to spread the balance over an extended period of time. The customer was not satisfied and escalated the complaint to the Commission.

Investigation

The Commission confirmed with ESB Networks that there was a problem in reading the meter correctly. The meter reader who had been assigned to the customer's premises was not trained in reading this particular digital meter. As a result the meter reader was submitting the readings incorrectly and these incorrect meter readings were presented to the customer as actual meter readings on his bill. When the problem was identified a correct reading was taken and this resulted in a large invoice being issued to the customer. After discussing the issue with ESB Networks and highlighting the effects it had on the customer, ESB Networks accepted that the fault was due to their error.

Points considered when making the decision:

- Although the complaint was received against his supplier for sending a large bill the root cause of the fault was with ESB Networks
- The customer paid all his bills on time and they all indicated they were based on actual readings
- The large meter reading resulted after a failing on ESB Networks side
- There was no question that the electricity was used
- The customer’s terms of supply provided for situations where the meter was read incorrectly

Outcome

The Commission upheld the customer's complaint. It was the Commission’s position, that while the customer's contract provided for this situation; the customer could not have helped to avoid this problem. As the incorrect meter readings were entered as actual meter readings the customer would not have questioned them. A credit for part of the disputed bill was made to the customer by ESB Networks.

In addition to the customer's complaint being upheld and the credit received from ESB Networks, his supplier also entered into a payment plan with him for the remainder of his bill.

Case Study – Complaint Not Upheld

Complaint - Estimated Meter Readings

A business contacted the Commission to complain about a large bill they received for almost €53,000. After contacting their supplier they were informed that the meter had not been read since 2003 and all bills since then had been under estimated.

Investigation

The Commission confirmed that the account was estimated from March 2003 until January 2009. ESB Networks advised that they visited the premises regularly but could not gain access to the meter as it was located behind a locked gate. They also stated that numerous cards were left at reception requesting the occupants to submit a meter reading. The customer's supplier advised that they had offered to reduce the
balance by a significant portion of the bill and also put in place a payment plan for the remaining balance but the customer refused this resolution.

**Points considered when making the decision:**

- There was no doubt the electricity was consumed at the premises
- Each bill clearly stated that it was based on estimated readings and the customer then had the option to call in with a customer reading
- No customer meter reading was provided
- If the customer had provided appropriate access to their meter the problem would not have occurred
- The customer had already been offered a large reduction and a payment plan

**Outcome**

The customer’s complaint was not upheld.

Although the Commission accepted that the large bill was due to the receipt of estimated meter readings for a long period of time, the reason why no meter reading was taken at the property was due to the fault of the customer. ESB Networks had fulfilled their responsibility by repeatedly visiting the property and attempting to read the meter. The Commission also noted that while the problem had been caused by the customer they had been offered an extremely fair resolution prior to the complaint being referred to the Commission.

### 3.2 Bord Gáis Networks Case Studies

**Case Study - Complaint Upheld**

**Complaint** - Estimated meter readings

A customer contacted the Commission to complain that she had been billed for standing charges when her meter had been disconnected. The customer was in dispute over the fact her meter readings had been estimated despite the fact her meter was located outside. Bord Gáis Networks had said the reason that her meter readings had been estimated was due to lack of access to the meter. She had been disconnected for failure to make payment on her account for a long period of time. She believed the application of standing charges to her disconnected property was unfair given the location of the meter and the information provided to her by Bord Gáis Networks.

**Investigation**

The Team established that the meter was in fact located outside and was freely accessible for the purpose of meter reading. When looking at what had happened it was found that the meter reader had been unable to locate the customer’s property and had been incorrectly returning information on the customer’s meter readings as being due to lack of access.

**Points considered when making the decision:**

- The meter reader did not visit the property to read the meter
- The meter reader incorrectly returned the information stating he was unable to access the meter
- Bord Gáis Networks has provided this information to the customer without confirming the reason for the access problem with the meter reader

**Outcome**

The customer’s complaint was upheld.

The Commission believed that Bord Gáis Networks should have spoken to the meter reader and established the reason why no meter readings were taken when the customer had stated her meter was located outside her property. The Commission directed Bord Gáis Networks to refund the charges which
had applied to the customer's account for the mistake made and the provision of incorrect information to the customer.

**Case Study – Complaint Not Upheld**

**Complaint – Estimated Billing**

A customer contacted the Commission to complain after receiving a bill for over €6,500 for natural gas. After contacting his supplier to query the bill he was informed that the meter had not been read for a period of almost 8 years. The customer received a letter requesting contact to be made. The customer was then informed that only 2 years of the bill would be charged by Bord Gáis Networks. This reduced the balance to approximately €1,300. The customer was not satisfied with the level of reduction made to his bill and referred his complaint to the Commission for determination. The customer believed he had no responsibility to read the meter and therefore should not be held responsible for any aspect of the undercharge.

**Investigation**

The Team confirmed that the meter was not read for 8 years. However, a meter reader had visited the property and had also left cards requesting a customer meter reading. The meter was located indoors and therefore Bord Gáis Networks had no option but to estimate the bills as they could not get access to read the meter. The customer never contacted his supplier or Bord Gáis Networks to submit a meter reading.

**Points considered when making the decision:**

- The meter reader visited the property and attempted to gain access on a number of occasions
- There was no record of the customer making contact to submit a meter reading
- There was no question the gas was used by the customer
- Bord Gáis Networks had reduced the balance of the customer's bill significantly

**Outcome**

The customer's complaint was not upheld.

The Commission considered the actions taken by Bord Gáis Networks to be appropriate. The large bill was received by the customer as he had failed to provide access to the property so that Bord Gáis Networks could read the meter. He also failed to provide a customer meter reading at any stage during the 8 years that access was not possible at the property. In addition, although Bord Gáis Networks had fulfilled their role in visiting the property, they had reduced the customer's bill significantly.

**3.3 ESB Customer Supply Case Studies**

**Case Study – Complaint Not Upheld**

**Complaint - Landlord responsibility for tenant’s bill.**

A landlord complained after he received a bill for almost €3,000 from ESB Customer Supply. There were two aspects to his complaint. The first referred to the fact that he was not living in the premises while the electricity was consumed and that the electricity had been consumed by his tenant. The second aspect was with regards to the meter not being read for over 5 years which had resulted in the large outstanding balance. He claimed that ESB Customer Supply did not have the right to bill him for the electricity consumed by his tenants.

**Investigation**

The Energy Customers Team confirmed that the account for the property had always been in the landlord’s name. Although the landlord had an agreement with his tenant to pay the bills as they were issued, they were issued based on estimated readings.
The Team also confirmed that ESB Networks attempted to read the meter 29 times over the 5 year period. On each occasion a card was left as the meter reader could not gain access to the meter. The card requested that a customer reading be submitted to avoid estimated bills. At no point was a customer reading submitted. In addressing his complaint his supplier had offered the landlord a reduction in his bill.

**Points considered when making the decision:**

- The landlord was the named account holder for the entire period of the bill and was therefore responsible for any payment due against the account.
- ESB Networks visited the premises 29 times and left cards requesting the submission of a meter reading.
- Every bill clearly indicated that the bill was based on an estimate.
- No customer meter readings were submitted.
- His supplier had offered a reduction in the bill.

**Outcome**

This customer’s complaint was not upheld.

As the landlord was the named account holder he was responsible for making payment on the account and his supplier was entitled to bill him for the consumption at the property. It was the landlord’s responsibility to manage his tenants in the property and to ensure he was reimbursed for the electricity they used. Although the Commission recognised that the meter was not read during the period in question, ESB Networks had visited the premises on 29 occasions and fulfilled their role in attempting to read the meter.

**Case Study – Complaint Upheld**

**Complaint - Account problems**

A customer moved into a property and contacted ESB Customer Supply to set up a new account. The customer provided ESB Customer Supply with a meter reading and his billing details. When the customer received his first bill he queried why the opening read was different to the one he had provided. The bill stated it was based on a customer reading but this reading was not the same as the reading he had provided. The reading ESB Customer Supply had used was lower which resulted in him receiving a higher bill than he expected. The customer believed that it was unfair of ESB Customer Supply to use a different meter reading and that he should not be billed for usage that was not his.

**Investigation**

The Team established that ESB Customer Supply had used the meter reading that the previous tenant had provided when closing his account. This showed a difference when compared to the opening read provided by the complainant. ESB Networks confirmed that they had taken an actual meter reading 2 months before the previous tenant vacated the premises. The ESB Networks meter reading was not in line with the closing meter reading provided by the previous tenant.

**Points considered when making the decision:**

- The new tenant had followed the correct procedure in opening an account.
- When he opened his account ESB Customer Supply did not inform him that they did not accept his meter reading.
- The meter reading provided by the new tenant was in line with the previous tenant’s consumption at the property.
- The meter reading provided by the previous tenant was not in line with his previous consumption at the property and showed a considerable reduction in his consumption.
Outcome

This customer’s complaint was upheld.

The Commission was of the opinion that the customer followed the correct procedure for opening an account. His customer meter reading was in line with the previous consumption history for the property and was considered to be more accurate than the meter reading provided by the previous tenant which showed a significant reduction in consumption prior to his account closure. The Commission believed that the previous tenant had submitted an incorrect meter reading. ESB Customer Supply were directed to change the customers opening meter reading to the one submitted and his bill was recalculated.

3.4 Bord Gáis Energy Case Studies

Case Study – Complaint Not Upheld

Complaint – Unlocking charges

A landlord complained after new tenants moved into a property and discovered the gas meter had been locked. When he contacted Bord Gáis Energy regarding this he was advised that there would be an unlocking charge applied. The landlord believed that as he had not requested the meter be locked he was not responsible or liable for the charges associated with this. He believed that as he was the landlord of the property he should have been contacted prior to the meter being locked.

Investigation

The Energy Customers Team established that the account was in his previous tenant’s name. The landlord had always kept the tenant’s name on the account and there was no request ever made by the landlord to be contacted after the tenant closed the account. The previous tenant contacted Bord Gáis Energy to close the account. The customer was asked at that point if he had any contact details for the new occupants or would he like the meter locked. He requested the meter be locked and a final bill be issued to him.

Points considered when making the decision:

- The account holder requested the meter be locked when he closed his account.
- The landlord had not contacted Bord Gáis Energy to open an account or to provide contact details for the new account holder when the tenant moved out.
- The charges applied were standard industry charges for this work.

Outcome

The customer’s complaint was not upheld.

It was the Commission’s view that the landlord could have avoided the charges by contacting Bord Gáis Energy to open an account when the tenant moved out.

Case Study – Complaint Upheld

Complaint – Estimated Billing

A customer contacted the Commission to complain after receiving a bill for over €1,000 from Bord Gáis Energy. The customer had not received bills for 6 months and after contacting Bord Gáis Energy and querying this they advised him due to a computer error his bills were never issued. They apologised but advised that the full bill needed to be paid.

Investigation
The Team confirmed that the 3 bills had not been issued by Bord Gáis Energy. This was due to a system error. The Team also established that the customer had switched to Bord Gáis Energy for their electricity consumption and this lead to confusion with the customer as he was under the impression both gas and electricity were on the one bill. After closer inspection of his bill he realised that he was only receiving his electricity bills.

**Points considered when making the decision:**

- The error was due to a fault with Bord Gáis Energy’s billing system
- The customer brought this to the attention of Bord Gáis Energy when he discovered the problem
- 3 bills had not been issued
- Bord Gáis Energy had taken no steps to resolve this issue for the customer.

**Outcome**

The customer’s complaint was upheld.

The Commission instructed Bord Gáis Energy to credit the customer with 3 customer charter payments in recognition of their error.

### 3.5 Airtricity Case Studies

#### Case Study – Complaint Upheld

**Complaint** – Billing error

A Customer complained that she had received a bill for over €500 from Airtricity, which was much higher than previous bills. When she contacted Airtricity she provided a customer reading as her bill was based on an actual reading. The customer care agent informed her to disregard her bill as it was incorrect and she would issue out a bill based on the actual read provided which would be lower than the original bill for €500. The bill was re-issued however it was for over €500 and not for the lower amount the customer had expected. The customer called again to query this and was advised that she would not have been informed to disregard the previous bill and would have been advised the bill was quite accurate.

**Investigation**

The Energy Customers Team confirmed that although the first bill was based on an estimated read it was accurate as the customer reading had only reduced the bill by €35. The Team then investigated what had been said to the customer. After requesting the call recording to establish what had been said by the Airtricity agent to the customer, it was clear that the customer care agent had misled the customer and indicated the bill would be much lower. She informed the customer the correct bill would be reissued for a much lower amount using the customer meter reading. The agent never informed the customer that the bill was higher due to estimates at the property.

**Points considered when making the decision:**

- The electricity was used by the customer and therefore Airtricity were entitled to issue the bill to the customer.
- The bill was higher due to estimated previous bills.
- The customer was misled by the Airtricity agent when she submitted her meter reading.

**Outcome**

The customer’s complaint was upheld.

Although the Commission accepted the original bill was based on an accurate estimate the information provided by the customer care agent was confusing and incorrect. Airtricity reduced the customer’s bill by an appropriate sum in recognition of their error.
Case Study – Complaint Not Upheld

Complaint – Wrong Tariff

A customer complained that Airtricity had not applied the correct tariff to her account. She believed that she should receive a backdated refund to the correct tariff rates.

Investigation

The Commission looked at the customer's bills and the way in which she had managed her account. The customer had taken an option for billing which meant she would receive a higher level of discount. Following sign up for the account; however the customer cancelled this method of billing. When she did this Airtricity changed the tariff on her account.

Points considered when making the decision:
- The customer signed up for a particular bill type to avail of the discount.
- The customer cancelled the bill type and no longer qualified for the discount.
- Airtricity had acted in line with the terms of the discount offered.
- Airtricity had applied the tariff associated with the bill type she was receiving.

Outcome

The customer's complaint was not upheld.

The customer had been made aware that the discount was associated with the bill type she had chosen. While the customer was entitled to change her mind and select a different billing method, she was not entitled to receive the discount when she did this.

3.5 Energia Case Studies

Case Study – Complaint Upheld

Complaint – Wrong Tariff

A business customer complained that he had been charged excess capacity charges on his account which were unfair as he did not believe that the MIC for his property had been set correctly. The customer believed his business should not be paying these charges which amounted to €34,000. After contacting ESB Networks regarding this, the customer was advised that it is the responsibility of the customer to choose the MIC which best suited their property and that ESB Networks were not responsible for this. The customer appealed to the Commission as he did not believe this to be fair.

Investigation

The Team established that what ESB Networks had stated was the correct process when setting the MIC for a premises. However, that process only applied to certain customer categories. For business customers who were in the DG5 customer category, no excess capacity charges applied. When the Team requested information on the charges passed by ESB Networks to Energia for the specific customer it was established that ESB Networks had never passed a charge to Energia as the customer was classed as DG5. On further examination, it was discovered that Energia had incorrectly inputted the customer’s details as a DG6 customer on their IT system which had led to the automatic generation of excess capacity charges when the customer exceeded their MIC level.

Points considered when making the decision:
- The customer was not aware of the difference in customer types and was unable to identify Energia’s mistake.
- Energia had incorrectly passed charges to the customer which should not have applied.
- This mistake had taken place over an extended period of time.
- Although the original complaint was made against ESB Networks, Energia had caused the problem.
**Outcome**

The customer’s complaint was upheld.

The Commission issued a direction to Energia to refund the overcharge and a level of interest in recognition of their mistake.

**Case Study – Complaint Not Upheld**

A business customer complained that their electricity supply had been disconnected by Energia unfairly. They believed they should be reconnected without charge.

**Investigation**

The Commission examined the circumstances of the disconnection. The customer had received a large bill and had failed to make any payment on this bill or any of the subsequent bills issued to them. Over the course of 12 months the customer was written to on 10 separate occasions by Energia requesting payment. Energia deferred disconnection of the customer as they entered into a payment arrangement for the arrears on the customer’s account. When the customer defaulted on the payment arrangement Energia sent further notification to the customer and issued a disconnection request to ESB Networks. As the customer failed to make payment the property was disconnected.

**Points considered when making the decision:**

- Energia had notified the customer in advance of disconnection.
- Energia had entered into payment arrangements to allow the customer to avoid disconnection.
- The customer had failed to make any payment against the account.

**Outcome**

The customer’s complaint was not upheld.

The Commission established that Energia had followed a long process of attempting to communicate with the customer and make arrangements to suit the customer prior to disconnecting the property. The Commission recognised that Energia was acting in line with its contract with the customer in requesting the disconnection.
4. Additional Work

With the launch of [www.energycustomers.ie](http://www.energycustomers.ie) in October 2008, it was important that information on the website and the service that the Energy Customers Team provides was publicised to customers. The website was developed primarily to provide information for domestic and small business electricity and natural gas customers. It provides consumers with an overview of the electricity and natural gas markets in Ireland; gives information on their rights and energy suppliers’ codes of practice; and also explains what to do if they experience problems with their bills, their connection to the electricity or natural gas network or some other issue relating to energy supply.

The first half of 2009 saw the Energy Customers Team concentrating on the development of 3 customer friendly leaflets to provide information to customers and again to promote the website.

- The first leaflet was *A Guide to Your Rights as an Electricity or Natural Gas Customer*. This leaflet outlined the requirements on suppliers to meet guidelines on Billing, Complaint Handling, Disconnection, Marketing, Prepayment Metering and Vulnerable Customers.
- The second leaflet was *A Guide to Energy Bills*. This guide was designed to provide information to customers on their energy bills including what information should be on the bill, how they have billed the customer and also the role the customer plays in billing. This leaflet encourages customers to be more “bill aware”.
- The third leaflet is *A Guide to Making a Complaint*. This was designed to provide customers with the correct steps to take when making a complaint about their energy supplier or network operator.

In September 2009 the Energy Customers Team attended the National Ploughing Championships in Athy. The event took place over 3 days and was attended by over 188,000 people. We had a stand in the indoor tent area in the customer information section. It allowed the Energy Customers Team to meet customers from throughout Ireland face to face, discuss various consumer issues, publicise the [energycustomers.ie](http://www.energycustomers.ie) website and the Commission’s complaint resolution service. We received many questions and queries regarding suppliers’ practices, how to avoid estimated bills and how to switch supplier. It also allowed the Energy Customers Team to direct customers to the website for future assistance. We found this event hugely beneficial and had the opportunity to interact with thousands of people over the 3 day event.

To further increase our public awareness campaign we distributed leaflets to consumer agencies including MABS, Citizens Information and the National Consumer Agency. We received positive feedback from the agencies and we will continue this throughout 2010.