

Utility Complaints

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Electricity, telephone and other forms of telecommunications services are utilities critical to the welfare of the general public and businesses. Disruption of service, the provision of service that is substandard, or the inability to obtain service has the potential to affect the social, economic and political development of a country, so utility companies should be focused on providing quality service and achieving a high degree of customer satisfaction. While some utilities may be more successful at this than others, inevitably there will be complaints. In Barbados, the Fair Trading Commission (Commission) currently regulates the Barbados Light & Power Co. Ltd. (BL&P) and Cable & Wireless (Barbados) Ltd. (C&W) and is mandated to address complaints pertaining to billing and service standards of these companies.

Two of the functions of the Commission in the area of utility regulation are to protect the interest of consumers and to investigate complaints brought by consumers against regulated service providers. The Utilities Regulation Act Cap.282 Section 3 (3) states:

(3) The Commission shall

(a) protect the interest of consumers by ensuring that service providers supply to the public, service that is safe, adequate, efficient and reasonable; and

(b) hear and determine complaints by consumers regarding billings and the standards of service supplied

In order to achieve this objective the Commission actively monitors developments in each utility sector and gauges how the operations of the utility are viewed by the public through the investigation of complaints brought by members of the public against service providers. The Fair Trading Commission Act, Cap.326B (FTCA) provides the foundation for the Commission's legal authority in developing an effective consumer complaints handling process.

The Commission receives both queries and complaints from persons with respect to these regulated utility service providers. A clear distinction is made between a query and a complaint. A query is an inquiry made in order to obtain additional information, seek clarification, or identify the correct procedures for dealing with an issue. Queries are received through telephone calls, letters, facsimiles, emails or visits and are generally addressed within one business day. A complaint is filed with the Commission through the submission of an official FTC Complaint Form which has been completed and signed by the complainant or a signed letter from a business or residential customer. Before the Commission accepts any complaint for investigation the complainant must first satisfy the Commission that he/she has made a complaint, either verbally or in writing to the service provider and has failed to obtain reasonable resolution.

Section 25 (1) of the FTCA states that:

The Commission shall only investigate a complaint made against the service provider or business enterprise where the complainant satisfies the Commission that he has submitted a complaint to the service provider or business enterprise and has failed to obtain reasonable redress.

In some circumstances the nature of the issue that was initially considered a query is such that the Commission staff determines that the matter should be reclassified as a complaint. The customer is then advised to complete an official FTC Complaint form.

Upon receipt of information to substantiate the claim, the Commission seeks to obtain a response from the relevant service provider about the issues identified. The Commission generally allows the service provider 14 business days to submit a response. After all of the information has been assessed the Commission may determine that:

- the service provider is at fault and that specific action is required to remedy the situation ; or
- the service provider acted appropriately.

The Commission's management of consumer complaints may be described as an external private dispute resolution technique which is applied when a business has not satisfactorily handled a complaint. This technique is activated, as was emphasised earlier, when:

- (a) the internal complaint handling processes or
- (b) preventative complaint initiatives of the utility are unsuccessful.

Such preventative initiatives including customer service policies and service charters of the service providers, are intended to diminish the probability that circumstances would cause complaints to develop.

To complement its complaints handling procedure the Commission has instituted its own preventative complaint initiative in the form of its Standards of Service Decisions for:

(a) the supply of electricity from the BL&P and

(b) the supply of domestic fixed telephone service from C&W.

These Standards of Service establish a framework for some of the complaints that are brought to the Commission. It should be noted however that the customer should not bring matters to the Commission unless:

- the service provider has failed to meet the service target (for example the time for repair) and the service provider has rejected the claim; or
- the particular issue is not covered in the Standards of Service document.

As the Commission continues to refine its complaints management procedure it will strive to continue to educate the public on their responsibilities in complaining effectively and improve the Commission's response time.