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GENERAL INFORMATION

PART II - RULES AND REGULATIONS

9. DISPUTE RESOLUTION

A. GENERAL DISPUTES

The following process is to be followed to address all retail access disputes/complaints between Distribution Customers and the Distribution Provider with respect to retail access program issues. Disputes involving Retail Customers, of either the Distribution Customers or the Distribution Provider, are not addressed by this process. Each Distribution Customer and the Distribution Provider shall designate specific personnel to be responsible for responding to complaints and disputes under this process. The parties may also pursue other legal mechanisms to address complaints and disputes.

- (1) Any Distribution Customer or the Distribution Provider may initiate the dispute resolution process by presenting a written description of the dispute/complaint, and a proposed resolution, to the other party or parties involved in the dispute, sent in a manner that will verify its receipt.
- (2) The other party or parties must, as soon as possible, but in no case more than fifteen (15) calendar days following receipt of the complaint, provide a written response to the complaining party or parties, with an alternative resolution proposal if the complaining party's or parties' proposed resolution is deemed unacceptable; or, with the results of any informal resolution that may have been reached with the other party or parties prior to that date.
- (3) If the initial exchange of written material (and perhaps verbal discussions) does not resolve the dispute, the complaining party or parties may request a meeting(s) to discuss the matter further. The responding party or parties or parties must agree to such a meeting(s) to be held within fifteen (15) calendar days following the request.
- (4) The parties may agree to use alternative dispute resolution techniques with mutually agreed-upon time frames that may differ from those defined in the dispute resolution process.
- (5) If a resolution is not obtained within forty-five (45) calendar days after the initial complaint letter or the mutually agreed-upon time frame, either party may file the complaint with the Department of Public Service for resolution.
- (6) If a Distribution Customer or Distribution Provider believes that special circumstances (such as an emergency involving public safety, system reliability or significant financial risk) exist that would require more expeditious resolution of a dispute or complain than might be expected under the process described herein, it may submit its complaint to the Department of Public Service, with a copy provided to the other party or parties involved in the dispute. The Department will respond to such a filing by:
 - (a) Expeditiously resolving the dispute; or
 - (b) Advising that the standard dispute resolution process described above be followed.
- (7) If a dispute involves the accuracy of invoiced charges, the invoiced charges must be paid, subject to refund with interest (1.5% per month). This interest is only payable when associated with a finding of deficiency on the part of the party holding the funds determined to be due the other party.

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ISSUED BY: James A. Lahtinen, Vice President Rates and Regulatory Economics, Rochester, New York