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BEFORE

2000 MAR 22 AM 9:13 THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

COPY

REGULATORY
REVIEW COMMISSION

Reporting Requirements for Quality :
of Service Benchmarks and : Docket No. L-00000147
Standards. :

**Comments of
Columbia Gas of Pennsylvania, Inc.**

Columbia Gas of Pennsylvania, Inc. ("Columbia" or "the Company") hereby submits the following comments in accordance with the Commission's January 14, 2000 order in this proceeding. Columbia is a member of the Pennsylvania Gas Association ("PGA") and supports the comments submitted by PGA in this proceeding. Columbia submits the following additional comments for the Commission's consideration.

For the reasons set forth in PGA's comments, Columbia maintains that performance data from one utility should not be compared with that of another utility. The correct way to assure that service quality has not declined following the implementation of customer choice is to compare a utility's current performance with its own performance immediately prior to the implementation of the Natural Gas Choice and Competition Act. Inter-company comparisons simply have no relevance to the required statutory determination.

If, however, the Commission decides that inter-company comparisons are essential, it should make certain changes in the proposed rules in order to assure that it receives valid, apples-to-apples comparisons.

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Call Abandonment Rates (Sections 62.32 and 62.33)

To ensure consistency among the data reported by gas utilities, the Commission should adopt a uniform definition of an abandoned call. Moreover, the utility should be entitled to a reasonable period of time to answer a call before it should be considered abandoned. Columbia recommends that the Commission define an abandoned call as one in which the customer hangs up after 45 seconds or more of waiting. Calls which are terminated prior to 45 seconds should not be treated as abandoned calls.

Meter Reading (Section 62.33)

Columbia has a high percentage of meters that are located inside the customer's premises. Through no fault of its own, the Company is often unable to gain access to the premises in order to read those meters on a regular basis. If Columbia's meter reading data is to be compared with that of other Pennsylvania utilities, it should be adjusted to reflect the varying numbers of inside meters. Without such an adjustment, the comparison will produce erroneous and misleading results.

Surveys (Section 62.34)

The Commission should not mandate the use of a uniform survey for all natural gas distribution companies. Columbia has expended considerable time and money to develop a proprietary survey that measures Company performance and customer satisfaction. It has been modified and refined in order to meet Columbia's specific needs. Since it is not cost-effective to conduct more than one survey, mandating a uniform survey would effectively deny

Columbia and other utilities the ability to design a survey that reflects the unique circumstances and needs of the company and its customers.

The Commission should also recognize that the expanded availability of customer choice has increased the likelihood of customer contacts with third-party suppliers. As a result, customer survey results may well reflect experiences the customers have had with those parties, rather than the natural gas distribution company. Such results should not be interpreted as an indication that the quality of service provided by a natural gas distribution company has declined.

Respectfully submitted,

Kenneth W Christman.

Kenneth W. Christman, General Counsel
650 Washington Road
Pittsburgh, Pennsylvania 15228
(412) 572-7159

Attorney for
Columbia Gas of Pennsylvania, Inc.

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2000 MAR 28 AM 11:07
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STATOIL ENERGY

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Alexandria, Virginia 22314
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FAX (703) 317-2306

March 27, 2000

Honorable James McNulty, Secretary
Pennsylvania Public Utility Commission
North and Commonwealth Streets
PO Box 3265
Harrisburg, PA 17105-3265

COPY

RE: Docket No. L-00000147, The Commission's
Proposed Rulemaking Order on Reporting
Requirements for Quality of Service Benchmarks
and Standards

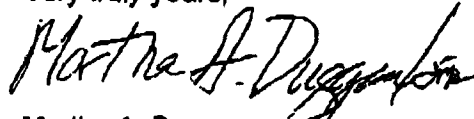
Dear Secretary McNulty:

Enclosed please find the original and 15 copies of comments of Statoil Energy Services, Inc. and TXU Energy Services in the above-captioned proceeding.

We respectfully request that these comments be filed *nunc pro tunc*.

Thank you very much for your assistance with this matter.

Very truly yours,



Martha A. Duggan
Director of Regulatory Affairs
On Behalf of Statoil Energy
Services, Inc. and TXU Energy
Services, Inc.

cc: Irwin A. Popowsky, Esquire (w/enclosures)
Bernard A. Ryan, Esquire (w/enclosures)

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**Commonwealth of Pennsylvania
Pennsylvania Public Utility Commission**

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**Reporting Requirements for Quality of Service
Benchmarks and Standards**

) Docket No.
) L-00000147
)

**COMMENTS OF
STATOIL ENERGY SERVICES, INC. and TXU ENERGY SERVICES ON THE
COMMISSION'S PROPOSED RULEMAKING ORDER**

I. Introduction and Background

Statoil Energy Services, Inc. and TXU Energy Services (hereinafter "Statoil" and "TXU") appreciate the opportunity to provide comments on the Commission's Proposed Rulemaking Order concerning Reporting Requirements for Quality of Service Benchmarks and Standards. Both Statoil Energy Services, Inc. and TXU Energy Services are integrated energy companies selling natural gas, electricity, and other fuels to large industrial, institutional and commercial customers in Pennsylvania and throughout the Northeast and Mid-Atlantic. Statoil and TXU sell natural gas behind virtually every natural gas distribution company in Pennsylvania. Both companies are licensed by the PAPUC as Natural Gas Suppliers.

Correspondence concerning these comments should be addressed to the following:

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**T.W. Merrill, Jr., President
CESCO on behalf of TXU
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SECRETARY'S BUREAU

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Our primary interest in this proceeding is to ensure that the Commission incorporates the customer needs of marketers (in their role of customers of the distribution companies) in its crafting of reporting requirements for Natural Gas Distribution Companies (NGDCs). These comments are intended to assist the Commission in establishing policy and procedures to this end.

II. Description of Proceeding

On January 14, 2000, the Commission issued a Proposed Rulemaking concerning reporting requirements for quality of service benchmarks and standards. The Proposed Rulemaking follows the direction of the Natural Gas Choice and Competition Act, which states that customer services shall, at a minimum, be maintained at the same level of quality under retail competition. The Commission states its proposed regulations will provide the necessary measurement data to monitor the performance of the Natural Gas Distribution Companies (NGDCs). The requirements address various components of customer service, including telephone access, billing frequency, meter reading, timely response to customer disputes, the proper response to customer disputes and payment arrangement requests, compliance with customer service rules and regulations, and serving customers in a prompt, courteous and satisfactory manner.

III. Comments

Statoil and TXU, marketers and supplier of natural gas to customers in Pennsylvania, have both appeared before numerous state public utility commissions in the Northeast and Mid-Atlantic to advocate increased retail customer choice. Both companies have participated in collaboratives, roundtables, litigated proceedings and in the development of state legislation to make natural gas choice a reality.

We applaud the Commission's proposed regulations to ensure customer service is not degraded with retail competition. However, we submit that the regulations fail to address NGDC services to an entire class of customers. Natural Gas Distribution Companies must also be held accountable for customer service to third-party suppliers through similar benchmarks and reporting requirements. Indeed, the Commission can enhance customer service to residential customers and other classes of customers by monitoring the NGDC services provided to NGSs. The combination of quality service from both the NGDC and the NGS is what will guarantee excellent customer service to the end user. But, the ability of the NGS to "hold up its end of the bargain" is, to a large extent, dependent on the NGDC.

With the passage of natural gas choice legislation last year our hope is that marketers with business on the distribution systems of the gas utilities in the state will represent a new and growing customer base of these utilities. As noted in a study prepared for the National Association of Regulatory Utility Commissioners (NARUC) concerning similar monitoring by regulators for the purpose of analyzing Performance-Based Rates (PBR) for utilities: "[D]istribution utilities in a competitive environment will also be called on to serve energy service providers, conservation suppliers, marketers, brokers, aggregators, metering companies, billing entities, energy generators, and other wholesalers. Service quality PBR can monitor performance for these customers as well as for retail customers."¹

A utility that scores well on any of the proposed benchmarks discussed in the Proposed Rulemaking Order may not have provided truly exceptional customer service to that portion of its customers who are exercising choice in

¹ Biewold, B., Bradford, P., Chernick, P., Geller, S., Oppenheim, J. and Woolf, T. 1997. *Performance-Based Regulation in a Restructured Electric Industry*. Synapse Energy Economics, Inc. (Cambridge, Massachusetts) p. 34

natural gas supplies. We recommend that the Commission go beyond analysis of the NGDC performance vis a vis its sales customers, and expand the inquiry to include sales and transportation customers. In order to evaluate performance with regard to transportation customers, it is critical that the Commission develop and include **Natural Gas Supplier Satisfaction Measures** – measures that will evaluate the quality of interaction between the NGDC and the NGS, for the benefit of the end user.

Along with other marketers, we have been actively advocating and negotiating benchmarks in New York and elsewhere for assessing utilities' performance in the competitive environment. From these experiences, we recommend indices that can be quantitatively benchmarked in ascertaining a utility's performance in meeting the needs of customers. These measures include:

- Accuracy and timeliness of responses to requests for consumption history;
- Timeliness of processing enrollments;
- Timeliness and accuracy of metering and billing data;
- Number and frequency of billing adjustments;
- Timeliness of posting of consumption and delivery data;
- Timeliness and accuracy of balancing data;
- Number of complaints (formal and informal) received from marketers;
- Timeliness and accuracy of flow orders (specific to LDCs who determine quantities marketers are to deliver);
- Speed of response to marketer phone calls, requests and inquiries;
- Frequency and quality of NGDC's meetings with NGSs
- Effectiveness of collaborative processes
- Accessibility and flexibility of NGDC staff

The Commission may also want to measure utilities' performance in opening their system to competition. In this regard, there are numerous

measurements available such as migration and enrollment trends. The measures we recommend are supported by the above-mentioned NARUC study. Drawing a parallel to the telecommunications industry (in part because of the infancy of the energy services market), the NARUC study proposes that "measurement of specific data can be used to determine service quality [to non-retail customers] in a manner similar to that in which retail service is measured. Indices might include data error (corrected bills), average time from order to ordinary installation, and conformance of payment transmission to contractual standards. Alternatively, as with retail service, overall customer complaints can be tracked."²

IV. Conclusion

These remarks are not intended to address the wealth of issues and details the Commission faces with the implementation of specific reporting requirements for NGDCs. Rather, Statoil Energy Services, Inc. and TXU Energy Services simply urge the Commission to consider the needs of non-traditional customers of NGDCs as it moves forward with this initiative. If the Commission fails to do so, much of the NGDCs' future customer base will not be heard in the assessment of a utility's performance. Furthermore, and perhaps most importantly, the Commission will have missed an opportunity to guarantee quality customer service in the future through the development of competitive markets.

Again, we appreciate the opportunity to offer comments on this important aspect of choice and competition in markets for natural gas in the Commonwealth.

² Ibid.

ON BEHALF OF STATOIL ENERGY SERVICES, INC. AND TXU ENERGY SERVICES

Respectfully Submitted,



Martha A. Duggan
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PA. PUBLIC UTILITY COMMISSION LAW BUREAU FAX

MAR 28 AM 11:07

REGULATORY
REVIEW COMMISSION

Date: 3-28-00

of Pages: 8 (including transmittal sheet)

To: Lim De Bien

From: Sheri DelBiondo

Telephone (voice): (717) 772-4597
(fax): (717) 783-3458

Comments: _____

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REVIEW COMMISSION

STATOIL ENERGY

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March 27, 2000

Honorable James McNulty, Secretary
Pennsylvania Public Utility Commission
North and Commonwealth Streets
PO Box 3265
Harrisburg, PA 17105-3265

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RE: Docket No. L-00000147, The Commission's
Proposed Rulemaking Order on Reporting
Requirements for Quality of Service Benchmarks
and Standards

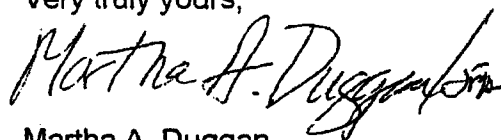
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Services, Inc.

cc: Irwin A. Popowsky, Esquire (w/enclosures)
Bernard A. Ryan, Esquire (w/enclosures)

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Commonwealth of Pennsylvania
Pennsylvania Public Utility Commission

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Reporting Requirements for Quality of Service
Benchmarks and Standards

) Docket No.
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SECRETARY'S BUREAU

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² Ibid.

ON BEHALF OF STATOIL ENERGY SERVICES, INC. AND TXU ENERGY
SERVICES

Respectfully Submitted,



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Pennsylvania Gas Association

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March 20, 2000

PENNSYLVANIA REGULATORY
REVIEW COMMISSION

Mr. James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Room B-20, North Office Building
P.O. Box 3265
Harrisburg, Pa 17105-3265

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VIA HAND DELIVERY

Re: Docket No. L-00000147: Reporting Requirements for Quality of Service Benchmarks and Standards

Dear Mr. McNulty:

Pursuant to the Proposed Rulemaking Order ("Proposed Rulemaking") adopted by the Commission on January 12, 2000 and published in the February 19, 2000 issue of the *Pennsylvania Bulletin*, 30 Pa.B. 893 (2000), the Pennsylvania Gas Association ("PGA"), on behalf of its natural gas distribution company ("NGDC") members, submits this letter for consideration in lieu of formal comments. Per Ordering Paragraph 7, *id.* at 895, the original and 15 copies of this letter are tendered for filing.

1. *The Proposed Rulemaking Incorrectly Presupposes that the Previously Adopted Reporting Requirements for Electric Distribution Companies Are Also Appropriate for Natural Gas Distribution Companies.*

PGA recognizes that, with the notable exceptions described below, the proposed reporting requirements track those adopted in July 1998 as part of the Commission's implementation of electric choice, *Rulemaking re: Reporting Requirements for Quality of Service Benchmarks and Standards*, 52 Pa. Code Ch. 54 §§ 54.151-54.155, published in, 28 Pa.B. 3283 (Jul. 11, 1998) [hereinafter the "Electric Requirements"]. PGA filed comments in the electric proceedings, and we appreciate the Electric Requirements reflect some of PGA's comments. We also acknowledge that the statutory basis for the Electric Requirements, 66 Pa.C.S. § 2807(d), has a counterpart in the Natural Gas Choice and Competition Act ("Gas Choice Legislation"), see 66 Pa.C.S. § 2206(a).

At the same time, however, the Commission's apparent decision to impose its Electric Requirements on NGDCs is regrettable. At the outset, a sound argument can be made that, for NGDCs, competitive forces are sufficient in themselves to ensure high quality customer service. As the Commission recognized long ago in its line extension policy statement, natural gas is an elective service, which stands or falls according to its attractiveness and value in the marketplace:

[F]or the natural gas industry it has become increasingly clear that, in the residential energy market, the ready availability of alternative fuels and electric utility service make natural gas largely a matter of customer choice. As such, it appears that in most circumstances, a request for a natural gas line extension would be deemed to be a request for "special utility service" . . . given the existence of a safe, adequate and competitively priced alternative.

Mr. James J. McNulty, Secretary
Docket No. L-00990147
March 20, 2000
Page 2

Line Extensions, Docket No. L-00930089, 27 Pa.B. 799, 800 (citations omitted). With competitive forces already driving NGDCs to provide quality customer service, the Commission can and should question whether reporting requirements are necessary.

The need to examine the necessity of these requirements is particularly acute since the Proposed Rulemaking displays no meaningful consideration of the costs NGDCs will incur to implement the Electric Requirements. It would seem that, at a minimum, the Commission should have made some effort to assess these costs, and to then compare them with the expected ratepayer benefits accruing under the Gas Choice Legislation. Had this exercise been undertaken, the Commission may well have opted for a significantly scaled down set of reporting requirements. For example, many NGDCs already conduct customer satisfaction surveys as a matter of sound business practice. Allowing them to continue these current surveys would be considerably less costly than forcing them to develop new ones to meet the Electric Requirements. Also, some of the Electric Requirements call for information that is not currently available in the NGDCs' billing, call center and metering systems. If there had been a cost-benefit analysis, it may even have been found that the best course would have been to reject the Electric Requirements and adopt some other means of enforcing Section 2206(d).

2. *Reported Information Should Be Used Only for Its Statutory Purpose.*

Early in the Proposed Rulemaking's preamble, the Commission notes, "[T]he elements addressed by this rulemaking are presented to allow the Commission to ensure that the customer service of Pennsylvania's NGDCs remains at an adequate level." 30 Pa.B. at 893. This statement reflects a correct reading of Section 2206(a), which goes on to specify that an NGDC's customer service is "adequate" if it is "maintained at the same level of quality under retail competition as in existence on the [legislation's] effective date. . . ." Section 2206(a) calls for each NGDC to be measured against itself, and against itself only, to ensure that its present and future customer services have not slipped below the level that existed before the Gas Choice Legislation was enacted.

Despite the clear language of Section 2206(a), and the Commission's express acknowledgement of that language in the preamble, the Proposed Rulemaking strongly suggests that information reported under these requirements will be used to compare NGDCs against one another and, ultimately, to impose a single set of performance benchmarks and standards across Pennsylvania; for example, "After the Commission receives adequate measurement from the NGDCs, it will embark on a separate proceeding to establish performance benchmarks and standards for the NGDCs." Proposed Rulemaking, 30 Pa.B. at 894; see also Proposed Section 62.34(3) ("The NGDCs shall carry out the transaction survey process using instruments and procedures that provide the Commission with uniform data that can be used to directly compare customer service performance among NGDCs in this Commonwealth.").

The Gas Choice Legislation neither requires such comparisons nor authorizes the Commission to undertake them. The only cited jurisdiction for NGDC v. NGDC comparisons is Section 501 of the Public Utility Code, 66 Pa.C.S. § 501, which grants the Commission authority to issue regulations to "enforce, execute and carry out . . . the provisions of the [Public Utility Code] and the full intent thereof. . . ." Proposed Rulemaking, 30 Pa.B. at 895. Even Section 501 has some limits, however, and we believe these limits are exceeded when information provided for a specified statutory purpose is then used to pursue a non-statutory objective. Accordingly, PGA must respectfully question whether the Commission has jurisdiction to use Section 2206(a) data to develop and impose statewide performance standards. If, as we believe, there is no jurisdiction for this activity, the Commission should, and indeed must, specify that 2206(a) data will be used only to identify each NGDC's pre-legislation level of customer service, and

to verify that current and future service quality has not fallen below the pre-legislation level. (A separate question arises over what should be used to define the pre-legislation level of customer service quality. Given the impracticality of looking backward to set this base level, the Commission should instead provide that for purposes of these requirements the pre-legislation level will be defined by whatever an NGDC submits in its first report.)

3. *Transaction Survey Interactions Should Be Specifically Defined, and Dunning Calls Should Be Excluded.*

The proposed regulations contain two lists of interactions that are to be captured in transaction surveys. One list appears in part (ii) of the definition of "transaction survey." The other appears in Proposed Section 62.34(2). The two lists are inconsistent with each other, and, at a minimum, the Commission should reduce them to a single, internally consistent standard. In addition, the list appearing in part (ii) of the "transaction survey" definition is phrased as items that could be included. This list should not be open ended. Specific items should be identified, and any departure from the identified list should be subject to the same procedures, including those required under the Regulatory Review Act, that are being followed to make the original list part of the Commission's regulations.

Separately, PGA directly questions the usefulness or wisdom of Proposed Section 62.34(2)(i), which would require NGDCs to include dunning calls in their transaction surveys. By the very nature of these calls, one can rest assured the recipients will have little good to say about their NGDC. With this being the case, we see no value in adding these calls to the transaction survey.

4. *The Transaction Survey Working Group Should Include NGDCs and the Commission Only.*

The Commission proposes to convene a working group to develop the details of the transaction survey. Assuming this survey is to be administered by NGDCs to measure their customer service quality, NGDCs and the Commission should be the only parties involved. Other parties, with other agendas, need not and should not be included.

5. *Mandatory Reporting of "Justified Payment Arrangement Requests" Improperly Elevates Non-Binding BCS Guidelines to the Status of Commission Regulations.*

The Proposed Rulemaking defines "justified payment arrangement request" as "A payment arrangement request when an NGDC did not follow Commission negotiation procedures or regulations." 30 Pa.B. at 895. The "regulations" appear in 52 Pa. Code § 56.151, which states in part that when an NGDC is negotiating a payment arrangement it must consider four factors: the size of the unpaid balance, the ratepayer's ability to pay, the ratepayer's payment history, and the length of time over which the bill accumulated. *Id.*, § 56.151(3)(i)-(iv). The relative weight of these four factors, and the extent to which an NGDC must consider them, are not specified in the regulations. In determining whether a customer grievance is "justified," however, the Bureau of Consumer Services uses internal guidelines that have not been subject to the Regulatory Review Act process and that, in the opinion of many, are not consistent with other provisions of Chapter 56.

Mr. James J. McNulty, Secretary
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Page 4

To require NGDCs to report justified payment arrangement requests is, in effect, to give the force of law to BCS guidelines that are disputed in fact and have no foundation in law. Pending Regulatory Review Act examination of the BCS internal guidelines, references to justified payment arrangement requests should be removed from the reporting requirements.

6. *The Final Rulemaking Order Should Expressly Acknowledge That the Costs NGDCs Incur to Comply with These Requirements Are Recoverable Under the Natural Gas Choice and Competition Act.*

Assuming the Commission cannot be dissuaded from imposing the Electric Requirements on NGDCs, there should at least be some recognition of the resulting compliance costs and their recovery. As codified at 66 Pa.C.S. § 2206(e), the Gas Choice Legislation provides for full recovery of resulting consumer education expenses via a non-bypassable, competitively neutral mechanism. The reporting requirements directed at call center activity, *i.e.*, Proposed Section 62.33(b), could be viewed as consumer education expenses, since these charges directly relate to answering customer inquiries about gas choice. Compliance with call center requirements could be therefore subject to non-bypassable recovery mechanisms. At the very least, the Commission should recognize that these expenses, and all other compliance costs imposed through this docket, are eligible for deferred recovery, with capitalization and amortization, as provided in 66 Pa.C.S. § 2211(b).

PGA appreciates this opportunity to comment, and urges the Commission to consider the points detailed above as it continues its deliberations.

Respectfully submitted,



Dan Regan
President

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cc: Coccodrilli
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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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REPORTING REQUIREMENTS FOR :
QUALITY OF GAS SERVICE : Docket No. L-00000147
BENCHMARKS AND STANDARDS :

COMMENTS OF THE
OFFICE OF CONSUMER ADVOCATE

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I. INTRODUCTION

The Office of Consumer Advocate appreciates the opportunity to provide comments to the Commission on the important issue of establishing reporting requirements relating to quality of service to provide the necessary information to ensure that the quality of customer services is maintained, as required by section 2206(a) of the Natural Gas Choice and Competition Act, at the same level under retail competition as has existed in the past.¹ 66 Pa.C.S. § 2206(a).

OCA supports the Commission's efforts to implement reporting requirements for natural gas service quality that are based on those developed in the context of electric restructuring. In order to determine how quality of service will be maintained, it will be necessary to decide on what measurements will be used to track customer interaction with the natural gas distribution company (NGDC). This is the topic of the proposed rulemaking at issue here. As the Commission also recognizes, a critical second step will be to establish performance benchmarks and standards.

¹OCA has been assisted in the development of these comments by Barbara R. Alexander, a consultant with expertise in matters related to customer service and consumer protection issues that impact residential customers.

The establishment of such standards and, in addition, enforcement mechanisms, are necessary to assure adequate performance. The establishment of these reporting requirements will be essential to the development of such standards.

While OCA offers specific comments on the proposed rule itself below, OCA submits that the Commission should also in this rulemaking establish the timelines for establishing performance standards and benchmarks and enforcement mechanisms. In particular, the final rule should contain a procedure for the future adoption of utility-specific baseline performance standards and enforcement mechanisms to assure compliance with an historical level of service quality as Pennsylvania move toward competition. Merely collecting data on a forward going basis from the utilities, as this rule requires, is not sufficient given that all restructuring proceedings will be completed shortly and the Commission's obligations to ensure the maintenance of quality of service are imminent.

OCA's concern is heightened by the fact that this rule will create new and standardized reporting requirements for all utilities as opposed to relying on the current utility-specific data that already exists. This approach will make it difficult to compare a utility's performance under the new reporting requirements with its historical level of service quality. In other words, this rule will not easily allow for the comparison of future service quality performance with the period prior to the enactment of the Competition Act.

In addition to establishing an appropriate timetable for the establishment of baseline standards and enforcement mechanisms, the proposed procedures for reporting requirements should be amended in two key ways. In particular, the Commission should create a database of the service quality data that each utility has gathered for the past 3-5 years, which should be made available by

the Commission to the public. This should be done promptly. Additionally, the Commission should require NGDCs to analyze and compare, to the extent possible, their previously- maintained service quality data for each performance area with data gathered during the first reporting period and should provide this information in August 2001 as part of their first filing under this rule.

Finally, OCA recommends the adoption of two additional reporting requirements: (1) customer dispute ratios, and (2) response time to safety calls. OCA submits that these are key areas of service quality that should be monitored and maintained.

II. COMMENTS

A. The Commission Should Set Forth A Clear Timeline For The Establishment of Performance Benchmarks and Standards and Enforcement Mechanisms.

As indicated in the Introduction, OCA submits that the Commission should set forth in this rule a timetable for the establishment of baseline performance standards for each utility and for the development of a appropriate enforcement mechanisms. OCA submits that it is reasonable that beginning in 2001, each utility and the public should know the performance level to which the NGDC will be held accountable and the penalties that will be in place to respond to the failure to maintain that performance level. While the Commission has indicated that it will commence a rulemaking to develop quality of service benchmarks and standards in the future (30 Pa. Bull. at 894), it is appropriate to establish a timetable for the achievement of this next step so that both customers and utilities can be assured that this issue will be addressed in a timely manner.

This matter is of significant concern. OCA has seen how other states that have failed to establish well-defined performance areas, baseline performance standards and clear enforcement mechanisms have suffered significant deterioration in service quality under multi-year Performance

Based Ratemaking plans. While this has been readily evident with certain Bell Operating Companies in the midwest and western areas, both electric and natural gas utilities have not been immune to the deterioration in service quality.² The pressure to cut costs on the monopoly side of the business as a result of the move to competition is the basis for our concern that reliability and other service quality indicia not be compromised. Several states have initiated or adopted specific reliability and customer service standards to accompany the move to increased competition or to improve service quality as a condition of a merger because of this concern.

Specifically, OCA proposes that the final rule require that the NGDCs submit their recommendations for baseline performance standards with their 2001 annual report submitted in February, 2002, followed by a reasonable opportunity for public review and comment. The rule should then establish a projected date (we suggest June, 2002) by which the Commission intends to initiate the process to establish utility-specific performance standards in each of the areas covered by the reporting rule. Also at that time, the Commission should explore the use of NGDC-specific enforcement mechanisms that rely on the linkage of deterioration in service quality with the NGDC's revenue requirement and rate of return for regulated distribution services.³

²The service quality deterioration that occurred in most of the states served by U.S. West Communications was documented in Davis, Virginia, et al., National Regulatory Research Institute, Telecommunications Service Quality, March, 1996; see also, Alexander, Barbara, "How to Construct a Service Quality Index in Performance Based Ratemaking," The Electricity Journal, April, 1996.

³In OCA's Comments to the Commission on quality of service benchmarks in the context of electric restructuring, OCA described several approaches to establishing benchmarks and enforcement mechanisms that could be tailored to individual utilities. Tentative Order re: Quality of Service Benchmarks and Standards Made Pursuant to 66 Pa.C.S. § 2802(11) and § 2807(d), Docket No. M-00960890F0007, Comments of the Office of Consumer Advocate filed May 12, 1997. These included using historic performance data, using standards that already exist in Pennsylvania or other states, and comparisons of performance by comparable utilities or in competitive industries

B. Historic Baseline Data Should Be Gathered And Made Available Promptly.

As the Commission moves toward the next stage of establishing baseline standards and enforcement mechanisms, two key amendments to the proposed procedures should be implemented. First, the Commission should create a database of the service quality data that each utility has gathered for the past 3-5 years. This data should be reported by the NGDCs within 30 days of the rule's adoption and should be made available by the Commission to any member of the public upon request. As part of their first filing under the proposed Service Quality Reporting Rule (August, 2001, reflecting data from January-July, 2001), the rule should require the utility to analyze and compare, to the extent possible, their previously-maintained service quality data for each performance area (or an area substantially similar) set forth in the rule. This will allow a cursory, if not exactly comparable, review of the utility's performance for the period immediately prior to the enactment of the Act and subsequent years. While each utility has no doubt collected different data and often defined their performance areas and reporting methods differently, the key comparison is not between the various NGDCs themselves, but between each NGDC's own prior (pre-competition) and future (post-competition) service quality performance. The Act not only requires that reliability be maintained throughout the Commonwealth, but also that the performance at each individual utility does not suffer as a result of the move to retail gas supply competition. The OCA submits that collection of this historic data will prove useful in the establishment of a baseline performance standard and will enable the Commission to focus on potential trouble areas or hot spots in the service quality data on a forward-looking basis.

in the state or region.

C. Additional Measurement Areas for Reporting Requirements

As discussed below, OCA has two suggestions for areas that should be measured, one of which is a performance area unique to natural gas distribution companies. These items should be added to the provisions of Section 62.33, Reporting Requirements:

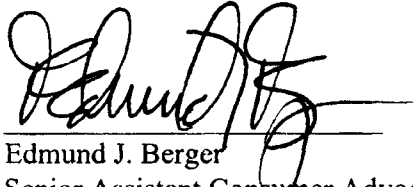
Customer Dispute Ratio: While OCA agrees that the Commission should track an NGDC's timeliness in its response to customer disputes, OCA also submits that the Commission should require the NGDC to track and report its dispute ratio by key categories. It is certainly correct that an individual dispute is not necessarily an indication of a utility wrongdoing, but it is an indication that the utility was not able to satisfactorily resolve the dispute with the customer prior to an informal appeal to the Commission. Indeed, many competitive businesses welcome disputes and complaints because they are one of several key indicators of business performance and offer the opportunity for a business to create a satisfied customer. Furthermore, an analysis of dispute ratios over time can be an excellent barometer of service quality. For example, if a utility has an historical baseline of 15 complaints per 1,000 customers and suddenly this ratio increases to 20, that is a red flag that indicates a failure in the implementation of current company policy or the existence of a new service quality problem or issue that should receive prompt management attention. A continuing increase in a utility's dispute ratio is probably due to a failure to track, analyze and respond to a rising complaint ratio. Several other state commissions have included a customer complaint ratio in their service quality performance measurements (notably, New York, in all of its service quality indices for electric and gas utilities under multi-year rate plans) and OCA suggests

that, at a minimum, the Commission should require that the customer dispute ratio be tracked and reported.

Response Time to Safety Calls. The OCA recommends that the Commission require NGDCs to track and report the minutes between the logging of a customer's request for a premise visit due to gas safety concerns and the appearance of an NGDC technician at the customer's premises. The typical industry practice is to track such a performance area. Typically, the standard is a maximum of 60 minutes. This is an important aspect of a natural gas distribution company's safety and reliability program that should be captured by the Service Quality Benchmarks and Standards.

WHEREFORE, OCA respectfully submits that the Commission should establish a timetable for the establishment of appropriate performance benchmarks and standards and the implementation of an enforcement mechanism to ensure quality of service is maintained. The Commission should also create a database of historic service quality data which can then be used for comparison purposes as part of each NGDC's first filing under this rule. Finally, the Commission should also include the following reporting requirements: (1) a customer dispute ratio broken down into key categories and (2) response time to safety calls.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Edmund J. Berger', is written over a horizontal line. The signature is fluid and cursive.

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Dated: March 20, 2000

CERTIFICATE OF SERVICE

Re: Reporting Requirements for Quality of Gas Service
Benchmarks and Standards
Docket No. L-00000147

I hereby certify that I have this day served a true copy of the foregoing document, OCA's Comments, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below:

Dated this 20th day of March, 2000.

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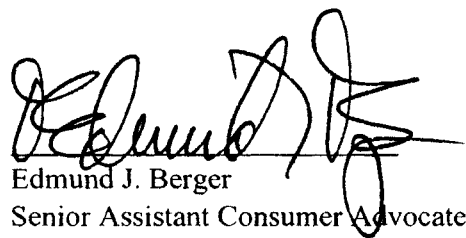
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