

- The Administrative Law Judge may ask the Parties to file written briefs about the evidence presented at the hearing and why the ruling should be in your favor.
- The Administrative Law Judge makes a recommendation, called a Proposal for Decision, to the PUC Commissioners. Parties who disagree with the Administrative Law Judge's recommendation may file pleadings called exceptions.
- The Commissioners discuss the case at a public meeting and decide if the complainant has met his/her burden of proof. You are not required to attend the public meeting, but are welcome to attend. The Commissioners usually do not hear public comment at the meeting, but may ask questions.
- The decision made by the Commissioners is called a Final Order. Parties who are dissatisfied with the PUC's decision may file motions for rehearing, asking the Commissioners to reconsider their decision.
- After the Commissioners rule on the motion for rehearing, Parties have the right to appeal the decision to district court in Travis County.

What happens if I don't need a hearing?

If a hearing is not required because there is no disagreement about the facts of the case, the PUC's Administrative Law Judge may ask the Parties to file briefs about whether the Commission should grant the relief you are requesting. The Commission will then consider a proposed order in Open Meeting.

IMPORTANT PROCEDURAL INFORMATION

Where do I send documents about my Formal Complaint?

Unless you are instructed otherwise by an Administrative Law Judge, send documents to the PUC at the following address:

Public Utility Commission of Texas
 Central Records
 Attn: Filing Clerk
 1701 N. Congress Avenue
 P.O. Box 13326
 Austin, TX 78711-3326

Remember to include the docket number on all documents you submit.

Am I required to follow special rules?

You will be required to follow certain procedural rules if you file a formal complaint.

Where can I get a copy of those rules?

A complete set of rules is available on the PUC's web site at www.puc.state.tx.us. From the site map, go to "Rules and Laws," then "Procedural Rules."

In addition, you may purchase copies of Commission rules from Central Records (call 512-936-7180), or you may come to the PUC offices to view the rules.

Do I need to include a complaint number when I file documents with the PUC?

When you first file your Formal Complaint, include the complaint number used during the Informal Complaint process. After your first filing of documents for the Formal Complaint, your case will be assigned a docket number, which is sometimes called a control number.

Always include the docket number on all filings with the PUC. The PUC receives hundreds of filings each week, so it is important to provide the number so your documents can be filed correctly. Each time you file a document, you must submit a total of 11 sets to Central Records (10 copies plus the original).

The information in this brochure is not intended to provide a complete and comprehensive guide to pursuing formal complaints at the Public Utility Commission and the rights and duties of complainants before the Public Utility Commission. This brochure is not a substitute for legal advice or the Commission's rules.

May 2003

HOW TO FILE A FORMAL COMPLAINT



Public Utility Commission
 1701 N. Congress Ave.
 P.O. Box 13326
 Austin, TX 78711-3326
 1-888-782-8477
www.puc.state.tx.us

FILING A COMPLAINT

Who may file a formal complaint at the PUC?

If you are a customer of an electric or telecommunications service provider who filed an informal complaint with the Public Utility Commission (PUC) and you are not satisfied with the resolution, you may file a formal complaint at the PUC.

If your complaint is with your local wires company and you reside within the city limits, you must first submit your complaint to the city. The local wires company is the company that transmits and delivers electricity to a customer's home or business along the poles and wires (formerly a local electric utility). This company is still responsible for maintenance and repair of these poles and wires. You may file a formal complaint with the PUC after the city has reviewed your complaint or after 30 days if the city does not act.

Is it always necessary to file an informal complaint first?

In almost all cases, yes. The informal process is much easier for customers than pursuing a formal complaint. The PUC is able to help most customers who have problems by using the informal process.

What information do I need to include with my formal complaint?

To file a formal complaint, you must file the following information with the PUC's Central Records Division.

- Your name, address, telephone number and facsimile transmission number (if a fax number is available). Note: any person representing you must provide the same information.
- You must submit a total of 11 sets of documents (10 copies plus the original) when you file your formal complaint as well as each time you file a document.
- A description of the facts leading to the complaint including the amount in controversy, if any.
- A statement of the relief that you are seeking.
- The name of the electric provider or telecommunications utility or other person against whom you have a complaint.
- If your complaint is with a local wires company, a statement indicating if the complaint relates to service that you are receiving within the limits of a city.
- If you are seeking relief against a local wires company within the limits of a city, a description of any complaint proceedings conducted by the city. Also include the outcome of those proceedings.
- A statement of whether you have attempted informal resolution through the Commission staff. Include the date on which the informal resolution concluded, or indicate if the time for attempting an informal resolution has passed.

Do I need to hire an attorney?

You are not required to have an attorney to participate in a PUC proceeding. However, you may want to hire an attorney to help you present your case to the PUC.

Will the PUC staff help me?

An Administrative Law Judge and a PUC Staff Attorney will be assigned to your complaint.

The Staff Attorney's job is to represent the public interest. He or she may be able to answer questions about PUC rules and procedures, but the Staff Attorney will not represent you individually, and may ultimately take a position adverse to yours.

Do not contact the Administrative Law Judge, the Division Director of the Policy Development Division, the Commissioners or their staff by mail, telephone or email. The law does not allow them to discuss pending cases with a Party. Their recommendations and decisions must be based on the evidence, written pleadings and arguments that are formally presented in the case.

THE COMPLAINT PROCESS

What can I expect to happen after my complaint is filed?

The PUC will first determine whether your requested relief is something that the PUC can order. The PUC can order corrective action on a variety of complaints including adjustments to a customer's bill. However, the Commission does not have the authority to award monetary damages.

Next, the PUC will determine whether you and the service provider disagree about the facts, that is, what happened to cause you to file your complaint. If there are no factual disputes, no hearing is required and the case can be decided based on the applicable law and regulations.

If there are factual disputes, the PUC will refer the case to the State Office of Administrative Hearings (SOAH) for a hearing.

What happens if a hearing is required?

The hearing is a proceeding, much like a trial. Testimony is presented, and the Administrative Law Judge makes a recommendation to the PUC on whether the complainant has met his/her burden of proof to show that the utility or other entity acted in violation of any law, order, rule or regulation administered by the PUC.

Usually, the participants in a complaint case are the complainant, the service provider and the Commission staff. These participants are referred to as Parties.

The basic steps of the hearing process are as follows:

- An Administrative Law Judge will set a schedule for the case. A prehearing conference in Austin may be held for this purpose or to address other preliminary matters.
- The Parties will have the opportunity to conduct discovery, that is, obtain information about the case from each other.
- The Administrative Law Judge may require the Parties to file written testimony before the date of the hearing.
- A hearing is held in Austin, and witnesses must be present to testify and be cross-examined.