

The British Columbia Utilities Commission: Customer Complaints Guide

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List of Acronyms and Glossary

Administrative Tribunal	Independent agency of a government, operating under and administering legislation.
<i>Administrative Tribunals Act</i>	Provincial legislation that outlines the roles and responsibilities for administrative tribunals in British Columbia.
BCUC or Commission	British Columbia Utilities Commission
Commissioners	Have decision-making powers under the <i>Utilities Commission Act</i> and are appointed by the Lieutenant Governor in Council. Similar to judges in a court.
Commission Staff	Analyze issues and complaints sent to the Commission, may request more information from the customer or the utility to address a complaint. Make determinations on whether complaints have been appropriately addressed or require escalation.
<i>FIPPA</i>	Freedom of Information and Protection of Privacy Act
ICBC	Insurance Corporation of British Columbia
Office of the Ombudsperson	An independent office of the legislature, responsible for making sure that the administrative practice and services of public agencies are fair, reasonable, appropriate and equitable
Office of the Information and Privacy Commissioner, OIPC	An independent office of the legislature monitoring and enforcing FIPPA and PIPA.
<i>PIPA</i>	Personal Information Protection Act
Tariff	The legal service agreement between a utility and its customers. It sets out the terms and conditions for service, as well as rate schedules and standard charges.
<i>UCA</i>	Utilities Commission Act

1 The Commission

The British Columbia Utilities Commission is an independent regulatory agency of the Provincial government that operates under and administers the *Utilities Commission Act (UCA)*.

The Commission regulates energy utilities and ICBC's basic automobile insurance to ensure safe, reliable energy services and fair rates; by seeking input from relevant stakeholders through a fair, transparent and inclusive process; and by issuing well reasoned, clearly written decisions.

The Commission is an administrative tribunal and has responsibilities under the *Administrative Tribunals Act*. As an administrative tribunal, the Commission must uphold the principles of natural justice, including procedural fairness, in all its actions.

2 Who the Commission Regulates

The Commission regulates public energy utilities and basic automobile insurance in British Columbia. The Commission does not regulate water or sewage utilities or telecommunications companies; nor does the Commission regulate municipally-owned energy services operating within their boundaries. The Commission can only address complaints about regulated utilities or ICBC's basic insurance rates.

2.1 Regulated Utilities

The utilities the Commission regulates are determined by the *UCA*. For more information, the definition of a public utility under the *UCA* is included in Appendix A.

2.2 Insurance Corporation of British Columbia

The Commission also regulates ICBC's basic insurance rates under the *Insurance Corporation Amendment Act*. The Commission only reviews complaints about basic insurance rates charged by ICBC. For complaints about ICBC's policies and procedures, ICBC has its own complaint handling process through a Fairness Commissioner. More information on ICBC's complaint handling procedures can be found on their website at <http://www.icbc.com/about-icbc/contact-us/Pages/Raising-your-complaints.aspx>.

3 Complaints the Commission Reviews

The Commission receives written complaints from customers about regulated utilities and ICBC's basic automobile insurance rates and attempts to resolve these complaints where they fall within the Commission's jurisdiction. It is at the Commission's discretion (under the *UCA*) to determine what action, if any, to take on a complaint.

When reviewing customer complaints, Commission Staff are primarily concerned that the regulated companies are following their approved tariffs¹ and the *UCA*.

The Commission also encourages regulated companies to work with customers to understand their tariffs. If Commission Staff become aware of any trends in customer issues, they will pass the information along so the companies can improve customer service or access to important information.

3.1 Complaints the Commission Does Not Review

The Commission is not able to assist customers seeking financial compensation from regulated companies; nor does the Commission investigate customer service disputes that do not relate to the tariffs. These matters are beyond the Commission's jurisdiction.

4 Customer Complaints Process

As an administrative tribunal, the Commission has a responsibility to ensure procedural fairness in all activities. Over the years, the Commission has worked with and received input from the Office of the Ombudsperson to develop the necessary processes to ensure customers are treated fairly.

4.1 Customer's Responsibility Before Making a Complaint

Before Commission Staff will review a complaint, the customer must show they made a serious attempt to resolve the matter with the company. Many complaints are successfully resolved between the customer and the company. When resolution has not been possible, Commission Staff will assist customers in addressing unresolved complaints.

Many complaints the Commission receives result from a misunderstanding of the company's tariff. Customers should always try to gain an understanding of their tariff with the company before contacting the Commission. Often, Commission Staff are able to resolve complaints by providing information about the tariffs in terms customers can easily understand.

Most tariffs are available on each company's website or in hard copy by request to the company. The Commission also provides access to the tariffs on its website.

¹ A tariff serves as a legal agreement between the regulated utility or ICBC and the customer. Tariffs set out the terms and conditions for service, rate schedules (the rate, availability of the rate, applicability of the rate and the conditions for service under that rate) and standard charges. Tariffs are approved by the Commission to ensure customers are treated in a fair and consistent manner.

4.2 Customer Complaint Process

The following is a guide to filing a complaint about a regulated company.

1. Contact the company

Contact the company directly to try to resolve the matter. Many complaints are successfully resolved between the company and the customer.

Make sure to keep a detailed account of the problem including your contacts with the company and copies of all correspondence and bills, and consider reasonable options for resolving your complaint.

Keep a written record of the following:

- Dates of contacts with the company
- Names of people you've spoken to
- Details about your complaint (e.g. timeline of events)

2. If the company is unable to resolve your complaint

If the company is unable to resolve your complaint to your satisfaction, contact the Commission in writing (including email) with the following information:

- Your name, service address and telephone number
- Your account number (optional)
- The type of utility service, including company name
- Your consent to your information, including correspondence, being shared with the company (privacy consent)
- A detailed description of your complaint – include any dates, events or correspondence relevant to your complaint
- A description of the contacts you made with the company and reasons, from your viewpoint, why your complaint remains unresolved

Complaints must meet the following two requirements:

- The customer must have a specific complaint about a regulated company.
- The customer must demonstrate an attempt to resolve the issue with the company before contacting the Commission.

3. What Commission Staff do with your complaint

- First, we review your complaint to determine if we have enough information to proceed. We may contact you for additional information if necessary.
- Once we have enough information, we review your complaint to determine if it is within our jurisdiction. If it is, we send a summary of your complaint to the company, asking them to review your concerns and respond to both Commission Staff and to you. You

will have the opportunity to review the response and send in any additional questions you may have.

- We review the company's response(s) and any information you submit to ensure they addressed the concerns outlined in your complaint and followed their tariff and the *Utilities Commission Act (UCA)*.
- If, after reviewing the information, we believe the utility or ICBC may not have followed its tariff or the *UCA*, we will escalate the file for further review. We may need to contact you again for further information in this case.
- If the company addressed your concerns and followed its tariff and the *UCA*, we will close your complaint file.

Commission Staff undertake the first level review in an effort to resolve the matter. In rare cases, Commission Staff may determine a complaint or an unresolved element of a complaint may be escalated and require adjudication by the Commission. Commission Staff will communicate with the customer and the company regarding the appropriate adjudication process.

5 Language Policy

The Commission recognizes an unresolved complaint can be difficult and frustrating for customers. However, the Commission will not accept complaints or comments of a derogatory or discriminatory nature or which contain profanity or offensive language. If a complaint contains offensive language, Commission Staff will contact the customer in writing and request the customer resubmit the complaint after removing the offensive language.

6 Office of the Ombudsperson

The Office of the Ombudsperson is responsible for making sure that the administrative practice of the Commission is fair, reasonable, appropriate and equitable. The Ombudsperson may not change the Commission's decision.

If a customer is concerned with **the process** the Commission has followed to review a complaint, the customer may contact the Office of the Ombudsperson to request an investigation of the administrative process.

The Office of the Ombudsperson can review the file to ensure the Commission's complaint process was followed and was fair. Though this may not result in a different outcome, the Office could recommend the Commission reopen its investigation.

You may file a complaint on the Office of the Ombudsperson's website at <https://bcombudsperson.ca/complaints>.

You may also contact the Office of the Ombudsperson at:
PO Box 9039 Stn Prov Govt
Victoria, BC V8W 9A5
In Victoria: (250) 387-5855 or toll-free: 1-800-567-3247
Fax: (250) 387-0198

7 Freedom of Information and Protection of Privacy

The *Freedom of Information and Protection of Privacy Act (FIPPA)* "...allows access to information held by public bodies (such as ministries, universities and hospitals) and determines how public bodies may collect, use and disclose personal information."

Personal information is any identifying information, including, but not limited to:

- Name
- Address
- Phone number
- Email address
- Account numbers
- Personal opinions

The Commission and the organizations it regulates must ensure personal information is protected under *FIPPA* and the *Personal Information Protection Act (PIPA)*.

7.1 Authority to Collect Information

The Commission has the authority to collect personal information under the *UCA* and *FIPPA*. For more information, the relevant sections from each of these Acts are available in Appendix B *Utilities Commission Act* and Appendix C *Freedom of Information and Protection of Privacy Act*.

7.2 How Personal Information is Used

It is necessary for the Commission to collect personal information from complainants, such as account numbers, addresses, and details about complaints, in order to conduct a thorough investigation. This information is used by Commission Staff to investigate customer complaints about regulated companies.

Personal information is disclosed by Commission Staff to regulated companies through the complaints process. Commission Staff provide customer complaint correspondence to the specified company and request that the company review the complaint and provide its response.

If you do not want your correspondence to the Commission provided to the company you are filing a complaint about, please let Commission Staff know that you do not consent to disclosure.

7.3 Freedom of Information Requests

The Commission receives Freedom of Information requests from individuals seeking information about the Commission's records.

Under Section 4 of *FIPPA* – “Information rights,” you have the right to request and access Commission records containing your personal information. The Commission may also receive third party requests for records containing your personal information.

If a third party requests access to your Commission complaint file, the Commission can refuse to provide your personal information unless the party identifies reasonable grounds for requiring the information. Section 22 of *FIPPA* – “Disclosure harmful to personal privacy,” states that the public body may refuse to provide personal information about a third party. If the party requesting the information can show why the information is necessary, the Commission may choose to release a redacted summary of your complaint, removing any personal information. The Commission will consult with you if it receives any third party requests for your information.

8 Customer Complaint Contact Information

Please submit your written complaints by mail, email or fax to:

Customer Relations Analyst
British Columbia Utilities Commission
6th Floor, 900 Howe Street
Box 250
Vancouver, BC V6Z 2N3
Email: complaints@bcuc.com
Fax: (604) 660-1102

Appendix A – “Public Utilities”

The *Utilities Commission Act* defines a public utility as:

“...a person, or the person's lessee, trustee, receiver or liquidator, who owns or operates in British Columbia, equipment or facilities for

- (a) the production, generation, storage, transmission, sale, delivery or provision of electricity, natural gas, steam or any other agent for the production of light, heat, cold or power to or for the public or a corporation for compensation, or
- (b) the conveyance or transmission of information, messages or communications by guided or unguided electromagnetic waves, including systems of cable, microwave, optical fibre or radiocommunications if that service is offered to the public for compensation,

but does not include

- (c) a municipality or regional district in respect of services provided by the municipality or regional district within its own boundaries,
- (d) a person not otherwise a public utility who provides the service or commodity only to the person or the person's employees or tenants, if the service or commodity is not resold to or used by others,
- (e) a person not otherwise a public utility who is engaged in the petroleum industry or in the wellhead production of oil, natural gas or other natural petroleum substances,
- (f) a person not otherwise a public utility who is engaged in the production of a geothermal resource, as defined in the *Geothermal Resources Act*, or
- (g) a person, other than the authority, who enters into or is created by, under or in furtherance of an agreement designated under section 12 (9) of the *Hydro and Power Authority Act*, in respect of anything done, owned or operated under or in relation to that agreement.”

Appendix B - (In part) *Utilities Commission Act*

- 23** (1) The commission has general supervision of all public utilities and may make orders about
- (a) equipment,
 - (b) appliances,
 - (c) safety devices,
 - (d) extension of works or systems,
 - (e) filing of rate schedules,
 - (f) reporting, and
 - (g) other matters it considers necessary or advisable for
 - (i) the safety, convenience or service of the public, or
 - (ii) the proper carrying out of this Act or of a contract, charter or franchise involving use of public property or rights.
- (2) Subject to this Act, the commission may make regulations requiring a public utility to conduct its operations in a way that does not unnecessarily interfere with, or cause unnecessary damage or inconvenience to, the public.
- 24** In its supervision of public utilities, the commission must make examinations and conduct inquiries necessary to keep itself informed about
- (a) the conduct of public utility business,
 - (b) compliance by public utilities with this Act, regulations or any other law, and
 - (c) any other matter in the commission's jurisdiction.
- 83** If a complaint is made to the commission, the commission has powers to determine whether a hearing or inquiry is to be had, and generally whether any action on its part is or is not to be taken.

Appendix C – (In part) *Freedom of Information and Protection of Privacy Act*

- 26** No personal information may be collected by or for a public body unless
- (a) the collection of that information is expressly authorized under an Act,
 - (b) that information is collected for the purposes of law enforcement, or
 - (c) that information relates directly to and is necessary for an operating program or activity of the public body.
- 33** A public body must ensure that personal information in its custody or under its control is disclosed only as permitted under section 33.1 or 33.2.
- 33.1** (1) A public body may disclose personal information referred to in section 33 inside or outside Canada as follows:
- (b) if the individual the information is about has identified the information and consented, in the prescribed manner, to its disclosure inside or outside Canada, as applicable;
 - (c) in accordance with an enactment of British Columbia or Canada that authorizes or requires its disclosure;
 - (e.1) to an individual who is a service provider of the public body, or an employee or associate of such a service provider, if
 - (i) the information is necessary for the performance of the duties of the individual in relation to the public body, and
- 33.2** A public body may disclose personal information referred to in section 33 inside Canada as follows:
- (a) for the purpose for which it was obtained or compiled or for a use consistent with that purpose (see section 34)
- 34** (1) A use of personal information is consistent under section 32 or 33.2 with the purposes for which the information was obtained or compiled if the use
- (a) has a reasonable and direct connection to that purpose, and
 - (b) is necessary for performing the statutory duties of, or for operating a legally authorized program of, the public body that uses or discloses the information or causes the information to be used or disclosed.