

1989, chapter 13

AN ACT RESPECTING THE EXAMINATION OF COMPLAINTS FROM CUSTOMERS OF ELECTRICITY DISTRIBUTORS

Bill 135

Introduced by Mr John Ciaccia, Minister of Energy and Resources

Introduced 9 May 1989

Passage in principle 30 May 1989

Passage 13 June 1989

Assented to 14 June 1989

Coming into force: on the date or dates to be fixed by the Government

- 1 September 1989: ss. 1 to 9, 11 to 22 and 24 to 32
G.O., 1989, Part 2, p. 3059
- 12 July 1989: ss. 10, 23 and 33
G.O., 1989, Part 2, p. 3059

Act amended: None





CHAPTER 13

An Act respecting the examination of complaints from customers of electricity distributors

[Assented to 14 June 1989]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

DIVISION I

APPLICATION

1. This Act applies to the customers of electricity distributors in matters concerning the delivery and supply of electricity for domestic purposes to a dwelling-unit.

2. This Act applies to Hydro-Québec and to every other distributor identified by the Government and operating an electric power system contemplated by the Act respecting municipal and private electric power systems (R.S.Q., chapter M-38), including the Coopérative régionale d'électricité de Saint-Jean-Baptiste de Rouville contemplated by chapter 21 of the statutes of Québec of 1986.

3. A lessee contemplated by the Act respecting the mode of payment for electric and gas service in certain buildings (R.S.Q., chapter M-37) shall be regarded as a customer and an owner contemplated by that Act shall be regarded as a customer only in respect of the dwelling-unit he occupies.

DIVISION II

EXAMINATION BY THE DISTRIBUTOR

4. Each distributor shall establish and implement, within his enterprise, a procedure for examining complaints filed by his customers on the execution of the stipulations of their service contracts.

Publication **5.** Within 30 days of the date on which this Act is rendered applicable to him, each distributor shall cause the procedure he has established, along with a notice identifying the place where customers may file complaints, to be published in at least two newspapers circulated in the territory he serves.

Information to customers From the year following that in which this Act is rendered applicable to him, each distributor shall, at least once a year, inform his customers in writing of his complaint examination procedure and of the procedure to be followed for a recourse before the commissioner appointed under section 10, and provide any information enabling the customer to locate the place where he may file a complaint. He shall communicate the information to his customers by mail upon transmitting an electricity invoice or, in the case of the customers referred to in section 3, by the distribution of a circular at the time he determines.

Complaint and remedy **6.** The procedure shall enable every customer who believes he has been wronged by an act or omission attributable to the distributor to file a complaint and, as the case may be, require any appropriate rectification.

Assistance **7.** The distributor shall lend his assistance in the formulation of a complaint to the customer who so requires.

Hearing **8.** The procedure shall enable the customer to express his point of view.

Dismissal of complaints It may provide for the dismissal, on summary examination, of any complaint considered frivolous, vexatious or made in bad faith.

Time allowed **9.** The time allowed to a distributor to process a complaint filed with him in writing shall not exceed 30 days. During the first 12 months in which this Act is applicable to a distributor, the time allowed shall be 45 days.

Conclusions The distributor shall, before the expiry of the thirty-day period, inform the customer in writing of the conclusions he has reached and the reasons therefor. Moreover, he shall inform the customer of the procedure to be followed for a recourse before the commissioner.

Failure of distributor Any distributor who fails to transmit his conclusions to a customer within the period prescribed in the first paragraph is deemed to have transmitted unfavourable conclusions to that customer on the day of expiry of the prescribed time.

DIVISION III

RECOURSE BEFORE THE COMMISSIONER

Commissioner

10. The Government shall appoint a commissioner for the application of this division.

Dispute

11. A customer who has filed a complaint in writing with a distributor may apply to the commissioner to submit to him the object of the dispute if he disagrees with the conclusions transmitted or deemed to have been transmitted to him under Division II.

Written application

12. An application made to the commissioner shall be in writing. It must include reasons and be accompanied with the conclusions, if any, transmitted by the distributor.

Copy

The commissioner shall transmit a copy of the customer's application to the distributor.

Internal examination

13. Within 15 days after receiving the copy of the application, the distributor must transmit the internal complaint examination record to the commissioner.

Consultation of record

The customer may consult that record at the distributor's, at the place where he filed his complaint or at the office of the commissioner; the customer may, on payment of the reproduction costs, obtain a copy of the record.

Examination by commissioner

14. The commissioner shall examine the object of the dispute if he has reasonable grounds to believe that the application justifies an intervention on his part.

Private examination

The examination shall be conducted privately, in the manner which the commissioner considers appropriate.

Information

15. Every person shall provide the commissioner with the information he requires for the examination of disputes.

Meeting

He shall, unless he has a valid excuse, attend any meeting to which he is called by the commissioner.

Refusal to examine

16. The commissioner may refuse or cease to examine a matter

(1) if he has reasonable grounds to believe that the application is frivolous, vexatious or made in bad faith or that an intervention on his part would serve no useful purpose;

(2) if more than one year has elapsed since the customer became aware of the facts forming the basis of his complaint, unless the delay is justified by exceptional circumstances.

Grounds for
refusal

17. The commissioner shall refuse or cease to examine a matter where judicial proceedings founded on the same facts, brought by the customer against the distributor, are pending or have led to a final decision.

Written
decision

18. Whenever he refuses or ceases to examine a matter, the commissioner shall inform the distributor and the customer in writing of the reasons for his decision.

Examination

19. Whenever the commissioner proceeds with the examination of a matter, he shall verify whether the stipulations of the service contract have been executed and whether the practices established by the distributor in respect of the electricity service have been followed.

Report

20. The commissioner shall with diligence make a report of his findings or recommendations to the distributor and to the customer.

Recom-
mendations

In his report, the commissioner may make any recommendation which he considers appropriate for the purpose of terminating the dispute.

Course of
action

21. The distributor shall, within 15 days of receiving a report from the commissioner, inform the commissioner and the customer in writing of the action he intends to take in respect of any recommendation addressed to him by the commissioner and, if he does not intend to take any action, he shall inform them of the reasons justifying his decision.

Inadmissi-
bility

22. Except in penal matters, the commissioner's report or any communication made to the commissioner by a distributor or a customer cannot be invoked before a court against or in support of any legal or factual ground that is otherwise available to the distributor or the customer pursuant to a rule of law.

DIVISION IV

PROVISIONS RELATING TO THE COMMISSIONER

Term of
office

23. The commissioner shall be appointed for a term of not more than 5 years. He shall remain in office at the expiry of his term until he is reappointed or replaced.

Remuneration The Government shall determine the salary or fees and the other conditions of employment of the commissioner.

Replacement **24.** If the commissioner is absent or temporarily unable to act, he may be replaced by a person appointed by the Government to exercise the functions and powers of the commissioner while he is absent or unable to act. The Government shall determine the person's salary or, as the case may be, fees and other conditions of employment.

Personnel **25.** The personnel required by the commissioner shall be appointed and remunerated in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1).

Powers The commissioner shall define the duties of the members of the personnel assigned to him and direct their work. He may delegate in writing the exercise of each of his powers.

Immunity **26.** The commissioner and the members of the personnel assigned to him cannot be prosecuted by reason of acts performed or omissions made in good faith in the exercise of their functions.

DIVISION V

REPORTS

Annual report **27.** Each distributor shall transmit to the commissioner, once a year and whenever required by the commissioner, a report on the application of the complaint examination procedure.

Content This report shall describe the types of complaints received and indicate for each type of complaint

(1) the number of complaints received, dismissed on summary examination, examined or abandoned since the last report;

(2) the time taken to examine the complaints.

Standards and policies In addition, the report shall reproduce the complaint examination procedure of the distributor together with the standards and policies he applies on making a service contract; it shall indicate, where that is the case, any change made in the procedure, standards or policies since the last report.

Report to Minister **28.** Each distributor shall, on 30 April and 31 October of each year, report to the Minister of Energy and Resources and to the Minister, the recommendations addressed to him by the commissioner during the last semester and the action taken pursuant to the recommendations.

Recom-
menda-
tions not
followed

For each type of complaint in respect of which the recommendations were not followed, the report shall set out the reasons for the decision of the distributor.

Report of
activities

29. Before 31 December each year, the commissioner shall make a report to the Minister on his activities, on the application of the complaint examination procedures established by distributors and on the execution of the stipulations of the service contracts of customers and the practices of distributors.

Findings
and recom-
mendations

In that report, the commissioner may include the findings and recommendations he considers appropriate to further the attainment of the object of this Act.

Tabling

30. The Minister shall table the reports of the distributors and the annual report of the commissioner before the National Assembly within 15 days of their receipt if the Assembly is in session, or if not, within 15 days of resumption.

DIVISION VI

MISCELLANEOUS PROVISIONS

Fine

31. Every person who provides information required by the commissioner knowing it to be false or misleading, or who omits to provide the information required or, without a valid excuse, to attend a meeting to which he is called by the commissioner, is liable to a fine of not more than \$2 000.

Proceedings

32. Proceedings may be brought by the Attorney General of Québec or by a person generally or specially designated by him for that purpose.

Minister
responsible

33. The Minister designated by the Government shall be responsible for the administration of this Act.

Coming into
force

34. The provisions of this Act come into force on the date or dates to be fixed by the Government.