

You should know...



North Dakota Public Service Commission

Issue GO-2, September 2002



North Dakota Public
Service Commission

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Filing A Formal Complaint

Find out what you need to know in order to file a formal complaint with the Public Service Commission.

If you have a complaint about mining activities, utility services, weights and measures, or any of the other areas regulated by the Public Service Commission (PSC), you should first take the issue up with the company involved. If the problem is not resolved, you can file an **informal** complaint with the PSC by calling 701-328-2400 or by sending us a letter with the complaint details.

A **formal** complaint is a more serious step where you allege that a company violated a state law, a tariff or price schedule, or a PSC order or rule. As the complainant, you must prove your case in a formal administrative proceeding, similar to going to court.

HOW TO FILE A FORMAL COMPLAINT

By law, formal complaints must be in writing and be clearly and concisely stated. The complaint should include the facts constituting the basis of the complaint, including relevant dates. The complaint must also include citations to the specific statutes or PSC rules involved and the relief you request. Your name and address and the name and address of your attorney, if you employ one, must appear in the complaint.

STATE LAW AND RULES

The procedural rules covering formal complaints can be found in Chapter 28-32 of the North Dakota Century Code, and Article 69-02 of the North Dakota Administrative Code. The specific rule governing the form required for a formal complaint is North Dakota Administrative Code §69-02-02-02. Other provisions of law may also be relevant to your complaint. For instance, a complaint regarding phone service might cite the state's phone laws.

LEGAL ADVICE

You do not need an attorney to file a complaint, however, you may wish to consult legal counsel to ensure you have considered all options available to you. If not represented by an attorney, the complainant must include a statement that the complaint document is true and correct to the best of the signer's belief. PSC staff are not allowed to provide legal advice to the public.

PROCESS

After a formal complaint is filed, the first step in the process is for the PSC to serve the complaint on the company. The company has 20 days to answer the complaint, pointing out where it believes the complaint is wrong. (The company can challenge the facts alleged in the complaint, the law relied upon, the relief sought, or any combination of these.)

If the company does not respond, the PSC can decide in your favor because the company defaulted. If the company does respond, the matter will be set for hearing unless you and the company can resolve the matter outside the hearing process. At the hearing, you will have the burden of proving what you asserted in the complaint and the company will have to defend its actions. All testimony will be sworn and subject to cross-examination by the opponent.

If the Commission finds the company violated state law or a Commission order or rule, the Commission can fine the company, revoke any operating authority previously granted by the Commission, and in some cases require the company to correct the wrong or order reparations. In most cases the Commission cannot award any other damages. If you are seeking financial compensation for damages, you would need to consider other legal remedies such as civil litigation.

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