**Section 280.230 Commission Complaint Process**

a) Intent: This Section provides utilities and customers with a process through the Commission's Consumer Services Division that allows the parties to settle a dispute without litigation; or to appeal an ongoing conflict that cannot be resolved informally to the Commission's formal complaint process.

b) Intake of Complaints by the Commission's Consumer Services Division:

1) Telephone or in person: The Consumer Services Division shall perform a customer interview and draft an informal complaint, including a description of the dispute and the relief sought. Telephone or in person informal complaints may also be taken from the customer's designated representative.

2) Writing: The customer or the customer's designated representative may submit informal complaints in writing, either electronically or through traditional mail or fax (if available), to the Consumer Services Division.

c) Presentation of the Complaint to the Utility:

1) Except as noted in subsection (c)(2), the complaint shall be submitted by the Consumer Services Division to the utility in writing and shall contain as much of the following information as is available: the customer's name, service address, mailing address if different from service address, phone number, account number, any alternative contact information; a description of the complaint; and the relief being sought by the customer.

2) If all the parties agree, the written informal complaint process may be waived, and the Consumer Services Division may work to resolve the complaint by immediate direct contact between the parties at the time the customer initiates the informal complaint.

d) Timeline to Answer:

1) The utility shall answer the informal complaint within 14 days.

2) The Consumer Services Division shall mark as "urgent" those informal complaints that should be handled by the responding party on a priority basis.

e) Extensions: By contact with the Consumer Services Division prior to the lapse of the 14 day response period, the utility may seek to extend the timeline for a response. Consumer Services Division Staff shall decide whether to grant the extension.

f) Utility Answer to the Informal Complaint:

1) Except when the parties agree to a non-written response, the utility's answer to the Consumer Services Division shall be made in writing and shall contain:

A) A detailed description of the utility's position on the complaint, including the reasons for taking the position;

B) If applicable, a reference to the section of the tariff, rule or law that supports the utility's position;

C) A description of any interaction between the utility and the customer in answering the informal complaint.

D) The amount of any adjustments to the customer's bill;

E) The results of any tests performed on the equipment serving the customer; and

F) Any additional information requested by the Commission Staff.

2) Review of answer with customer: After receipt of the utility response, the Consumer Services Division shall have 14 days to contact the customer to review the results of the informal complaint.

3) Ongoing dialogue/negotiations: Upon agreement of the customer and the utility, further discussion may occur between the parties after the response to the informal complaint.

g) Prohibition on Disconnection: The utility shall refrain from disconnecting a customer during an informal or formal complaint for any amount or reason that is the subject of the informal or formal complaint. However, nothing shall prevent the utility from disconnecting service for reasons of safety or cooperation with civil authorities.

h) Right to Appeal:

1) Except in situations in which to do so would cause the statute of limitations for filing a formal complaint to expire, any customer with a dispute arising under the jurisdiction of this Part shall first use the informal complaint process before proceeding with a formal complaint.

2) If the customer expresses non-acceptance of the response to the informal complaint, and further dialogue cannot secure an agreement, the Consumer Services Division shall advise the complainant of the right to escalate the informal complaint to the Commission's formal complaint process.

3) If the utility fails to respond to the informal complaint within 14 days, the customer may file a formal complaint in accordance with the Commission's Rules of Practice (83 Ill. Adm. Code 200).

4) Upon a customer's request for escalation to a formal complaint, the Consumer Services Division shall provide notice to the utility of the customer's intent to escalate the complaint.

5) Upon notice from Consumer Services Division of the customer's intent to file a formal complaint, the utility shall provide a minimum of 10 business days for the customer to file the formal complaint without disconnection of service. Nothing, however, shall prevent the utility from disconnecting service for reasons of safety or compliance with civil authorities.

i) Timeline to File a Formal Complaint to Seek Refund:

1) Excessive or unjust charges: *All complaints for the recovery of damages shall be filed with the Commission within 2 years from the time the produce, commodity or service as to which complaint is made was furnished or performed.* [220 ILCS 5/9-252]

2) Refunds for overcharges: *When a customer pays a bill as submitted by a public utility and the billing is later found to be incorrect due to an error either in charging more than the published rate or in measuring the quantity or volume of service provided, the utility shall refund the overcharge with interest from the date of overpayment at the legal rate or at a rate prescribed by the Commission. Refunds and interest for such overcharges may be paid by the utility without the need for a hearing and order of the Commission. Any complaint relating to an incorrect billing must be filed with the Commission no more than 2 years after the date the customer first has knowledge of the incorrect billing.* [220 ILCS 5/9-252.1]