

**POST-WORKSHOP TWO COMMENTS
OF IGS ENERGY
REGARDING THE PROPOSED REVISION TO
83 ILLINOIS ADMINISTRATIVE CODE PART 500**

Interstate Gas Supply, Inc. d/b/a IGS Energy ("IGS Energy") appreciates the continued opportunity to provide informal comments to assist the ongoing efforts of the Staff of the Illinois Commerce Commission ("Commission") regarding the proposed revisions to 83 Illinois Administrative Code Part 500 ("Part 500").¹ IGS Energy has participated actively in the Illinois competitive energy markets for well over a decade, having been licensed by the Commission as both an Alternative Gas Supplier ("AGS") and an Alternative Retail Electric Supplier ("ARES"), and is a licensed participant in the competitive natural gas and electric markets in several other states.

As a seasoned market participant, IGS Energy has substantial experience with the practical realities of competitive energy markets, and has a keen interest in encouraging rules that foster market development, protect consumers, and treat all market participants fairly, in a competitively neutral manner. With that perspective, IGS Energy respectfully offers the following comments on Staff's "Proposed - Post Workshop Two" version of Part 500 that was circulated by Staff on July 16, 2013 (hereafter, the "July 16 version of the proposed Part 500").

I. Section 500.10 - Definition Of "Complaint"

The July 16 version of the proposed Part 500 appropriately contains a modified definition of "Complaint." As IGS Energy indicated in prior written comments and oral comments at the previous Workshops, the prior version of the proposed rule improperly would have captured inquiries as complaints; the attempt to bring clarity to the rules by defining the term "Complaint"

¹ IGS Energy reserves the right to submit further comments and take further positions regarding proposed Part 500, both in the informal comments solicitation, any workshop proceedings, any formal docketed proceedings, and any other venue, including with respect to sections of Part 500 not addressed in these Comments.

is positive. In particular, it is constructive to specifically exclude certain customer contacts from the definition of "Complaint." However, given the deletion of certain language previously contained in the definition, the current proposed definition of "Complaint" continues to be potentially over-inclusive, since it could be interpreted to mean that some customer contacts are to be considered "Complaints" even when the issue is immediately resolved as a result of the contact.

As has been discussed extensively at the Workshops, not every customer question or inquiry -- even of the sort that initially suggests that something is "wrong" with a customer's bill or service -- is actually a complaint. Staff's proposed definition now properly recognizes this fact. Thus, Staff's current proposal seems to recognize that customers regularly make inquiries during which they state that something in their most recent natural gas bill is different, confusing, or insufficiently clear. This type of inquiry may include questions about the cost of natural gas, statements comparing the cost of natural gas during different times of the year, or comments about different prices for natural gas being offered by different natural gas suppliers. It is no surprise that these types of inquiries sometimes may have a negative connotation from the customer's perspective, in the sense that the customer might be "complaining." However, many such calls are easily resolved, often through simply providing the customer with information about how natural gas pricing and billing works, modifying something in the account, or supplying some other explanation or accommodation to the customer.

While Staff's attempt to bring further clarity to the definition is constructive, it is very important that Part 500 make a practical and workable distinction between an actual "Complaint" triggering the complaint obligations under the rule, and customer contacts that should not and need not trigger Part 500 obligations. It would be unfair to attribute a "Complaint" to an AGS or Utility, when there simply is unfounded customer confusion or a misunderstanding, rather than

some actual wrongdoing on the part of the Utility or AGS. Accordingly, IGS Energy continues to believe that the definition that IGS Energy previously proposed would provide further clarity without compromising customer rights or appropriate compliance obligations.

The following definition of "Complaint" should be incorporated into Part 500:

"Complaint" means ~~an~~ **good faith** objection **after due inquiry** made to an entity, by a customer or another entity, as to its charges, facilities or service, **the disposal of which objection requires a follow up investigation or analysis.** ~~Complaints include a customer or other entity identify and asking an entity to address or resolve a problem or concern, and shall not include contacts that are limited to inquiry or seeking information.~~ **For example, an initial contact by a customer regarding charges, facilities, or services even when such contact involves an objection shall not constitute a "Complaint" until the customer has fully explained its objection and provided the entity to which the objection is directed with clarifying information such that the entity may, if appropriate, resolve the objection without the need for follow up. Such a contact only becomes a "Complaint" if follow up is required and there are reasonable grounds to believe that the circumstances underlying the objection constitute an act of noncompliance with statutory or regulatory requirements relevant to the objection.**

II. Section 500.400 - Need For Clarification

The July 16 version of the proposed Part 500 contains an entirely rewritten Section 500.400. It appears that the rewritten version of this section may represent a clearer rule in comparison to the prior version. However, IGS Energy requests that this rule section be included on the Agenda for the next Workshop, so as to allow for discussion of questions relating to the basis for certain assumptions contained in the new version and the mechanics of the rule's implementation under various customer switching scenarios.

III. Section 500.410(h) - Need For Clarification

The July 16 version of the proposed Part 500 retains the previous language for Section 500.410(h), notwithstanding a variety of comments from stakeholders. Certain clarifications continue to be needed in this section, as set forth in IGS Energy's Post-Workshop One Comments.

Accordingly, IGS Energy requests that this rule section be included on the Agenda for discussion at the next Workshop.

CONCLUSION

IGS Energy appreciates Staff's continued efforts to advance the proposed revisions to Part 500 and looks forward to participating further as this matter proceeds

Respectfully submitted,

IGS ENERGY

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