To: Mr. Pat Rabbitte, T.D. Minister for Communications, Energy and Natural Resources

In accordance with the requirements set out in S.I. 452 of 2004, S.I. 60 of 2005 and S.I. 463 of 2011, the Commission is pleased to present its fourth 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 2012 to 31st December 2012.

This report also outlines the additional activities of the Commission’s Energy Customers Team during 2012.

Dermot Nolan
Chairperson
Forward

The Commission’s Energy Customers Team has a number of functions with respect to consumer protection. It is responsible for providing an independent complaints resolution service to customers with an unresolved dispute with their supplier or network operator. The Energy Customers Team also draws up the guideline requirements for energy suppliers and network operators in relation to certain aspects of their business and provides a single point of contact for electricity and natural gas customers with regard to information requests.

The main focus of the Energy Customer Team during 2012 was the management of an increasing number of customer contacts. In 2012 the Energy Customers Team logged 3,067 contacts from customers, an average of just over 255 per month. This represents an increase of almost 11% on 2011, from 2,770 to 3,067. These contacts are dealt with in more detail later in this report.

On 29th March 2012 the Commission announced the first accreditation of a price comparison website in the Irish energy market; Bonkers Money Ltd., through the Commission’s new accreditation framework, which was launched in August 2011. The website, www.bonkers.ie, is an online comparison and switching service which helps customers to compare a range of services including gas and electricity prices. Under the accreditation framework, a website providing an energy price comparison service is only accredited by the Commission if it meets defined standards for accuracy, transparency, and reliability. An accredited site will also be audited at least annually by the Commission to ensure that it continues to provide a high standard of service.

On 15th June 2012 the Commission published its decision paper on revised guidelines for suppliers and network operators regarding the terms and conditions of supply to household customers, codes of practice and customer charters.

These guidelines require suppliers to put in place measures to ensure that customers are protected in the areas of marketing, billing, disconnection, complaints handling and Pay As You Go metering. This decision paper also sets out minimum requirements for terms and conditions of supply to household customers and places specific requirements around the supply to vulnerable customers.

Dermot Nolan
Chairperson
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1. Introduction
This report summarises the work undertaken by the Commission’s Energy Customers Team (ECT) in 2012. The ECT was established in 2006 to provide a complaint resolution and information service directly to small business and domestic customers. Since its establishment the ECT has worked to make information more freely available to electricity and natural gas customers and to assist customers who experience difficulties within the market. Included in this report are details on the type of work the ECT carried out during 2012 and of the number and types of complaint dealt by the ECT in 2012.

Also included are case studies of a number of complaints dealt with by the ECT, both upheld and not upheld.

1.1. The role of the Commission for Energy Regulation and the Energy Customers Team

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 ECT provides this free service in a transparent, fair, independent and unbiased manner for domestic and small business customers.

Customers may contact the ECT either by phone, email, in writing or via the ECT dedicated website, www.energycustomers.ie. The website also provides clear information to help customers make informed choices as competition develops in the energy markets. It includes information on how to switch suppliers and energy suppliers’ Codes of Practice. It also explains how to handle problems with bills, connection to the electricity or natural gas network and other energy supply related issues. If a customer cannot find the information they are looking for on the website they can contact the ECT by phone, email or in writing and the ECT will provide a response directly.

As well as responding to customer queries and complaints, the ECT uses information gained through its investigations to provide input to industry policy development and to raise consumer issues with suppliers and network operators for the long term benefit of the electricity and gas markets.

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, the ECT will investigate the matter on their behalf. Following investigation, the Commission has the power to issue a determination to the energy undertaking concerned and where appropriate to award compensation or to resolve the complaint in a set fashion.
Developments in 2012

In March 2012, in order to assist customers in their choice of supplier the Commission accredited\(^1\) Bonkers Money Ltd. as a price comparison website for energy customers. The website provides an online comparison and switching service, which helps customers to compare a range of services including gas and electricity prices. Under the accreditation framework, a website providing an energy price comparison service is only accredited by the Commission if it meets defined standards for accuracy, transparency, and reliability. An accredited site will also be audited at least annually by the Commission to ensure that it continues to provide a high standard of service.

A significant development in terms of customer protection was the publication of the Commission’s decision paper\(^2\), on revised guidelines for energy suppliers and network operators, in June 2012. This paper details the requirements for suppliers and network operators regarding the terms and conditions of supply to household customers, codes of practice and customer charters.

These guidelines require suppliers to put in place measures to ensure that customers are protected in the areas of marketing, billing, disconnection, complaints handling and Pay As You Go metering. This decision paper also sets out minimum requirements for terms and conditions of supply to household customers and places specific requirements around the supply to vulnerable customers.

1.2. The structure of the Energy Customers Team

The ECT is part of the Energy, Retail and Water division within the Commission. At the end of 2012 there were 4 members of the ECT, 1 manager, 1 analyst and 2 customer care officers.

Given the increase in the number of customer contacts and in the number of complex complaints the ECT was receiving, it became apparent during 2012 that additional resources would be required if the ECT was to continue delivering a high quality service to energy customers. After reviewing the various options, it was decided to outsource certain functions of the ECT to a call centre. The call centre would respond to basic customer queries received by phone or email. They would also be responsible for compiling case files. This would allow the ECT to concentrate more resources on resolving the increasing

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\(^1\) CER Press Release: CER Accredits Energy Price Comparison Website  - CER12040
\(^2\) CER Electricity and Natural Gas Supplier Handbook – CER12081
number of complex complaints. The ECT would also continue to respond to more complicated customer queries.

The project was initiated in 2012 and the outsourcing commenced in Q1 2013.

2. Operational work of the Energy Customer Team

The operational work of the ECT is carried out over the phone, by email and in writing. In 2012, 3,067 customers made contact with the ECT to raise a complaint or to request information or advice regarding the natural gas and electricity markets. There were also 30,424 visits to the ECT website www.energycustomers.ie.

2.1. Customer Website Visits

As set out above, there were 30,424 visits to the ECT website in 2012. This represents a 64% increase on the number of visits in 2011. Via this website the Commission provides customers with information about their rights as an energy customer, helps them understand the charges for electricity and natural gas and provides answers to questions they may have.

This site also explains what to do if customers have a problem with their bill, their connection to the electricity or natural gas network or some other issue relating to their supply. Graph 1 below illustrates the trend in the number of website visits over the past few years.

Graph I: Website Visits
2.2. Customers’ Initial Contact

Initial contact was made over the phone by 1,548 (50.5%) customers, with 1,215 (39.6%) customers choosing to email their request to the ECT, 302 (9.9%) customers raised their request by post and there were two contacts made by other means. While the ECT handles queries over the telephone, customers who wish to forward a complaint for formal investigation must put their complaint in writing. This is necessary, as under data protection legislation the ECT and the energy supplier or network operator require written consent from the customer to discuss the customer’s energy account. To ensure formal permission is given all complainants must fill in the ECT complaint form; this form is available on the ECT website or by post or email from the ECT on request.

Graph I I: Customer contact methods

The reasons that customers contact the ECT vary enormously, and include:

- Straight-forward requests for information,
- Wishing to make a complaint,
- Seeking an explanation of terms included on their bills,
- Seeking information available from the ECT, i.e. ECT Complaint Form, lists of available suppliers,
- Seeking contact numbers or email addresses for suppliers,
- Seeking advice about how to switch supplier,
- Seeking guidance in relation to suppliers’ terms and conditions,
- Standard complaints from domestic and commercial customers
- Complex complaints from domestic and commercial customers
- Contacts made with the ECT in error:
Where the customer believes they are speaking to their supplier
Where the customer should be in contact with another organisation

**Graph III: Reasons for contact with ECT in 2012**

There were 3,067 customer contacts in 2012; these are broken down into the background cause for each contact and the number of contacts in each case. This is dealt with in more detail below:

**Commission Issues**

The 116 Commission Issues cover situations where a customer wishes to complain or enquire, for example, about charges that are perceived to have been instigated by the Commission or where the customer believes that the Commission should or could prevent the charges being passed on to customers. An example of this is the Electric Ireland “Low Usage Charge”. In this instance, as the electricity market is de-regulated the Commission does not control the Electric Ireland tariffs, which are set independently by Electric Ireland.

**Non Commission Issues**

Non Commission issues, of which there were 487, cover those queries where customers believe the Commission has a mandate to intervene, for example the charges for boiler maintenance or repair. While the Commission’s remit covers the safety aspects of boiler repair, the Commission has no mandate regarding the charging for such services. These non Commission issue contacts would also include instances where the customer query does not refer to the energy supply industry, for example complaints about telecom suppliers. In these cases the ECT would direct the customer to the correct authority.

**Electricity Networks**

There were 377 contacts concerning electricity networks. The majority of these are customer issues about meter installation, meter disconnection or meter reading. Other
issues, which fall within this category, would be electricity substations and pylons and street lighting.

**Electricity Supplier**

Issues concerning electricity suppliers accounted for 1559 of the contacts received. These would include the complaints raised about electricity suppliers i.e., billing, tariffs and general customer service. Issues concerning switching between electricity suppliers would also be included.

**Gas Networks**

The ECT had 104 contacts about gas networks. In common with the electricity networks the majority of these contact concerned meter installation, meter disconnection and meter reading.

**Gas Supplier**

There were 344 contacts about gas suppliers, like electricity suppliers contacts these include queries about billing, tariffs, general customer service and switching between suppliers.

**Called back no answer**

This refers to instances where the ECT returns phone calls to customers who leave phone messages. While we make every effort to contact the customer it is not always possible. These calls are logged as “Called back no answer”, there were 80 of these logged in 2012.

### 2.3. The categorisation of customer contacts by the ECT

Following initial customer contact with the ECT, in order to best manage customer contacts, each contact is categorised by the ECT. In 2012 the ECT logged the customer contacts under seven categories:

<table>
<thead>
<tr>
<th>Year</th>
<th>Return to Supplier or Network Operator</th>
<th>Refer to 3rd party</th>
<th>Information Request</th>
<th>Standard Complaint</th>
<th>Complex Complaint</th>
<th>Switching Complaint</th>
<th>Co-ordinated Complex Complaint</th>
<th>Awaiting Confirmation</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>2111</td>
<td>44</td>
<td>258</td>
<td>128</td>
<td>431</td>
<td>76</td>
<td>1</td>
<td>18</td>
<td>3067</td>
</tr>
<tr>
<td>2011</td>
<td>1793</td>
<td>59</td>
<td>201</td>
<td>216</td>
<td>415</td>
<td>78</td>
<td>8</td>
<td>0</td>
<td>2770</td>
</tr>
<tr>
<td>% Change</td>
<td>18%</td>
<td>-25%</td>
<td>28%</td>
<td>-41%</td>
<td>4%</td>
<td>-3%</td>
<td>-88%</td>
<td>11%</td>
<td></td>
</tr>
</tbody>
</table>
1. Return to Supplier – This type of contact is from a customer who has either mistaken the ECT for their supplier or who has contacted the ECT for advice regarding their complaint prior to completing their supplier’s complaints handling process. In these cases the ECT 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 ECT’s complaint handling process should they need to refer their complaint for investigation at a later stage. These contacts increased between 2011 and 2012 rising from 1,793 to 2,111.

2. Refer to Third Party – From time to time a person may contact the ECT regarding an issue outside the Commission’s remit. In these instances the person would be referred to the most appropriate body for their issue, these cases reduced from 59 in 2011 to 44 in 2012.

3. Information Requests – These contacts generally involve customers asking for information on aspects of how the market works, these case increased from 201 in 2011 to 258 in 2012.

4. Standard Complaints – These are complaints which are forwarded to the ECT, 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, these cases decreased from 216 in 2011 to 128 in 2012.

5. Complex Complaints – These are complaints formally sent to the ECT 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. The number of these complaints increased from 415 in 2011 to 431 in 2012.

6. Switching Complaint – From time to time a person may contact the ECT stating their electricity or gas account was moved without their permission or as a result of mis-selling. In these instances the ECT raises a complaint and requests information from the suppliers involved. The ECT launches an immediate investigation and contacts the supplier in order to establish the facts of the case. Priority is given to returning these customers to their original suppliers. The number of switching complaints decreased marginally from 78 in 2011 to 76 in 2012.

7. Coordinated Complex Complaints – These are complaints which are received by the ECT but investigated and followed up by another team within the Commission. These are usually complaints received from large industrial customers as the ECT is
geared towards domestic and smaller business customers. The number of these complaints decreased from 8 in 2011 to 1 in 2012.

**Graph III: Contact Category and number of contacts logged by ECT in 2012**

Overall the number of contacts increased by 7% between 2011 and 2012, this is explained by the increase in the number of contacts logged as Complex Complaints, Return to Supplier / Network Operator and Information Request contacts.

The majority, almost 92% of contacts that the ECT receive are domestic customers, (all vulnerable customers are domestic), the second largest group are the small and medium sized business customers with just 0.004% being large industrial customers. The remaining contacts are non-customer queries and issues about public lighting.

**Graph IV: Customer Contact – Category of Customer**
2.4. Accessing the Commission’s ECT services

In 2012 there were 3,067 customer contacts logged by the ECT, of these the majority 1,548 were by phone and 1,215 were by email.

2.5. The customer complaint process within the ECT

The complaint process set out by the ECT is very straightforward. Where a customer has a complaint regarding an energy supplier or network operator, which is unresolved following the completion of the companies’ complaint process, the customer is free to bring the complaint to the ECT in order to avail of our independent complaint resolution service.

The ECT then investigates the complaint and will come to a decision, which is binding on the energy supplier or network operator. The customer is free to take the matter further should they so wish.

The complex complaint process is detailed in Appendix I.

Return to Supplier / Network Operator

The ECT may only investigate customer complaints where the complaint has completed the supplier or network operators complaint process and the customer and supplier / network operator have failed to reach a resolution.

All complaints that are received by the ECT are checked to ensure this process has been completed. Any complaints that have not completed the supplier and or the network operator’s complaint process are logged as Return to Supplier/Network Operator, closed and the ECT Complaint process is explained to the customer.

Once a complaint is found to have completed the supplier and or network operator complaint process and has not been resolved it is logged either as a Standard, Complex, Co-ordinated or Switching Complaint.

Standard Complaints

A Standard Complaint can, by its nature, be resolved relatively quickly by the ECT. In general these relate to a single matter that is of concern to the customer rather than a
series of events over several months, which eventually is raised as a complaint with the ECT and requires substantial investigation.

**Complex Complaints**

Although Complex Complaints made up just 10% of the customer contacts in 2012, the majority of the work undertaken by the ECT is centred on these Complex Complaints.

Each Complex Complaint has to be thoroughly investigated, which involves information gathering, getting reports from the supplier and often the network operator, this may include recordings of phone calls, messages sent to and from the supplier and the network operator, meter readings and meter reading history and additional information from the customer, such as emails, letters or bills.

Due to the investigation undertaken we always suggest to customers that they make their complaint to their supplier or network operator in writing, either by letter or email. There is then a record of all contacts made by the customer and their supplier or network operator.

For fairness it is important to examine each case on its own merits and explain the outcome in plain English.

Following investigation the ECT has the power to direct suppliers and network operators to award compensation or to resolve the complaint as detailed in the final decision.

The final decision of the ECT is binding on the supplier and/or the network operator. In the final decision, where appropriate, the ECT may direct the supplier and/or the network operator to resolve the customer complaint in a certain manner.

**Switching complaints**

When a customer notifies the ECT that they are having difficulties due to switching supplier we examine the circumstances immediately. Where a customer has been switched erroneously, or not switched as they requested, it is important to ensure that the customer is switched back to or remains with the supplier of their choice.

Once the customer is with the supplier of their choice and this is confirmed with the ECT, switching complains are treated as per complex complaints and the issues surrounding the difficulties experienced by customer are fully investigated.
Co-ordinated Complex Complaints

These are complaints which require input from other areas within the Commission and in general these complaints are raised by the larger commercial customers, both gas and electricity.

The ECT generally receives complaints from residential and small/medium commercial customers and our complaint process is arranged to deal with these complaints. When a complaint is raised with the ECT, which is designated as a co-ordinated complex complaint it is sent to the area within the Commission that can best deal with it. The ECT then tracks the progress of the complaint to completion and closes it on the tracking system.

2.6 Customer contacts and energy suppliers

The ECT logged 3,067 contacts with customers in 2012. Of these 2,234 were related directly to the energy suppliers. The highest number of contacts per supplier was Airtricity with 874 during 2012.

Graph V: Total number of contacts per supplier in 2012

However, it is more appropriate to compare the number of contacts per 50,000 customers, as this provides a more accurate comparison across all suppliers.

These figures are available in Graph VI below. The Supplier with the highest number of contacts per 50,000\(^3\) customers in 2012 was Airtricity, with 84.2 contacts per every 50,000 customers. Flogas was second with 53 contracts for every 50,000 customers, with Energia third with 51.4 contracts for every 50,000 customers; Bord Gáis Energy (BGE) was fourth.

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\(^3\) These calculations are based on the number of customers as detailed in CER/13/120, Electricity & Gas Markets Annual Report 2012, published on 4\(^{th}\) June 2013.
with 40 contracts for every 50,000 customers; and Electric Ireland was fifth with 21.8 contracts for every 50,000 customers.

**Graph VI: Total number of contacts per supplier per 50,000 customers in 2012**

3. Analysis of complaints raised with the ECT

In order to provide a flavour of the complex and standard complaints investigated by the ECT this section details a complex complaint, which was not upheld and one, which was upheld. The background to the complaints is explained, why they were considered to be complex complaints, the investigations undertaken and the reasons for the outcomes.

Also detailed are two standard complaints with the reason why the customers raised the complaints, why the complaints were logged as standard complaints, and the reasons for the outcomes.

**Complex Complaint – Upheld**

**Background to the complaint**

Customer had been living in an apartment since July 2007.

In January 2011 the customer was moving to a new apartment. When he was taking the meter reading, in order to close his electricity account on an actual read, he noticed that his meter, which should have been stopped, as there was no power being used in his apartment, was still recording consumption. When he checked he found that for the entire period while he had been in the apartment he had been billed from the wrong meter. This is referred to as the meter being cross-wired.
This cross-wiring had resulted in the customer paying his neighbours bill instead of his own.

The customer phoned his supplier. In February 2011 the customer received his final bill from his supplier, for €467.00, which the supplier attempted to debit from the customer’s bank account as a direct debit. The meter number (MPRN) on the bill had not been changed. However, the customer had suspended the direct debit facility for his supplier. The customer phoned his supplier and queried why the meter number is the same and why he has been billed before the situation was investigated.

The supplier contacted ESB Networks (ESBN) and provided ESBN with the customer’s contact details. This should have happened immediately after the customer’s initial contact, with his supplier, in January 2011.

The customer then received a number of account payment reminders and legal letters, this should not have happened as there was an open complaint concerning the final bill. The customer made eight phone calls to his supplier to attempt to resolve the issues. The supplier agreed to stop sending the payment reminders and the legal letters while the cross wired meters were investigated.

In March 2011 the supplier again reported the suspected cross-wiring to ESBN and again provided the customer’s contact details.

In April 2011 the customer sent a detailed email to his supplier to attempt to sort out the issues he was having. The customer did not receive a reply. He then phoned his supplier and was promised that he would be phoned back. This did not happen and the customer then contacted the ECT.

In May 2011 ESBN notified the supplier that the customer’s meter was cross-wired and that the customer was due a rebate on his electricity charges.

The ECT investigation found:

- The customer’s meter had been cross-wired.
- The supplier had provided a poor level of customer service.
- The supplier had failed to notify ESBN in a timely manner that there appeared to be a cross-wired metering problem at the customer’s property.
- The supplier had sent the customer a final bill, which was inaccurate.
- The supplier had followed up on said bill with payment reminders and legal letters.
- The supplier should have followed up with ESBN to ensure the case was being investigated.
The customer was due a rebate of €1,484.00 for electricity charges.

The ECT decision

- The rebate of €1,484.00 should be paid to the customer
- To award the customer 4 charter payments of €20.00 each = €80.00 in charter payments.

The customer accepted the ECT decision.

Complex Complaint – Not Upheld

Background to the complaint

A business customer consumed no gas each year from April to September as he only used gas for heating. He provided regular meter readings each month. In June 2011 the customer received a bill of €524.52, for the period 11th April 2011 to 13th May 2011, which included site charges but zero consumption. The customer phoned his supplier and the supplier explained that should the customer decide to have the meter locked he would not be liable for Site Charges, however there would be locking and unlocking charges of €140.00. The customer decided to request a meter lock and the meter was locked by Bord Gáis Networks a few days later on 9th June 2011.

The customer was not charged for Site Charges after this date until the meter was unlocked as per the customer’s instruction on 8th September 2011.

On 14th September 2011 the customer raised a complaint with his supplier regarding the inclusion of Site Charges during the summer months of previous years, in 2006, 2007, 2008, 2009 and 2010, when no gas was being consumed;

On 5th July 2011 the supplier wrote to the customer and provided an explanation of how Site Charges are calculated by Bord Gáis Networks and passed through to the customers by the supplier and that all customers are liable for these charges when the gas supply is active.

The customer did not accept this explanation as they believed that they should have been informed in previous years that the site charges would not apply if the meter was locked. The customer then raised his complaint with the ECT.

The ECT investigation found:

- When the customer queried the site charges on his bill, when there was no gas consumption, his supplier explained the charges and how the customer might avoid these charges and the cost of the meter locking.
- When the customer decided to have the meter locked the supplier informed Bord Gáis Networks and the meter was locked within a few days.
- The customer was not billed for Site Charges while the meter was locked.
- The meter was unlocked when the customer requested it.

**The ECT decision**

- The supplier provided all the information the customer needed to make an informed choice regarding the meter locking.
- That if the customer had inquired in previous years, when he was paying site charges while he was consuming no gas, he could have ensured that he paid no site charges if he had decided to have the meter locked.

Therefore the complaint was not upheld. The customer accepted the ECT decision.

**Standard Complaint – Upheld**

**Background to the complaint**

A sales representative called to a customer’s home and advised that a discount would be available if she switched supplier and remained with the company for 12 months. The customer was interested in the discount offered, therefore she phoned the supply company the following day to make further inquiries regarding the terms of the 12 month contract.

The supply company confirmed that the discount was available, however the customer was told that if she did not remain with the company for the full 12 month period of the contract, she would face an early termination charge.

The customer then made a complaint to the ECT regarding the supply company and their conditions of supply. The customer explained to the ECT that she understood that any product or service brought via distance marketing / selling was subject to a seven day cooling off period, during which the customer was free to change their mind without being faced with penalty payments.

**The ECT investigation found:**

The customer was correct, there was a cooling-off period of 7 days during which the customer was free to change her mind about switching and would not face any penalty payments. Her complaint was upheld.
The ECT decision

The supply company was directed to ensure that all customers were aware that they were free to change their mind within seven days of signing-up and that where customers availed of the provision to withdraw from the contract, within the seven day cooling off period, the customer would not face penalty payments.

The supplier was directed to write to the complainant and detail

- the available seven day cooling off period
- that the customer would face no penalty charge when they switched within seven days

The customer accepted this decision.

Standard Complaint – Not Upheld

The ECT received a complaint regarding a reminder call that a supplier had made to the customer regarding an overdue balance on her account.

The customer maintained that she had never received her bill and that she should not have been phoned by her supplier regarding the balance on her account. Furthermore, having received the first call from her supply company the customer had paid her bill in the Post Office and then received another reminder call from her supply company regarding the balance on her account.

It was explained to the customer that all supply companies may phone a customer to notify them that there is an outstanding balance on the account. This is done to help the customer, who may have overlooked the bill, and it prevents a build-up of arrears on accounts, which is a problem for both the supply company and the customer.

When the customer received the second reminder call, after she had paid the bill, this was because the supply company would not have been aware that the bill had been paid as it takes 3/4 days for Post Office payments to reach the Supply Company’s account.

The customer complaint was not upheld as the supply company had a policy of phoning customers regarding arrears if the customer had provided a contact phone number.

Information requests

Information requests may be received in relation to any area of customer supply or service.
During 2012 we received a number of enquiries about the Electric Ireland Low Usage Charge. Many customers considered that this penalised customers who were careful regarding their electricity consumption.

In these instances the ECT explained that since de-regulation of the electricity supply industry the Commission does not set the tariffs of Electric Ireland. All Electric Ireland tariffs are set by Electric Ireland themselves on a commercial basis.

The low user standing charge (LUSC) was introduced by Electric Ireland from 1st February 2012. This charge applies to a minority of customers who use an average of 2 units / 2 kWh or less per day in any billing period. This charge does not apply to those who benefit from the Free Electricity Allowance, customers on household budget plans or pay as you go meters. The billing period with Electric Ireland is generally 61 days.

The LUSC may have been introduced by Electric Ireland due to the costs associated with providing electricity to customers with very low consumption. Costs included in the charge are a combination of the fixed charges associated with meter reading, network maintenance and a share of the supply costs incurred in servicing electricity accounts. These are normally recovered through a combination of electricity units and standing charges. In cases where there is very little usage, for example vacant properties, these costs may not be fully recovered. With the growth in vacant properties in recent years this has a material detrimental impact on the Electric Ireland business, which is not sustainable. Rather than cross subsidise and apply these under-recovered costs from their other customers, they introduced the LUSC.

Currently Electric Ireland is the only supplier who has introduced such a charge and therefore, customers can avoid paying a LUSC by switching to another supplier for their electricity needs.

Refer to third party

Example 1

A customer contacted the ECT and asked which oven would be the most efficient to use, gas or electricity. This query was outside the remit of the Commission and the ECT referred the customer to the Sustainable Energy Authority or Ireland.
Example 2

A customer raised a complaint with the ECT regarding the servicing of a boiler. The customer had the fan on the boiler replaced and received a bill for €379.83. The customer believed that this cost was excessive.

The ECT was unable to assist the customer with respect to this complaint as it is outside of our remit. While the Commission deals with the safety aspect of gas installation work, the Commission does not have a remit in relation to the commercial side of this work.

The ECT suggested that the customer raise the matter with the National Consumer Agency (NCA) and sent the customer the website details for the NCA complaint process.

Switching Complaint - upheld

Background to the complaint

The daughter of an elderly customer contacted the ECT as a representative from a supplier had called to her father’s rural home the previous evening after 8:00 pm. The representative had persuaded her father to switch supplier and to give his bank details to the representative. Her father was profoundly deaf and found it very difficult to understand which company the representative was from; in fact the customer believed that the representative was from his own supplier. The customer did not realise he had switched supplier and he did not wish to switch supplier.

The supplier’s representative left no paperwork with the elderly customer; there were no details regarding the cancellation of the contract or any indication of what actual company the representative was from. After a phone call from her parents the following morning it was a process of elimination to call all the energy suppliers with the MPRN number to find out what company her father had switched to.

The Consumer Protection Act 2007 states that if a salesperson / trader calls to your home (or workplace) uninvited - and if the goods or service they are selling you will end up costing you €50 or more - you must be given a written cancellation form and a cancellation notice. You have at least seven days in which to cancel the contract.

The customer’s daughter phoned the supplier’s Customer Service Team and instructed them to cancel whatever agreement her father had signed up to with immediate effect. The customer’s daughter asked that confirmation of this cancellation, be sent to her and she did not receive this document. She then raised a complaint with the ECT.

The ECT investigation

- The ECT confirmed, with the supplier, the daughter's account of what had happened at her father’s home.
The ECT confirmed that the customer did not receive a copy of the contract he had signed.

**The ECT decision**

- That the supplier confirm in writing to the customer that he had been switched back to his original supplier.
- That the supplier sends the customer a letter of apology and a charter payment of €50.00.

The customer accepted this resolution.
Appendix I – The Complex Complaint Process for complex complaints

1. Complaint arrives with ECT on signed form
2. ECT confirm complaint has completed Supplier or Network Operator Complaint Process
3. Complaint has completed Supplier or Network Operator Complaint Process
   - **NO**
   - Complaint is accessed and logged as appropriate and customer is notified of complaint tracking number and next steps
   - **YES**
   - Customer is advised that they must complete Supplier of Network Operator Complaint Process
   - Complaint is logged as Return to Supplier or Network Operator and closed

- Customer response to report(s) received by ECT and sent to Supplier and or Network Operator
  - Report from Supplier and or Network Operator received by ECT and is sent to customer for comments
  - Complaint Form Sent to Supplier and or Network Operator and Supplier or Network Operator Report Requested
  - ECT investigates complaint
  - ECT drafts Proposed Decision and sends it to Customer and Supplier and or Network Operator - all Parties have 10 working days to provide their comments to ECT
  - ECT Drafts Final Decision which is binding on Supplier and or Network Operator
  - ECT Close Complaint
  - Comments received / not received from all parties after 10 days

- Supplier and or Network Operator implement ECT decision, within 10 working days of direction from Commission