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**Contact**

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**Date**

24 November 2009

**Our reference**

20090734

**Your reference**

E09-CEM-26-03

**Re**

Public consultation on draft advice on customer complaint handling, reporting and classification

Dear Sir, Madam,

Liander's reaction to the ERGEG public consultation E09-CEM-26-03:

"Public consultation on Draft advice on customer complaint handling, reporting and classification"

Introduction

Liander is one of the largest DSOs in the Netherlands. We build, maintain, replace and manage the electricity and gas grid in large parts of the country. Our grid supplies the energy to 2.8 million electricity and 2.1 million gas customers. In addition, we facilitate the market by handling over 448,000 switches annually.

Liander has read the ERGEG public consultation paper with great interest. We welcome the work done by ERGEG, and would like to take the opportunity to contribute to the process with this set of comments on the public consultation.

Before answering the various questions in the consultation paper, we would like to make some general comments

Good customer complaint handling - customer rights and obligations in general - is an important part of a well functioning market that to our opinion needs to be addressed by legislation on customer rights and not necessarily by energy legislation.

We would also like to point out that in regulated markets the market design may differ from the design of deregulated markets. For instance DSO's may not have direct contact with customers the role of the DSO is in that case limited to that of a market facilitator; leaving the direct contact with the customer to the supplier.

In a (de)regulated market good complaint handling could be a unique selling point of both DSOs and Suppliers to distinguish themselves - as long as complaints are dealt with in an adequate manner - this would underpin competition; assuming that complaint handling is not to firm regulated.

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Page

2 of 2

In response to the specific recommendations set out in the consultation paper:

*Recommendation 4, 1<sup>st</sup> Bullet: "In cases where a complaint has not been resolved immediately (within 1 day)..."*

We would like to point out that a thorough investigation of a complaint takes time. Is a complaint a real complaint or just poor communication or a misunderstanding? In our opinion we would like to take some time to investigate this. Therefore a certain lead time is necessary and we would prefer to agree on a response time to communicate with the customer after receiving the complaint, above a fixed time to solve the complaint as mentioned at the first bullet.

*Recommendation 10: "To get in contact with the third-party body, a wide range of channels should be available,..."*

We would like to point out that the freedom a choice of the communication channel is in conflict with the required speed to solve the complaint. A simple and clear understanding of the communication channel would not only speedup communication but also lowers costs.

*Recommendation 15: 3<sup>rd</sup> Bullet: "A list of ADR Board recommendations..."*

The use of an Alternative Dispute Resolution (ADR) board is faster, less formal, cheaper and often less adversarial than a court trial. However a NRA is bound by legislation to be absolute objective. To make use of data provided by an ADR Board or any other third-party body by the NRA – as suggested by the 3<sup>rd</sup> bullet - would bother the independent position of the NRA. Any publication of complaint data publication done by the NRA must be based upon its independent position to gather these complaint data.

We hope that you find this response helpful. Please do not hesitate to contact us if you would like to discuss any of the issues raised in more detail.

Kind regards,  
[regulering@liander.nl](mailto:regulering@liander.nl)