

EILEEN ACRES SERVICE CORPORATION

ORIGINAL RULE NO. 22

COMMISSION COMPLAINT PROCEDURES

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A. Pursuit of Remedies with the Company as a Condition to Filing Complaint with the Commission. The Commission shall not accept a formal or informal complaint from a residential customer until the residential customer has made a good faith effort to resolve the complaint directly with the Company. The Commission specifically reserves the right to waive this requirement when in equity and good conscience circumstances so require.

B. Informal Complaints. Informal complaints should be in writing but may be initiated by telephone or in person at the offices of the Commission. If in writing, the complaint need not be in affidavit form. An informal complaint shall state the name and address of the residential customer, the name of the Company, the nature of the original complaint in a clear and concise manner, the relief requested, whether the residential customer has pursued all remedies with the Company which are available and such other information as is required under NMPSC Rule 110.42 through 110.50. If the informal complaint does not initially contain this information, a member of the Commission staff will contact the complainant to attempt to obtain the missing data.

C. Commission Investigation of Complaint. Upon receipt of an informal complaint, the Commission shall, when appropriate, advise the Company within a reasonable amount of time, that a complaint has been filed against it, the Commission staff shall review and investigate the complaint and shall advise the complainant and the Company, within a reasonable time, of the results of the investigation.

D. Informal Staff Conferences. If the staff of the Commission is unable to resolve the complaint to the satisfaction of the parties, either party may, within five (5) days after receipt of the results of the investigation, request an informal conference with staff or file a formal complaint in accordance with the rules of Practice and Procedure of the Commission. The Commission must find probable cause for the complaint prior to setting the matter down for hearing.

EFFECTIVE
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OCT 1 1991

BY Case No. 2380

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E. Formal Complaints. If the parties are unable to reach a settlement of their dispute, a formal complaint may be filed with the Commission pursuant to the provisions of NMPSC Rule 110.

F. An Appeal of the Commission Prevents Discontinuance. The Company shall not discontinue utility service to a residential customer or issue a notice of discontinuance relative to the matter in dispute once a formal complaint has been filed with the Commission. The Commission shall immediately notify the Company that a formal complaint has been filed against it.

G. In Forma Pauperis. The Commission shall authorize the commencement, prosecution, defense and investigation of any complaint filed under these rules without payment of fees and costs or security by a residential customer who make an affidavit that the residential customer is unable to pay such costs of security, as may be provided by law.

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