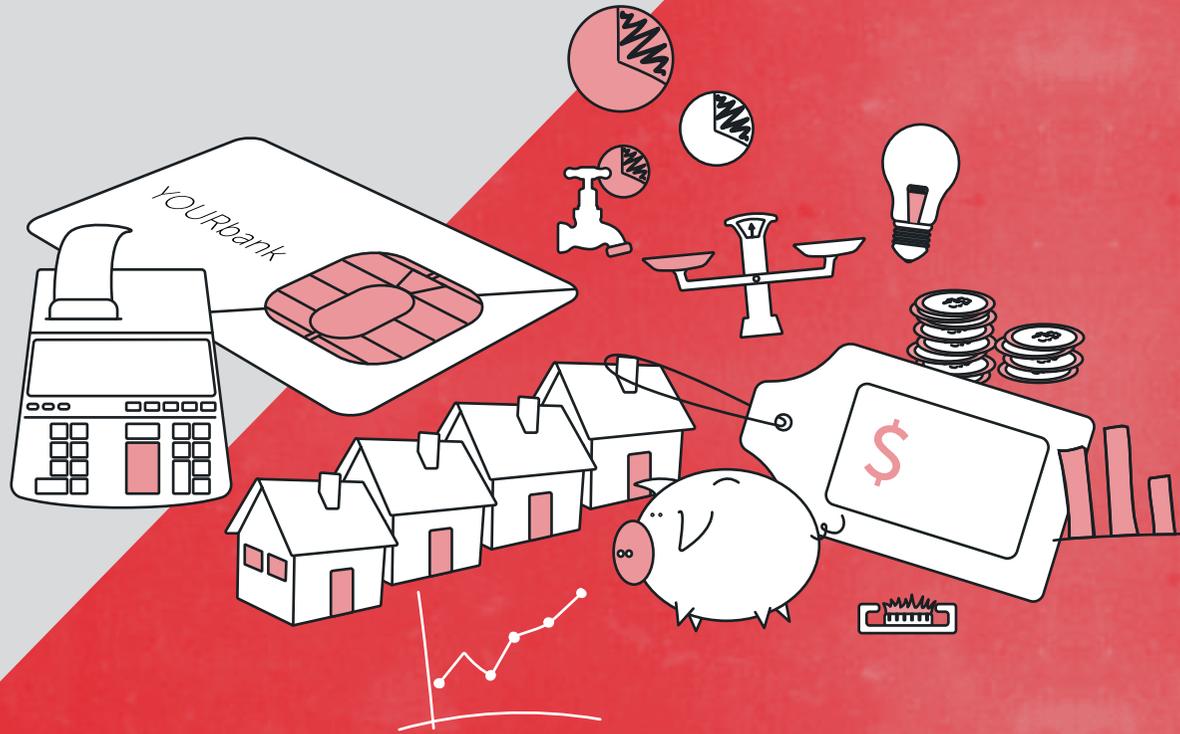




ENERGY AND WATER
OMBUDSMAN
Victoria **Listen Assist Resolve**



QUARTERLY EWOV

AFFORDABILITY REPORT

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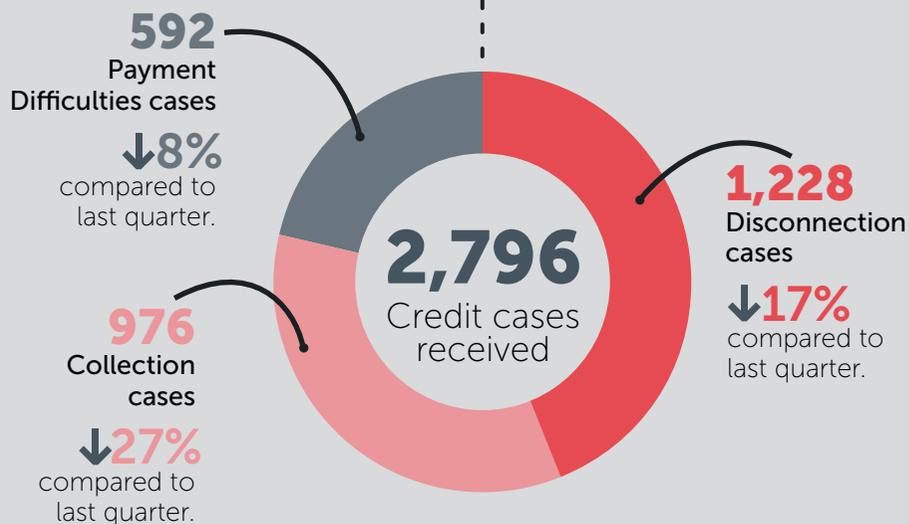
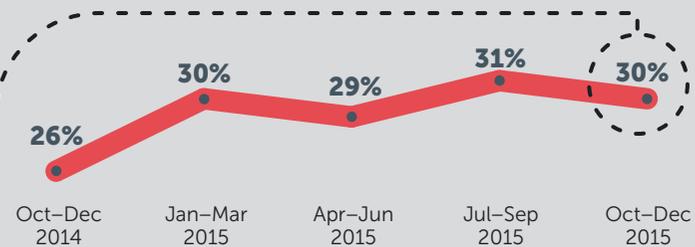
Credit

cases decreased by:

↓ 19%

compared to last quarter.

Almost a third of EWOV's cases are about a credit issue



Water restriction cases



↑ 140%
compared to last quarter.

Up from **15** to **36** cases. This is the highest quarterly count for actual water restriction cases since the start of the EWOV scheme.

Smoothpay cases



↑ 43%
compared to last quarter.

Up from **54** to **77** cases. This was driven largely by case increases from two big energy retailers.

AFFORDABILITY: THE BIG PICTURE

Affordability issues, such as payment difficulties, debt collection and disconnection/restriction, mostly fall within EWOV's 'credit' category of cases.

EWOV's credit cases fell 19% in the October–December 2015 quarter compared to the previous quarter.

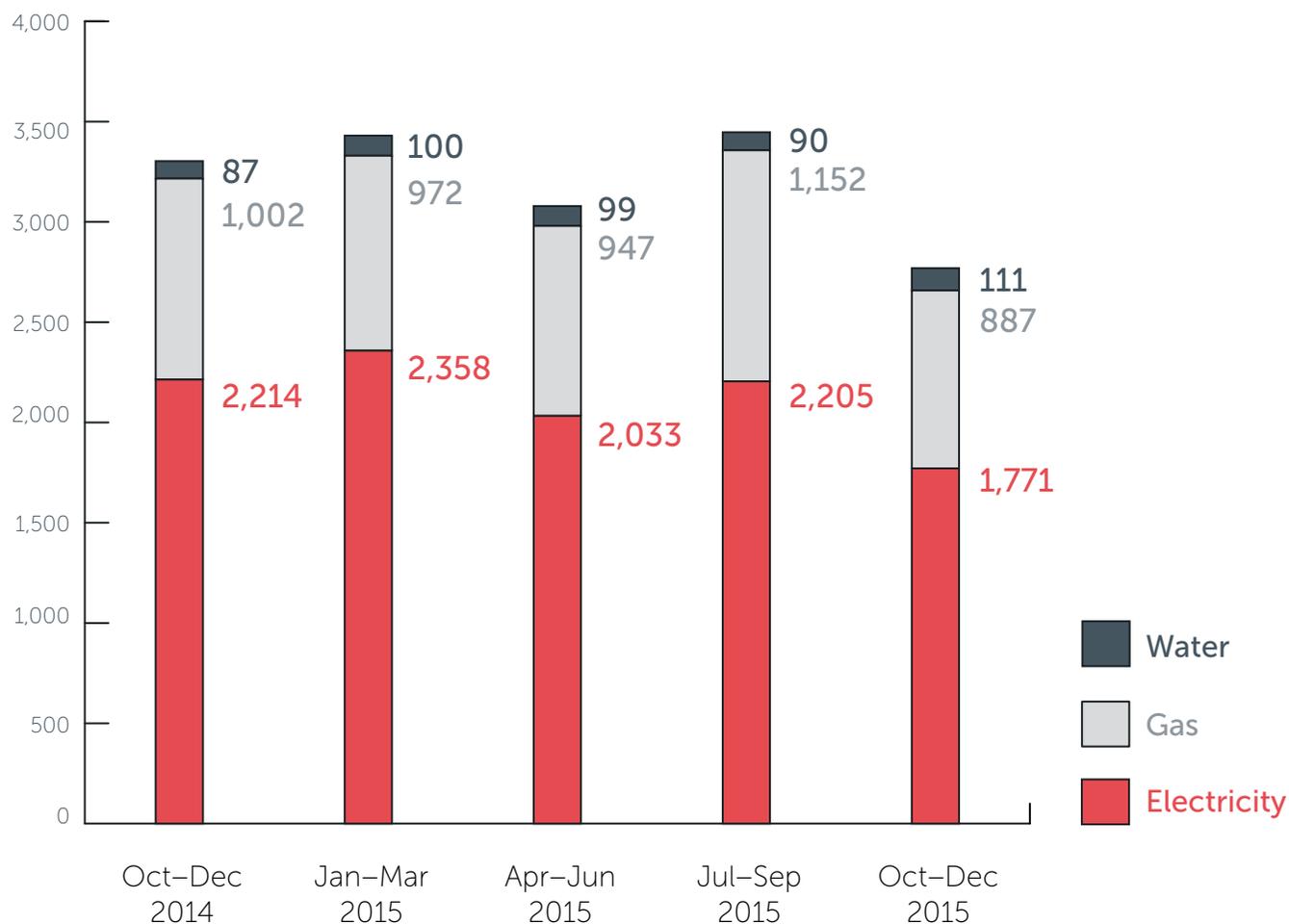
Cases

In the October–December 2015 quarter, we received 2,796 credit cases. **Figure 1** shows trends in electricity, gas and water credit cases over the last five quarters.

As **Figure 1** shows, credit cases in the current reporting quarter were down 16% on the same quarter in 2014 and down 19% from the July–September 2015 quarter. This 19% decrease is consistent with the 18% fall in EWOV's overall cases over the same period.

FIGURE 1.

Electricity, gas and water credit cases received by quarter, October–December 2014 to October–December 2015



Note: We also received 4 LPG cases and 23 Dual Fuel cases, which have not been included in this graph.

Over the 2015 calendar year, the proportion of EWOV cases about a credit issue was stable, at just under a third of all EWOV's cases. The proportion dropped by one percentage point in the October–December 2015 quarter to 30% of total EWOV cases (Table 1).

Case receipt

Figure 2 shows how EWOV handled the 2,796 credit cases received this quarter¹.

In the October–December 2015 quarter, the percentage of cases resolved at each level remained consistent with the previous five quarters' results.

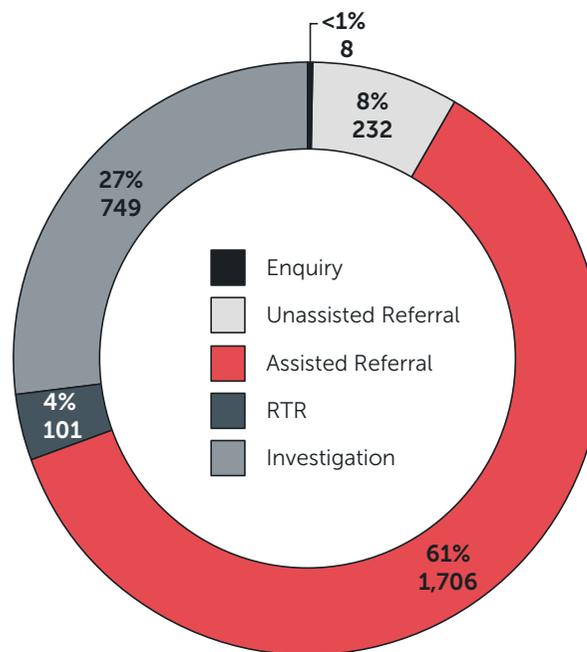
TABLE 1.

Credit cases as a percentage of total EWOV cases, October–December 2014 to October–December 2015

	OCT–DEC 2014	JAN–MAR 2015	APR–JUN 2015	JUL–SEP 2015	OCT–DEC 2015
Credit cases	3,310	3,430	3,087	3,459	2,796
Total cases	12,925	11,285	10,470	11,275	9,246
%	26%	30%	29%	31%	30%

FIGURE 2.

Case stage, credit cases received October–December 2015



¹ Some cases move to different case stages before a resolution is reached.

PAYMENT DIFFICULTIES

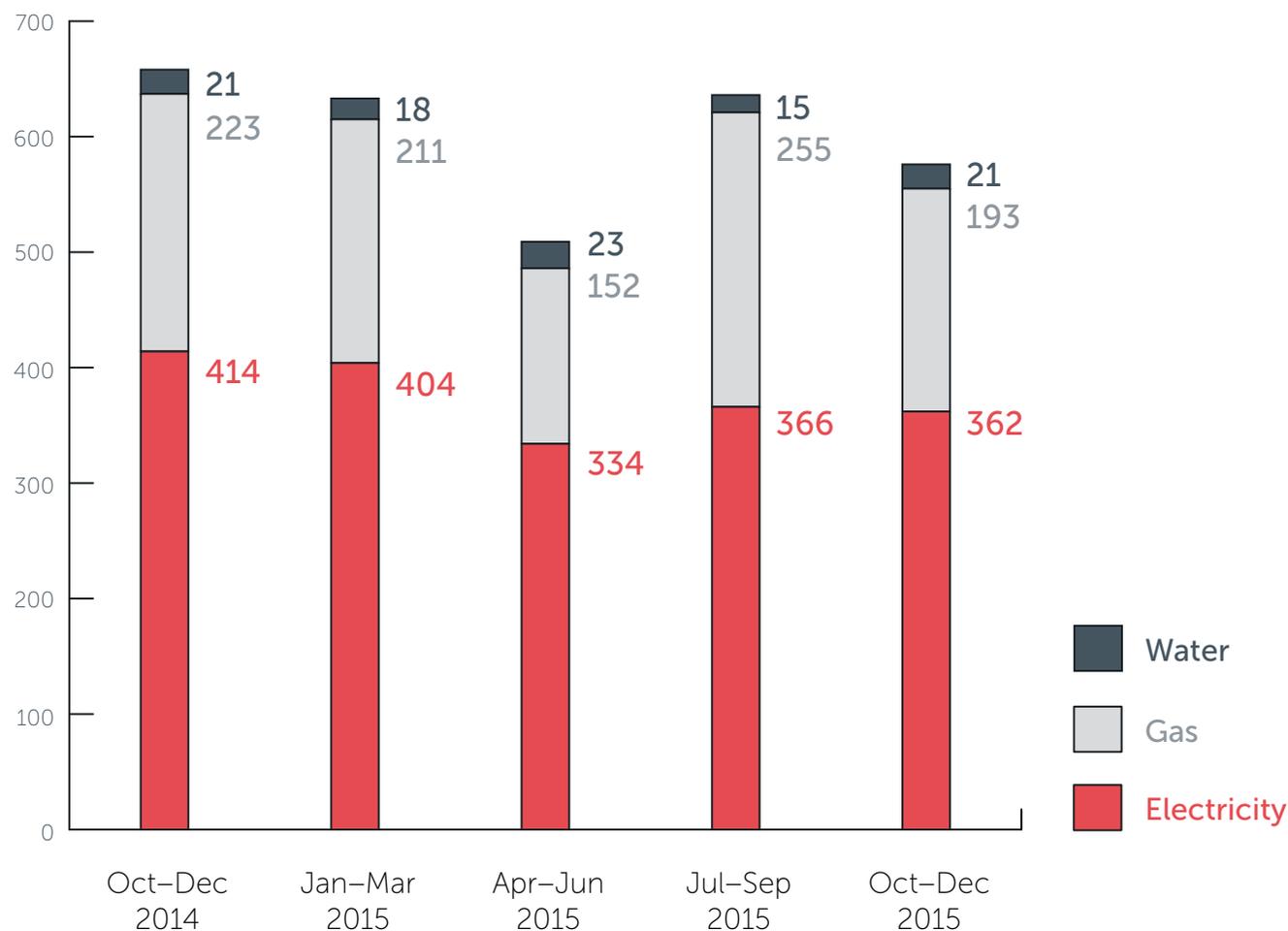
"Payment difficulties" is one of three credit sub-issues, and includes cases in which a customer contacts EWOV about account arrears, payment plans (either existing or requested) or difficulty paying current or previous bills². Payment difficulties is often a secondary issue in EWOV disconnection/restriction cases, but we also receive cases that are primarily about payment difficulties.

Over the October–December 2015 quarter, we received 592 payment difficulties cases, down 8% from 645 cases in the previous quarter. **Figure 3** shows trends in payment difficulties cases over the last five quarters.

This quarter, payment difficulties cases fell at a lesser rate than overall credit cases, decreasing 8% to 592 cases. The drop was largest for gas payment difficulties cases, down 24% compared to the prior quarter. However, water payment difficulties cases trended in the opposite direction by increasing 40%, from 15 to 21 cases. This number is very low compared to energy, making up only 4% of total payment difficulties cases, but is a trend that EWOV will monitor.

FIGURE 3.

Electricity, gas and water payment difficulties cases received by quarter, October–December 2014 to October–December 2015



Note: We also received 16 Dual Fuel cases, which have not been included in this graph.

² Refer to the Glossary for a list of payment difficulties sub-issues.

Figure 4 shows the breakdown of payment difficulties cases across sub-issues this quarter.

A noticeable trend is the 43% increase in 'smoothpay' issues within the payment difficulties category, which is in stark contrast to the 19% fall in total credit cases. These 'smoothpay' issues increased from 54 to 77 cases between the July–September 2015 and October–December 2015 quarters, driven largely by case increases from two big energy retailers.

Outcomes

During the October–December 2015 quarter, EWOV closed 122 payment difficulties complaints at Real Time Resolution (RTR) or Investigation.

In the October–December 2015 quarter, over half of all customers (53%) were referred to their retailer's hardship program for assistance.

A payment plan was negotiated in over two-thirds of closed RTRs or Investigations (69%), up from 64% in the July–September 2015 quarter.

At the time of contacting EWOV, 19% of customers were either already in a retailer's hardship program (14%) or had been excluded from it (5%).

FIGURE 4.
Payment difficulties cases received by sub-issue, October–December 2015

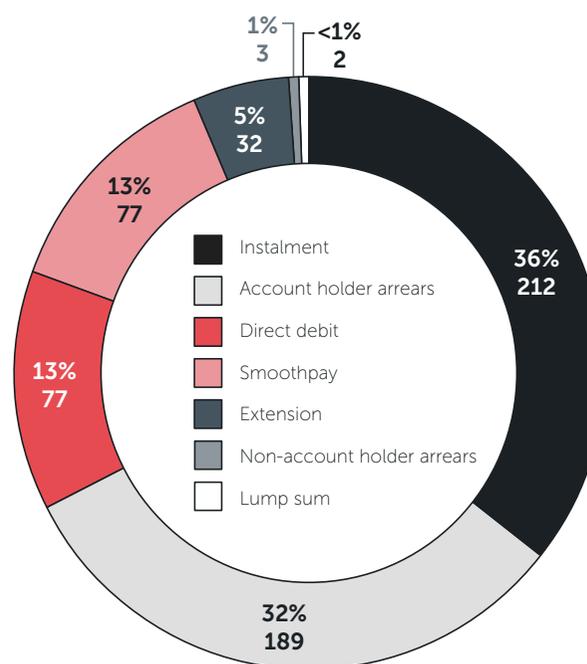


TABLE 2.

Selected outcomes, closed payment difficulties complaints, October–December 2015

OUTCOME	NO.	%
Payment plan	84	69
Referral to hardship team	65	53
Payment Extension	11	9
Billing adjustment	14	11
Fee waiver	1	1



Case study

The customer was unhappy that his electricity supply was disconnected, despite assurances to the contrary, while on a payment plan with his retailer.

The Issue

After losing his full-time job, Mr S started to experience difficulties paying his bills. Over six months Mr S reduced his \$5,000 electricity account arrears to about \$1,000 by paying \$240 a fortnight, while working casual hours. However, having some short term money problems, he contacted his retailer to ask for his payment plan to be temporarily put on hold. The retailer advised he would be contacted by a payment specialist and would not be disconnected.

The retailer, however, didn't contact him and nine days later his electricity supply was disconnected. He contacted EWOV for assistance.

The Investigation

EWOV arranged for the same day reconnection of Mr S's electricity supply and opened an Investigation.

We reviewed copies of all bills, customer contact notes, meter readings, average fortnightly electricity consumption and payment history from the retailer. We found that Mr S had several payment plans with the retailer, however for the most part he was maintaining \$240 a fortnight payments over several months before disconnection and appeared to be engaged with his retailer. He was billed correctly and his account balance was \$2,637.20. The cost of his electricity use was \$161 a fortnight.

During EWOV's investigation the retailer offered Mr S a payment plan of \$197 a fortnight, but this was unaffordable. EWOV decided that two actions were required to progress the investigation – an in-home energy audit and a financial assessment.

EWOV's independent energy audit

EWOV's energy audit found:

- Mr S lived at the property with his wife and four children, and until recently, an adult son.
- Two clothes dryers were used regularly and concurrently, accounting for a large portion of daily electricity consumption.
- Three portable air conditioners were in regular use, two of which were located in the house and another located in a bungalow where Mr S's teenage daughter was living. The air conditioner in the bungalow was used frequently and was substantially less efficient than the other two air conditioners.

EWOV provided Mr S with a breakdown of how much electricity each appliance was using, the associated cost, and practical advice about how to change his family's consumption behaviours to be more energy efficient.

EWOV's financial assessment

EWOV's financial assessment found:

- Mr S's work was the main source of income for the family; however he was working casually with no reliable hours at the time of the assessment.
- He was actively seeking full-time employment after losing his full time job. He had a good employment history.
- Since losing his job, Mr S had been paying for bills and other expenses with his savings.
- Although his income was erratic, Mr S could make payments of \$160 a fortnight.

The Outcome

The retailer put Mr S back onto its hardship program with a payment plan of \$160 a fortnight. He also entered a cheaper energy contract, which included a 30% discount. Now with a better understanding of his family's energy use, Mr S agreed to put in place measures to reduce the household's energy consumption. He was also given a direct contact at the retailer.

EWOV is undertaking an assessment to determine whether a Wrongful Disconnection Payment applies. This has yet to be finalised.

DISCONNECTION AND RESTRICTION

EWOV “disconnection/restriction” cases concern electricity and gas disconnection or restriction of water supply for non-payment³. Disconnection/restriction cases are categorised as either “imminent”, where the company has warned of impending disconnection or restriction or, where the disconnection/restriction has occurred, as “actual”.

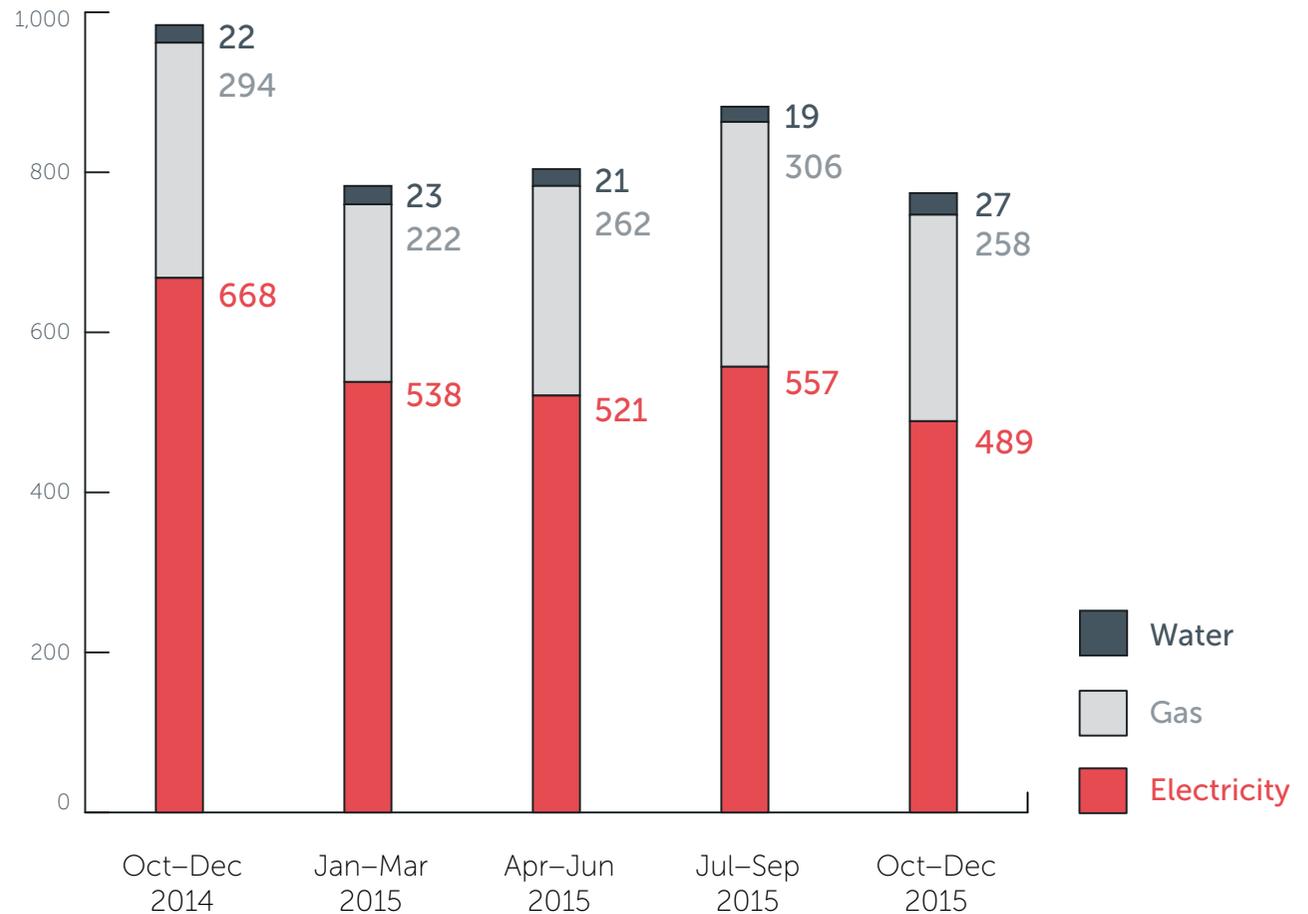
Imminent disconnection/restriction

EWOV received 775 imminent disconnection/restriction cases in the October–December 2015 quarter, down 12% from the July–September 2015 quarter and down 21% on the same quarter in 2014.

Figure 5 shows trends in electricity, gas and water imminent disconnection/restriction cases over five quarters.

FIGURE 5.

Electricity, gas and water imminent disconnection/restriction cases received by quarter, October–December 2014 to October–December 2015



Note: We also received 1 LPG case, which have not been included in this graph.

³ The equivalent process for LPG is the stopping of deliveries. These cases are received in low volumes and are listed below each graph.

Actual disconnection/restriction

During the October–December 2015 quarter, we received 453 actual disconnection/restriction cases, down 24% on the previous quarter and down 15% on October–December 2014.

Figure 6 shows trends in actual disconnection/restriction cases between the October–December 2014 and October–December 2015 quarters.

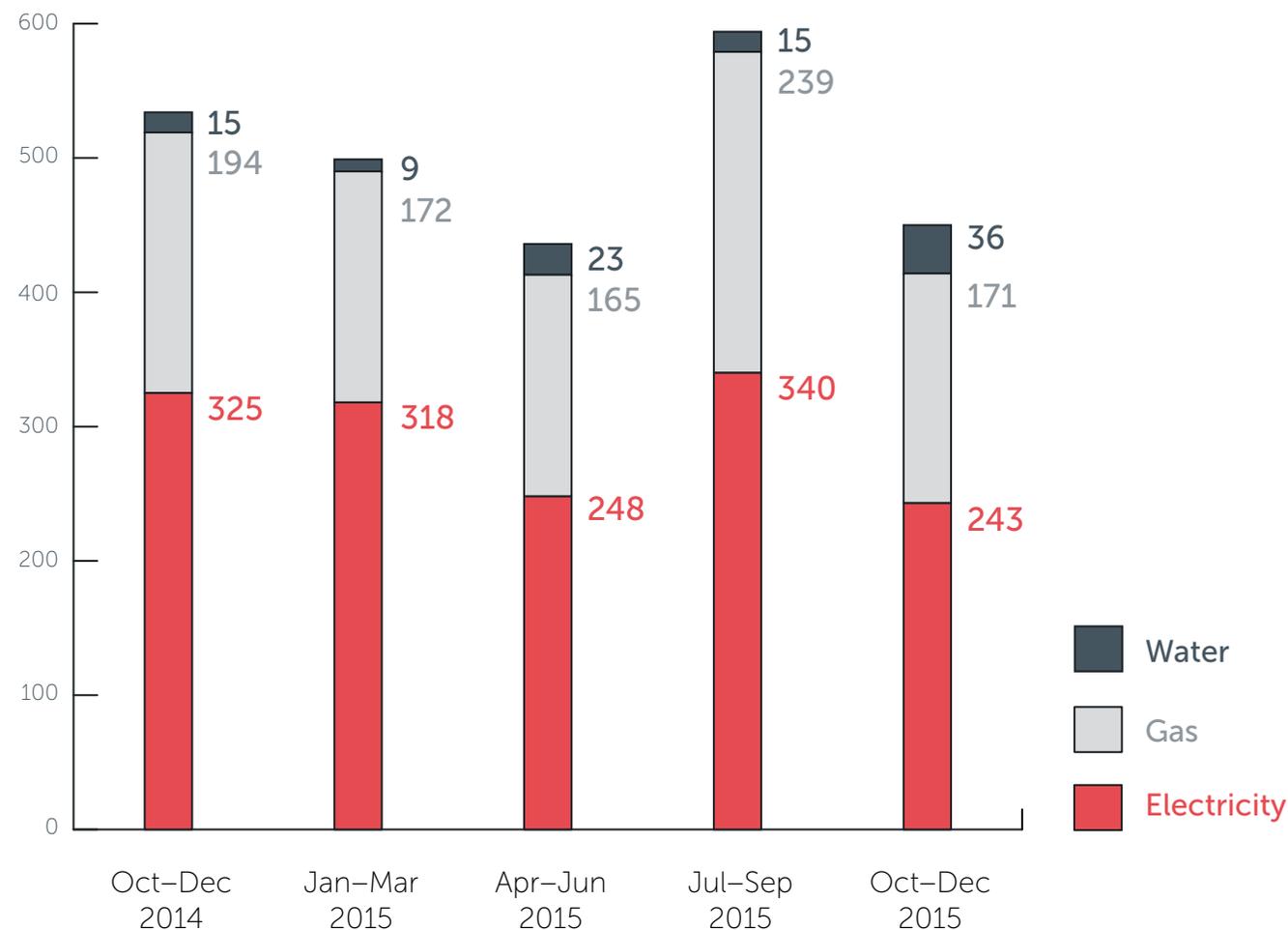
Water restrictions

Overall water restriction cases in the current reporting quarter increased 85%, rising from 34 to 63 cases.

While remaining at a relative low level, the number of actual water restrictions more than doubled from 15 to 36 cases in the October–December 2015 quarter. This is the highest quarterly count for actual water restrictions cases since the start of the EWOV scheme. The case increase was driven by two metropolitan water retailers, while restrictions made by regional and rural water corporations remained very few.

FIGURE 6.

Electricity, gas and water actual disconnection/restriction cases by quarter, October–December 2014 to October–December 2015



Note: We also received 3 LPG cases, which have not been included in this graph.

Outcomes

During the October–December 2015 quarter, we closed 527 actual and imminent disconnection/restriction complaints at RTR or Investigation, and completed 328 Wrongful Disconnection Payment (WDP) assessments⁴.

Wrongful Disconnection Payment

In actual disconnection cases, EWOV has a role assessing whether a WDP is payable. The WDP was introduced by the Victorian Government in 2004, with the aim of reducing wrongful energy disconnections. Where a retailer is found to have disconnected a customer's supply without complying with the terms and conditions of their contract, the retailer must make a payment to the customer of \$250.00 per day (or part thereof), capped at \$3,500.00 if the customer does not contact the retailer within 14 days⁵.

Figure 7 shows the outcomes of the 328 WDP assessments we completed during the October–December 2015 quarter.

A payment was made to a customer in 42% of EWOV's WDP assessments. In 26% of WDP cases, the retailer accepted EWOV's assessment that a regulatory breach had occurred and a WDP was payable – up seven percentage points from the July–September 2015 quarter. In a further 16% of cases, the retailer agreed to make a payment equivalent to the WDP without admitting any regulatory breach.

For most of the remaining cases, a WDP was either not payable because the retailer had complied with *Energy Retail Code* requirements (30%), or because WDP was not applicable (27%). In this reporting period six cases were referred to the Essential Services Commission for a decision.

Other payments and waivers

Table 3 shows other payments and waivers agreed in the 527 actual disconnection/restriction RTR and Investigation cases resolved during the October–December 2015 quarter. These are separate (and potentially in addition) to any WDPs that were paid.

In 24% of closed RTR and Investigation cases, a retailer made a payment to its customer to recognise a service issue. This was the most common payment or waiver outcome. Billing was adjusted in 16% of cases – up one percentage points since last quarter, and one or more fees were waived for 7% of customers – up two percentage points.

FIGURE 7.

Wrongful Disconnection Payment assessment outcomes, October–December 2015

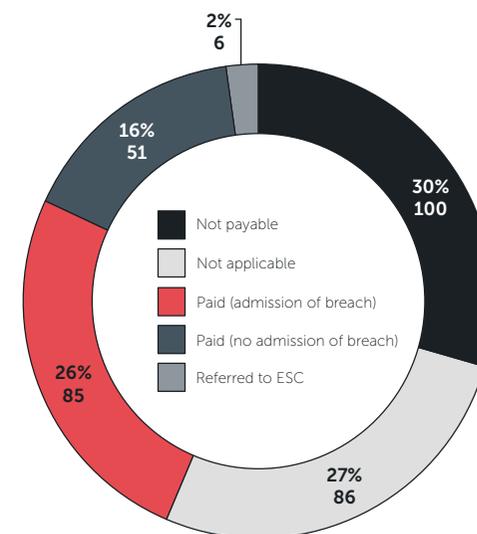


TABLE 3.

Payments and waivers, closed disconnection/restriction complaints, October–December 2015

OUTCOME	NO.	%
Customer Service Gesture	125	24
Billing adjustment	82	16
Fee waiver	35	7
Debt waiver (full)	11	2
Debt waiver (partial)	6	1
Guaranteed Service Level payment	6	1

⁴ These figures differ because WDP assessments are only conducted for actual energy disconnection cases, and because WDP assessments are conducted separately from the investigation of the associated complaint, and may be completed either before or after the complaint itself is closed.

⁵ Pursuant to the Energy Legislation Amendment (Consumer Protection) Act 2015, for energy disconnections from 1 January 2016, the WDP amount is increased to \$500 a day (or part thereof) and capped at \$3,500 if the customer doesn't make contact with the retailer within seven days. See http://www.austlii.edu.au/au/legis/vic/num_act/elapa201549o2015552/

Payment plans and extensions

Table 4 shows payment plan and extension outcomes for the 527 actual disconnection/restriction RTR and Investigation cases resolved during the October–December 2015 quarter.

This reporting quarter, a payment plan or extension was agreed in 66% of closed RTR and Investigation cases, up one percentage point on the July–September 2015 quarter. A payment plan covering both arrears and ongoing consumption was the most common outcome (26%), but in many cases EWOV helped the customer and their company to negotiate a payment plan that covered their consumption only (20%) or their account arrears only (10%).

Hardship program participation

Customers were put on their company’s hardship program (sometimes after having been excluded previously) in 40% (211 cases) of the disconnection/restriction complaints resolved at RTR and Investigation this reporting quarter. This was an increase of one percentage point from July–September 2015.

At the time of contacting EWOV, 8% of customers were either currently in a retailer’s hardship program (3%) or had been excluded from it (5%). While 3% represents only 14 cases, it is concerning that customers who engage with their company’s hardship program still have their supply disconnected or restricted.

TABLE 4.

Payment plans and extensions, closed disconnection/restriction complaints, October–December 2015

OUTCOME	NO.	%
None/not applicable	179	33%
Payment plan for arrears and consumption	135	25%
Payment plan for consumption only	103	19%
Payment plan for arrears only	55	10%
Extension for arrears	55	10%



Case study

The customer was unhappy that she was credit default listed for an electricity account that had been fraudulently set up in her name

The Issue

Ms P was contacted by a debt collection agency about an overdue electricity account for a property where she had never resided. It warned her that a credit default listing would be made if the debt was not paid. The debt collection agency told her the email address associated with the electricity account, which was revealed to be her ex-husband's. Ms P believed her ex-husband had set up the account in her name without her knowledge and had intentionally accrued the debt in her name. She contacted the retailer and it told her it had a voice recording of the account being set up but did not investigate further.

Ms P was concerned that she had already been default listed for this debt, so contacted EWOV.

The Investigation

EWOV registered an Assisted Referral, however this did not resolve Ms P's concerns. She returned to EWOV and an Investigation was raised.

Ms S had been living with her parents since she separated from her husband in 2012. She provided EWOV with a statutory declaration and a statement from Vic Roads that confirmed she was living at a different address when the subject account was active. She also made a complaint to the police.

We reviewed copies of all the retailer's bills, customer contact notes, and the voice recording used to establish the account.

The retailer set up this account on 9 May 2013 during a telephone call with a person who claimed to be Ms P (using her married name) and provided her date of birth and licence number. The retailer had no reason to believe the person was not who she said she was. Regular payments were made to the account for 12 months, however, payments later stopped and the account was closed in November 2014, with a balance owing of \$1,718.78. A credit default was subsequently listed in Ms P's name on 15 December 2014.

Upon review of the voice recording used to establish the account, it was clear to EWOV that the person on the recording had a different voice to Ms P. EWOV asked the retailer to listen to voice recordings of conversations it had with Ms P disputing this debt in 2015 and to compare these recordings to the voice on the initial recording.

The Outcome

The retailer agreed that, upon reviewing the voice recording, it appeared that the person who established the electricity account was not Ms P, but a person imitating her with the help of her identity details.

The retailer arranged for the default listing to be removed as if it never existed, closed the account and waived the account balance of \$1,718.78. It also provided a direct contact for Ms P should she have any other concerns or contact relating to this account.

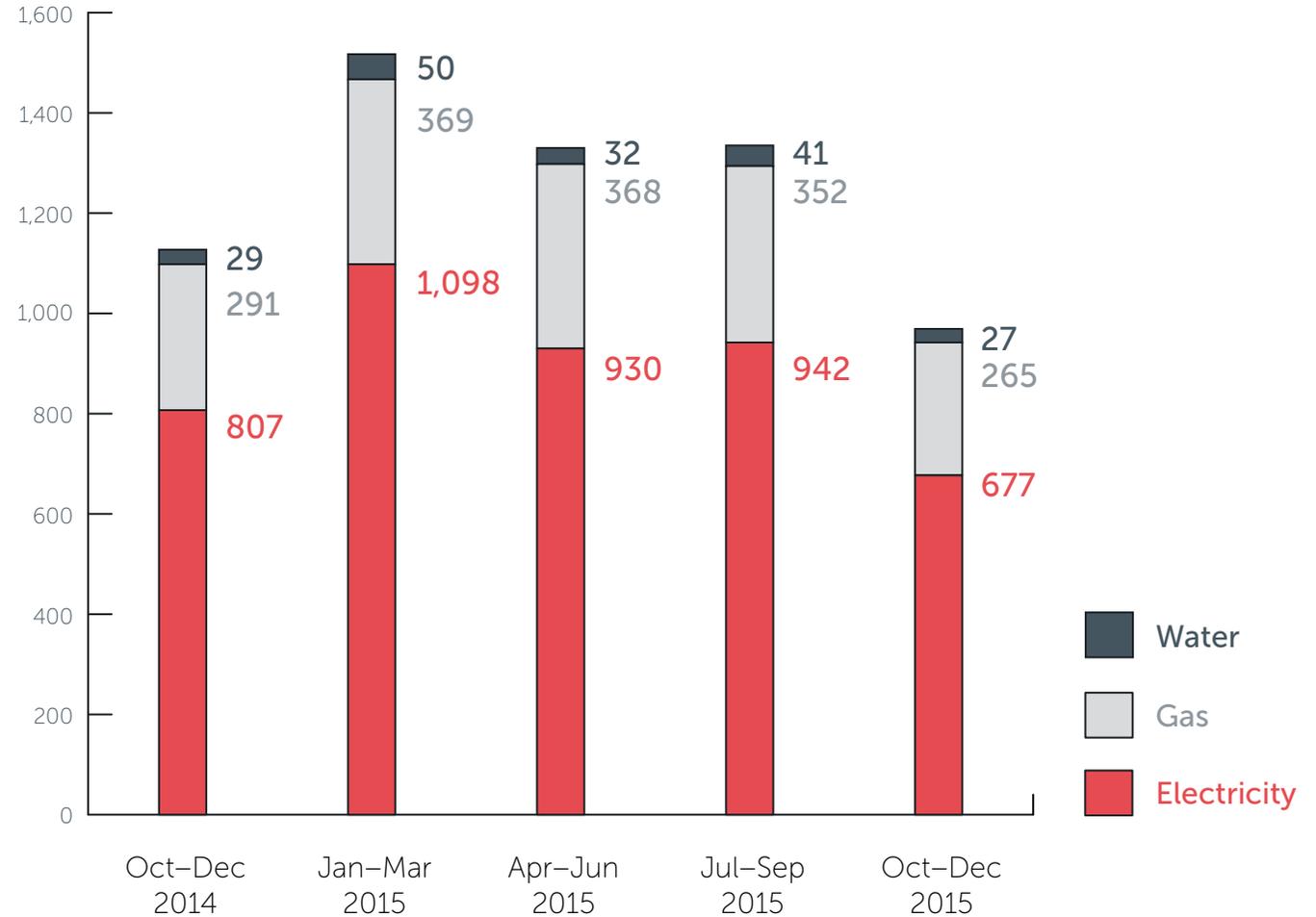
DEBT COLLECTION AND CREDIT DEFAULT LISTINGS

EWOV's "collection" case category includes cases about debt collection agency activity and credit default listings related to account arrears. In the October–December 2015 quarter, EWOV received 976 collection cases.

Figure 8 shows trends in collection cases over the last five quarters. Compared with last quarter, EWOV collection cases fell a welcome 27% in the October–December 2015 quarter from 1,338 to 976 cases. This was a 14% decrease on the same quarter in 2014 and a 36% fall from the early 2015 spike in debt collections in January–March 2015.

FIGURE 8.

Electricity, gas and water collection cases received by quarter, October–December 2014 to October–December 2015

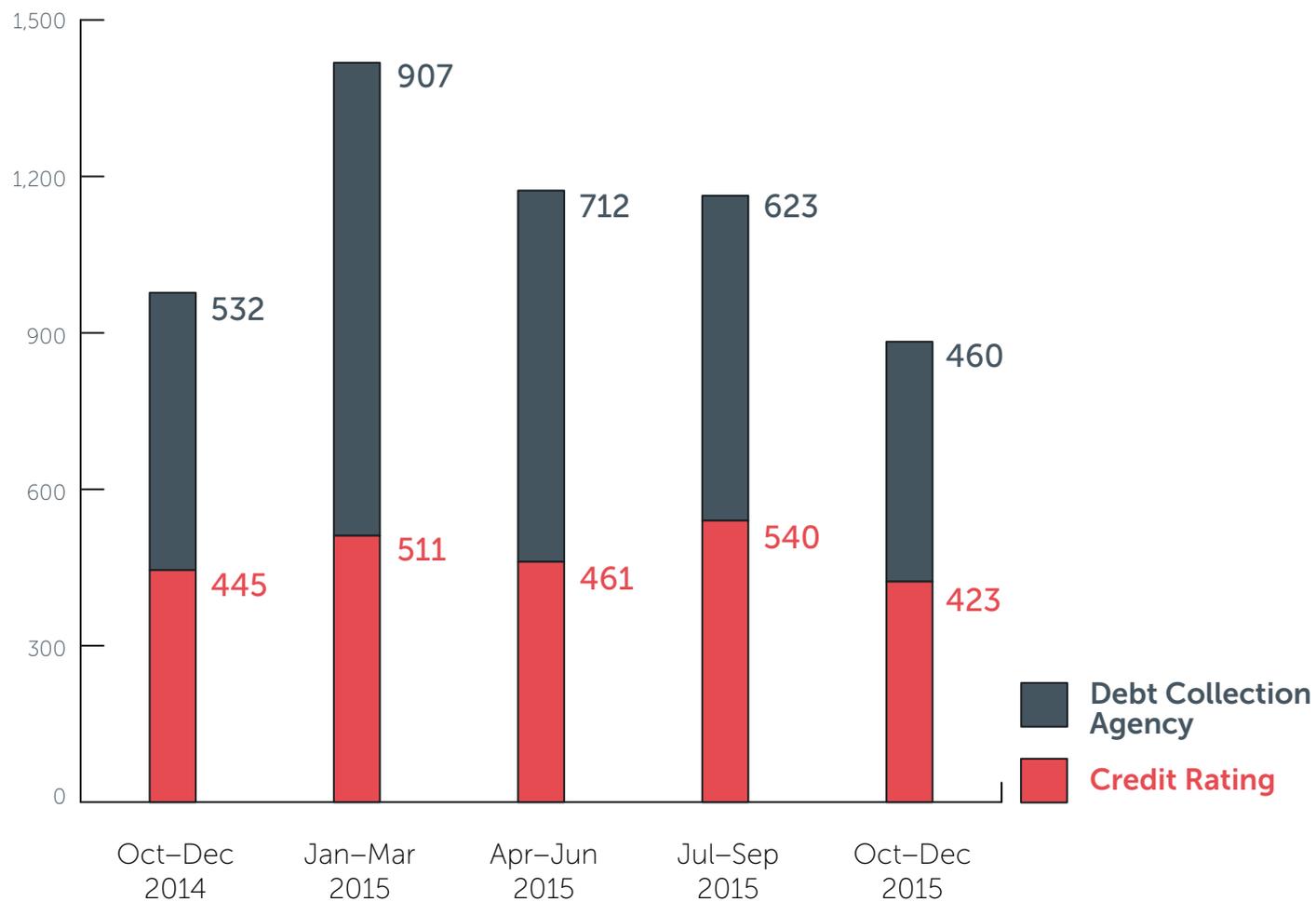


Note: We also received 7 Dual Fuel cases, which have not been included in this graph.

Most collection cases concern either credit default listings or debt collection agency activity. **Figure 9** shows trends for these two sub-issues over the last five quarters.

FIGURE 9.

Debt collection and credit rating cases received by quarter, October–December 2014 to October–December 2015



Outcomes

During the October–December 2015 quarter, we closed 270 collection complaints at RTR or Investigation. **Table 5** shows some of the outcomes agreed as part of the resolution of these complaints.

In 39% of these cases, a default listing was removed as part of the resolution of the complaint – up three percentage points on last quarter. Often EWOV seeks confirmation that a customer's credit rating has not been affected – this confirmation was provided in 38% of cases.

A payment to recognise customer service issues was made in 19% of cases. In 17% of cases, the customer's debt was waived, usually in full.

TABLE 5.

Selected outcomes, closed collection complaints, October–December 2015 quarter

OUTCOME	NO.	%
Removal of default listing	104	39
Written confirmation that credit rating not affected	102	38
Customer Service Gesture	51	19
Debt waiver (full)	36	13
Extension to pay arrears	33	12
Payment plan to pay arrears	28	10
Debt waiver (partial)	9	3
Referral to hardship team	6	2



Case study

The customer was unhappy that her gas supply was disconnected despite her paying her outstanding bill.

The issue

Ms J returned home to a card in her letterbox that stated her gas supply had been disconnected. While she did receive reminder and disconnection warning notices, she had paid the outstanding \$385 on her account before the due date on the notices. She contacted her retailer and was unable to resolve her concerns and get her supply turned back on. She contacted EWOV for assistance.

The Investigation

EWOV arranged for the same day reconnection of her gas supply and raised an Investigation.

We reviewed copies of all bills, customer contact notes, average fortnightly gas consumption and payment history from the retailer. We found that Ms J's average fortnightly consumption was \$39 and her account balance was \$220. We also discovered that the retailer was not applying government concessions to her account.

The outcome

The retailer apologised for the disconnection. It confirmed that Ms J paid her account balance three days before the disconnection occurred, however the retailer failed to cancel its disconnection request to the distributor. A Wrongful Disconnection Payment of \$297.57 was made.

The retailer backdated government concessions to Ms J's account reducing the balance. She was able to afford her ongoing gas usage at \$39 a fortnight. A direct contact was also provided should Ms J have any queries.

CONTEXT

Reporting is based on primary issue

Each case that EWOV receives is categorised with a primary issue which falls in one of the nine issue categories.⁶ Where the case involves multiple issues – for example, an imminent disconnection and a billing error – we will also record a secondary (and sometimes tertiary) issue.

Figures in this report are based on primary issue, except where otherwise specified. In other words, this report focuses on cases in which credit is the most important issue. The total number of cases with a credit component will be higher than the number given in this report. Most notably, cases that are primarily about billing issues also have a secondary credit component are not included in this report. Imminent and actual disconnection cases are the exception to this pattern – because of the gravity of disconnection, it is always identified as the primary issue.

Dual fuel cases are excluded from some charts

Because we receive very few dual fuel cases, they have been excluded from those charts in the report which show electricity, gas and water cases. Dual fuel cases are, however, included in case totals.

EWOV's analysis is limited by its scope

EWOV only examines the cases it receives, limiting our ability to analyse trends and their causes. For example, not all customers who have their energy or water disconnected/restricted will report this to EWOV. This means both that the total number of disconnections/restrictions will be higher than EWOV case numbers, and that EWOV disconnection/restriction cases may not be representative of all disconnections/restrictions in terms of causes, customer circumstances and so on.

Most cases are Referred Complaints

This report is based on data taken from enquiries and complaints. Complaints are categorised as either Unassisted Referrals, Assisted Referrals, Real Time Resolutions or Investigations (see the Glossary on page 19). EWOV does not investigate Referred Complaints and is limited to hearing only the customer's "side of the story".

Another consequence of the Referred Complaints process is that generally, EWOV does not know what resolution was agreed between the company and the customer. Therefore, all discussion of outcomes in this report relates only to complaints resolved at Real Time Resolution or Investigation.

Customers sometimes re-contact EWOV

Customers sometimes re-contact EWOV because after a referral back to their company, their concerns remain unresolved. This can mean that EWOV registers an Assisted Referral after a previous Unassisted Referral, or an Investigation after a failed Assisted Referral or Real Time Resolution.

Customers sometimes lodge more than one case

For example, if a customer is having difficulty paying both their electricity and gas accounts, EWOV will register a case for each fuel type.

Customers may have complaints relating to more than one issue, fuel or company

Based on the customer's statement, EWOV sometimes registers two issues for the one case. For example, a case may be registered as both Credit>Payment Difficulties and Billing>High. While some issues can be interlinked, other issues may need to be investigated separately. EWOV also registers cases by fuel (electricity, gas, LPG or water) and case type (enquiry, Assisted Referral and so on). Customers may have complaints relating to more than one issue, fuel or company.

⁶ These are: billing, credit, customer service, general enquiry, land, marketing, provision, supply and transfer.

GLOSSARY

Complaint

A complaint is an expression of dissatisfaction regarding a policy, practice or customer service performance of an energy or water company that is part of the EWOV scheme, where a response or resolution is explicitly or implicitly expected.

Enquiry

An enquiry is a customer's request for general information (e.g. about the Smart Meter rollout). This information may be provided by EWOV or the customer may be referred to another agency.

Referred Complaint

EWOV does not know the outcome of these referred complaints, except where the referral does not resolve the issue for the customer and they come back to us. There are two types of referred complaints:

Unassisted Referral

Where a customer has not yet spoken with their company about their complaint and they are referred back to the company's contact centre.

Assisted Referral

Where a customer has spoken with someone at their company's contact centre about their complaint, but it remains unresolved and the matter is referred to a higher level complaint resolution officer at the company.

Real Time Resolution

EWOV's Real Time Resolution Team receives failed Assisted Referral calls from customers and then works to negotiate a fair and reasonable resolution of the complaint, typically within 24 hours.

Investigation

A complaint for investigation is registered where:

- an Assisted Referral or Real Time Resolution has failed, as the matter remains unresolved, and the customer has recontacted EWOV, or
- the matter is complex and unlikely to be resolved as an Assisted Referral or by Real Time Resolution, or
- the provider has requested an escalation to an Investigation.

Not allocated

This case type is registered when a customer tells EWOV about their concern but it does not involve a Scheme Participant, or the customer does not know or tell us the company's name.

Payment difficulties

Payment difficulties cases include the following sub-issues:

- Arrears>Account Holder
- Arrears>Non Account Holder
- Payment Plan>Direct Debit
- Payment Plan>Extension
- Payment Plan>Instalment
- Payment Plan>Lump Sum
- Payment Plan>Smooth Pay.

Disconnection/Restriction

Disconnection/restriction cases include the following sub-issues:

- Arrears>Actual
- Arrears>Imminent.

EWOV also has equivalent sub-issues for LPG customers:

- Deliveries Stopped>Arrears>Actual
- Deliveries Stopped>Arrears>Imminent.

In this report, LPG deliveries stopped cases are included in disconnection/restriction figures.

Collection

Collection cases include the following sub-issues:

- Collection>Credit Rating
- Collection>Debt Collection Agency
- Collection>Other
- Collection>Refundable Advance.