

# Office of the People's Counsel of the District of Columbia 2006 Annual Report



The Office of the People's Counsel is the **public advocate for natural gas, electric and telecommunications ratepayers** in the District of Columbia. By law, the Office **represents D.C. utility ratepayers' interests** before the Public Service Commission, FERC, FCC, other utility regulatory bodies and the courts. The Office is **mandated to conduct consumer education and outreach** and may **represent individual consumers with complaints** related to their utility service and bills.

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**ADRIAN M. FENTY**  
MAYOR

June 4, 2007

Dear District Residents:

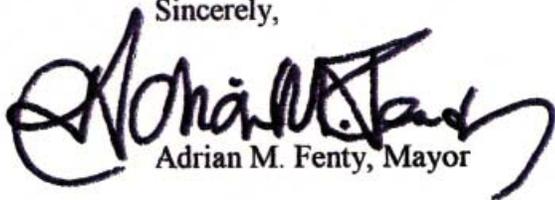
It is my pleasure to present the 2006 Annual Report of the Office of the People's Counsel.

The District of Columbia Office of the People's Counsel is a nationally recognized independent agency of the District government advocating for and educating consumers on utility issues affecting rates, quality of service, competitive choice and consumer safeguards.

Global warming and worldwide concern over energy resources put us at a crucial point in history. As the District moves toward defining our energy and environmental future, traditional utility issues take on new importance.

OPC will certainly have a role in this process by continuing to advocate, educate and protect the interests of all electric, natural gas and telecommunications consumers in the District.

Sincerely,



Adrian M. Fenty, Mayor



Dear District of Columbia Utility Consumers,

I am pleased to submit the 2006 ANNUAL REPORT of the Office of the People's Counsel.

This Report highlights the activities and accomplishments of OPC-DC. Also, as part of our ongoing dialogue with consumers, this Report seeks to inform and educate consumers about the issues affecting their utility rates and services. Hopefully, the Report will inspire continued dialogue between consumers and OPC-DC, encourage consumers to raise questions, and to otherwise participate in the rate and regulatory processes which determine how these issues are substantively addressed.

OPC-DC appreciates the complexity of issues affecting consumers. We remain committed to zealous and professional consumer advocacy before regulatory commissions, the courts and legislative arenas where the interests of D.C. consumers are affected.

Effective community education and outreach continue to be our pledge to you. Your concerns are ours. Involve us immediately! Our ongoing involvement in the community means OPC-DC knows and understands the "real world" issues affecting D.C. consumers everyday. Knowing this, we learn which policies must be developed or changed to meet the real needs of real consumers.

OPC-DC urges you to continue to share your experiences, thoughts, and frustrations. Our continued success depends on the involvement of D.C. utility consumers.

Talk to us. We are listening.

Respectfully submitted,

Elizabeth A. Noël  
People's Counsel for the District of Columbia



## **OPC Educates Senior Citizens about Discount Rates, Services and Complaint Resolution**

The District of Columbia Office on Aging, the primary agency responsible for providing comprehensive services to District residents who are 60 years of age or older, is the major sponsor of Elderfest along with its co-sponsor, Family and Child Services of Washington, D.C., Inc.

Family and Child Services is a private social services entity working to improve individual, family and community life through the provision of a broad range of professional services, which include adoptions, foster care, childcare, youth development, mental health counseling and services to senior citizens.

Elderfest, held in September, is an outdoor festival celebrating the contributions seniors make in their communities. The day-long celebration features entertainment and demonstrations highlighting the artistic and cultural diversity of D.C. seniors. The day's festivities include an arts and crafts pavilion showcasing seniors' talent and creativity and a health and fitness pavilion offering free health screenings and tips on healthy living. The net proceeds from the exhibitors' fees go to the Senior Emergency Fund, which assists District seniors with rent, telephone service, utility bills, prescriptions and medical expenses. Over 3,000 District seniors attend Elderfest each year.



The Consumer Services Division of the Office of the People's Counsel is an active exhibitor at Elderfest. OPC's staff provides seniors in attendance with information on current utility issues and serves as a point of contact to address their unresolved utility complaints. Seniors appreciate OPC's participation because they have face-to-face interaction with staff.

## **People's Counsel Receives Award from the D.C. Federation of Civic Associations**

In October 2006, the People's Counsel, Elizabeth Noel, was awarded the Presidential Citation of the D.C. Federation of Civic Associations for her longstanding support of the Federation and its member organizations and for her advocacy on utility matters on behalf of the citizens of the District of Columbia. Citing 19 years of continuous participation in D.C. Federation events, Federation President Gerri Adams-Simmons highlighted just a few of Ms. Noel's accomplishments bringing applause when she spoke of the savings to District consumers because OPC's participation in the Mirant bankruptcy avoided hundreds of million dollars in contracts consumers would have had to pay.



In accepting the award, the People's Counsel recalled the legacy of leadership the Federation represents and pledged continued support to its member organizations through the Office's outreach and advocacy.



## OPC Serves Low Income Community by Helping Them with “One-Stop Shopping” for Discounts on Utility Services



The October 2006 Joint Utility Discount Day (JUDD) held at the D.C. Convention Center marked the 20th anniversary of one of the District's most successful public/private sector events. JUDD is cosponsored by OPC, PEPCO, Washington Gas, Verizon DC, the Washington Water and Sewer Authority, and the D.C. Department of the Environment's Energy Office.



Some 4,000 income eligible District residents attended JUDD where they applied for electric, natural gas, telephone and water services discounts. OPC's lasting contribution to the event has been consistently making it a “value added event.” Over the past few years, the Office has invited agencies of the District and federal governments and health care agencies to provide additional information and services for applicants. For JUDD 2006, the exhibitors included the Mayor's Office on Latino Affairs, the Mom and Baby Bus, Ask the Doctor, Howard University's Women's and Cancer Centers, and Ramona's Way.



## Energy Expo

Remarking "I am astounded by the evolving technology of energy efficiency and proud of the Office of the People's Counsel's efforts to bring this information to District of Columbia consumers in such a quality format," People's Counsel Elizabeth A. Noël opened the 10th citywide Energy Expo.



OPC-DC, along with the Lamond-Riggs Citizens Association and the Emery Recreation Center, hosted an Energy Expo on September 16, 2006, featuring dozens of exhibitors with information on and demonstrations of the latest energy efficiency technologies and methods any consumer can use to manage energy consumption and directly impact bills.



The event featured diverse presentations from groups such as PEPCO, which showed consumers how to monitor energy use online and Zipcar, which displayed a hybrid car and offers "auto rental on demand" to consumers who regularly need a car but do not want to own and maintain a car. Representatives of the D.C. Energy Office, now in the newly created District Department of the Environment, provided a mini workshop on solar energy and sustainable programs.

Based on consumer feedback, one of the apparent highlights of the Expo was a pair of multimedia presentations by OPC-DC staff attorneys on "How to Read and Understand Your Energy Bills" and on the "Utility Consumer Bill of Rights."

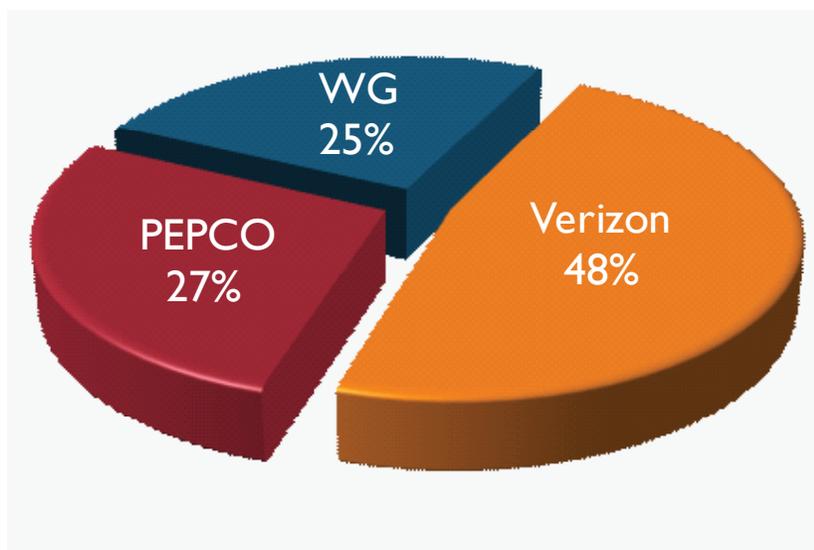


*"Keep on doing what you are doing now. The Expo was wonderful. I am happy I found out about it."*

*- 2006 Energy Expo attendee*

# LOOKING AT THE NUMBERS

## Complaints Received for the Big Three Utility Companies



Source: OPC Database, January 3, 2007

### OPC Represents Individual Consumers with Utility Complaints

OPC staff resolved 1,119 utility consumer complaints in 2006. Consumers expressed dissatisfaction with declining quality of service and continual billing and payment problems with all three District utilities. Consumers complained most frequently about Verizon-DC's services. Forty six percent of the consumers' complaints OPC staff received in 2006 were about Verizon's services, nearly double the number of complaints about PEPCO, which had the second highest number of consumer complaints this year. Complaints about Verizon's services have almost doubled in just two years. Continuing a trend, 20% of Verizon's total complaints were about its quality of service. The next most frequent Verizon complaints pertained to billing disputes, dissatisfaction with the frequency, quality and cost of repairs, and dissatisfaction with Verizon's bundled packages, particularly packages including Digital Subscriber Line services (DSL).

**PEPCO's** service accounted for 27% of the complaints OPC received in 2006. Of those complaints, 32% were billing disputes. However, there was a noticeable increase in consumer dissatisfaction with the number and duration of power outages and billing disputes based on estimated meter readings. Consumers also frequently complained about having difficulty navigating PEPCO's automated customer service phone system and poor quality of customer service. The efficiency and effectiveness of PEPCO's "tree trimming program" were also sources of dissatisfaction.

PEPCO's frequent estimated meter readings, chronic power outages and consumers' inability to talk with customer service representatives were among the primary causes of consumer dissatisfaction. Consumers, whether in houses or apartments, complained frequently about higher PEPCO bills, despite no change in consumption patterns.

**Washington Gas** (WG) accounted for 24% of the total number of OPC's consumer complaints in 2006. The majority of WG complaints were billing disputes, followed closely by quality of service and complaints about meter accuracy. Billing disputes included concern with increasing wholesale costs of natural gas, which are passed directly to consumers. Budget payment plan customers also expressed dissatisfaction with higher bills, frequently the result of rising wholesale costs.

While billing disputes and payment problems comprised the highest number of complaints, there was increasing dissatisfaction with rates and reliability of service as well. For example, Verizon's bundled telecommunications packages, as advertised, led many consumers to think they would get a variety of the latest features at low rates. Instead, after getting their bills, many consumers contacted OPC to express dissatisfaction with higher than expected costs and insufficient information from marketing representatives to make informed decisions about phone service choices based on their calling patterns. Verizon customers often complained about how difficult it was to schedule repairs and the inconvenience of a six-hour "window" for a technician to arrive. Repeat repair calls were not unusual according to consumers, who also noted the high costs associated with Verizon repairs. Verizon packages that included DSL service were particularly problematic, prompting numerous complaints about poor installation and higher than anticipated costs.

Deregulation, which promised residential ratepayers choice of service providers and lower costs, has provided neither. Instead, 2006 consumer complaint trends show District consumers have few, if any, utility service options, while costs are increasing and quality of consumer service is deteriorating.

## Formal Case 1053: PEPCO Rate Case

On December 12, 2006, PEPCO filed for an increase in its distribution service rates during a period when consumers saw generation service rates (also known as Standard Offer Service or SOS) increase steadily over the past two years. One of PEPCO's most significant requests is seeking to permit it to shift the business risk to consumers through a proposed Bill Stabilization Adjustment ("BSA") and a Pension and Other Post Employment Benefits surcharge.

The BSA will essentially guarantee PEPCO will always receive the Commission-designated revenues, regardless of the occurrence of situations that would result in lost revenue, i.e., power outages or energy conservation. PEPCO also wants to pass on to consumers the unknown and uncertain costs associated with maintaining its benefits programs for retired employees.

One other significant aspect of PEPCO's request is the allocation of transaction costs between its parent company, PHI, and PEPCO, which OPC believes to be unreasonable. Additionally, OPC's investigation has revealed PEPCO wants to collect through customer rates its federal and District income taxes in amounts far exceeding the Company's actual taxes.

Other issues being considered in this case are whether PEPCO has demonstrated its costs containment program has effectively reduced costs to reduce overall operating costs paid by consumers; whether the jurisdictional cost allocation PEPCO proposes is just and reasonable; whether PEPCO's proposed distribution of its revenue requirement among the various customer classes is reasonable; whether PEPCO's proposed increase in the reconnection fee from \$35 to \$100 is reasonable; and whether PEPCO's proposed increase in the minimum monthly residential charge from \$0.47 to \$4.11 is reasonable. PEPCO must produce sufficient evidence to support its request for a \$50.5 million increase in its distribution service rates and charges.

## Net Energy Metering in the District of Columbia

As part of the 1999 electric restructuring legislation, the D.C. Council authorized the Public Service Commission to establish a program permitting eligible District residents to participate in net metering. The law defines net metering as *“measuring the difference between the electricity supplied to an eligible customer-generator from the electric grid and the electricity generated and fed back to the electric grid by the eligible customer generator.”* The law also allows compensation for customers who generate unneeded excess electricity and return it to the electric grid.

OPC supports the concept of net metering since it will provide incentives for consumers to invest in renewable energy generation and is a viable option to derive some benefit from the retail competitive market as promised by the 1999 law. Consumers who install generating facilities on a small scale to generate their own power needs will likely save money on their electric bills. Permitting consumers to have real time access to their usage data and to monitor and adjust their usage, particularly during peak times, can only benefit the system as a whole. Consumers who generate more electricity than they need in a month will receive a credit on their bills for the excess electricity they return to PEPCO.

In February 2005, the Commission adopted net energy metering rules and regulations. In July 2006, PEPCO submitted a revised net energy metering contract for Commission approval. The PSC's final decision has not been issued.



### Formal Case 1049: Energy Policy Act of 2005

OPC represents consumers in Formal Case No. 1049, the proceeding the Commission established to determine whether and to what extent it should initiate proceedings or modify existing proceedings to meet the requirements of the Energy Policy Act of 2005 (“EPAAct”).

EPAAct was signed into law on August 8, 2005, amending federal utility regulatory law to include five new standards applicable to the electric industry and to require regulatory authorities in each state to consider adoption of these standards. These standards are net metering, fuel source diversity, fossil fuel generation efficiency, time-based metering and communications (“smart metering”), and interconnection. On July 31, 2006, the Commission described the actions it had taken to comply with EPAAct and asked for comments on whether further action was needed.

OPC concluded the Commission was not in full compliance with the net metering (renewables) and interconnection standards requirements and was not in compliance with the fuel source diversity, fossil fuel generation efficiency and smart metering standards requirements. OPC asked the Commission to initiate proceedings for a determination regarding the standards.

## PJM and FERC

Because the wholesale market affects retail rates for District consumers now more than ever, OPC continues to be active at FERC and has intervened and filed comments in cases involving PJM filings, transmission owner filings, market participant filings and FERC rulemakings. In 2006, OPC participated in 12 new cases at FERC, including cases addressing transmission planning and market monitoring issues.

Since FERC regulates PJM and PJM makes policies on the operation of the wholesale market, OPC actively participates in the PJM stakeholder process. This participation is important to District consumers as it ensures federal regulatory bodies are aware and take into consideration the impact of wholesale market policies on the retail electric consumer.



### Formal Case 945: Retail Electric Choice and Market Monitoring

As part of the D.C. restructuring legislation, OPC was required to establish a unit to monitor the electric market for anti-competitive behavior or conditions. Market monitoring is critical because anti-competitive behavior can result in inflated rates for consumers. As part of this important responsibility, OPC monitors the retail and wholesale markets. At the retail level, OPC reviews the monthly reports prepared by PEPCO, which indicate the number of customers who switched to an alternate supplier during the month. OPC addresses the appropriate party (which could be Pepco, the alternate supplier, or in serious cases, the Commission) with any concerns about the reports, with an alternate supplier's certification or with a supplier's behavior.

Although consumers have had the possibility of electric choice since 2001, as in previous years, only two alternate suppliers solicited residential customers in 2006. At the end of 2006, only 1.34 percent of residential customers were being served by alternate suppliers with the remainder being served by PEPCO under the standard offer supplier contracts. This is down from 2.5 percent of residential customers being served by alternate suppliers in 2005.

Since prices at the retail level are determined at the wholesale level, OPC monitors the wholesale market to ensure rates at the retail level are consistent with those at the wholesale level. This monitoring activity consists of participating in market monitoring issues and activities at the Federal Energy Regulatory Commission (FERC) and the Pennsylvania-New Jersey-Maryland Interconnection, LLC (PJM), the entities responsible for monitoring the wholesale market for market manipulation. Specifically, OPC works to ensure policies are in place to address the potential of market manipulation at the wholesale level and that the PJM market monitor has the tools needed to identify and address market manipulation.

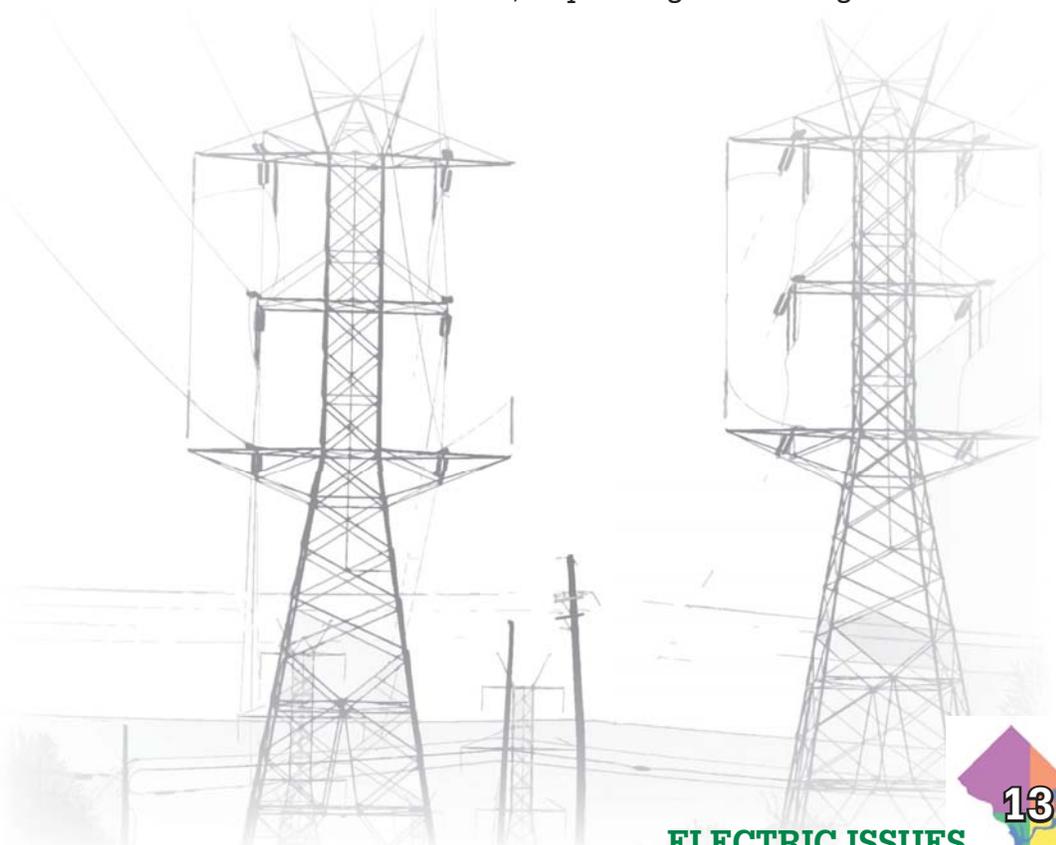
## Formal Case 1017: Standard Offer Service (“SOS”)

Standard Offer Service is the electric service provided to all consumers not being served by an alternate supplier. Approximately 99 percent of residential consumers are receiving electricity from the SOS provider, currently PEPCO.

Standard Offer Service was created by law when the District’s electric service was deregulated. Prior to 2001, the Public Service Commission regulated generation and distribution, which permitted PEPCO to recover its costs plus a reasonable rate of return as determined by the Commission. On January 1, 2001, with the District’s deregulation of the electric market, the Commission no longer controlled the price PEPCO charges for energy generation and consumers could then shop for an alternate generation supplier. With deregulation, the Commission can only control the process used by the SOS provider to get energy, but not the cost. This is important to consumers because it affects how the cost of their electricity is determined.

As part of the deregulation law, PEPCO was required to provide electricity under capped rates to District consumers until February 8, 2005, and upon their expiration, a standard offer supplier would offer electricity at market rates. The Commission subsequently decided PEPCO would be the SOS provider charged with serving those D.C. consumers not being served by an alternate supplier. Since then, the rate paid by District consumers is the average price of the awarded contract *plus* an administrative charge *plus* taxes. Due to an increase in the price of energy supply at the wholesale level, SOS consumers saw a 16 percent increase in their generation rate on June 1, 2006. This was in addition to the 19 percent increase in generation rates seen in February 2005, when the rate caps ended. As noted earlier, the Commission has no control over the rate amount, which is determined by suppliers in the wholesale market.

To address this issue of increasing rates, OPC filed a complaint with the Commission in June, which the Commission docketed as Formal Case No. 1047, requesting an investigation into SOS procurement practices. Specifically, OPC requested the Commission investigate the use of a long-term diversified portfolio management approach with the goal of procuring long-term stable prices at the least cost for consumers. This approach should provide some stability in the cost of electricity.



## Formal Case 945: Reliable Energy Trust Fund

As a result of the restructuring legislation, District ratepayers are funding 100 percent of the Reliable Energy Trust Fund (RETF) programs which are designed to assist low-income customers in saving on their energy bills, to promote energy efficiency, and to encourage the use of electricity from renewable energy sources. While these are laudable objectives, OPC's focus has been ensuring the programs selected for funding provide immediate, tangible benefits to District ratepayers, meet the Commission-established criteria for approval, and are in the public interest.

The purpose of the restructuring law was to foster the development of competition in the District of Columbia. To protect consumers and to ensure the continued provision of safe, reliable electric service at just and reasonable rates during the transition, the Council adopted several critical consumer protection provisions as integral components of the Act. These provisions include the establishment of three categories of programs: those that assist low-income District residents, those that promote energy efficiency, and those that promote renewable energy, all of which are funded by the RETF.

The RETF is funded by a surcharge on electric ratepayers' bills. The surcharge revenue can range from a low of \$9 million to a maximum of \$23 million annually. The actual funding levels for RETF programs are determined by the specific amounts the Commission approves for each program, which are not transferable among or between programs.

By the end of 2006, the Commission had approved 16 RETF programs which are administered by the District Department of the Environment's Energy Office. These programs are divided into five categories: renewable energy, residential (non low-income and low-income), education/awareness, commercial, and institutional, providing benefits to electric customers of every customer class.

OPC has programs that are D.C. ratepayers in public purpose accountability for of demonstrating them.



publicly stated the RETF mechanism is not a "Christmas tree" for not cost-effective and do not provide real and tangible benefits to this lifetime. OPC's continued support for the objective of the RETF programs hinges on the programs being balanced with a bottom line costs. When proponents of RETF proposals do not meet their burden the proposals are in the public interest, the Commission should deny



## OPC-DC and the DC Smart Meter Program

SmartPowerDC is the smart meter test project in the District in which residential consumers are randomly selected to participate and possibly save money on their electric bills by reducing their electric usage during peak periods of energy use. In merger settlement negotiations, OPC obtained \$2 million, not to be recovered through rates, for the program. A non-profit corporation was formed to administer the program, the Board of which is chaired by PSC Commissioner Rick Morgan and consists of OPC, PEPCO, CUB and the IBEW. The request for PSC approval of the type of meter selected and the proposed smart meter tariff were filed with the Commission in June 2006. Approval is pending.

If approved, participants in SmartPowerDC will be billed under one of three pricing schemes: Hourly Pricing Option, Critical Peak Pricing or Critical Peak Rebate. Under all three options, the generation charge on the customer's bill is calculated using time-varying prices. All other components of the bill, including the transmission and distribution charges, are calculated using existing rates for those components. The program is a two-year test program, and participants are expected to remain in the program for the full two years. Monetary incentives will be provided upon enrollment and completion of the program.

Approximately 2,000 D.C. residential consumers will be selected on a random basis to participate in the program. The People's Counsel has volunteered to participate in the program so as to gain firsthand experience with Smart Meters and their efficiency. Surprisingly, an OPC employee was randomly selected. The program and OPC's experiences will be chronicled on OPC's website.

Each participant will receive a smart meter and roughly half will also receive a smart thermostat. If participants reduce their energy usage during high price times, they may save on their electric bills. In addition, consumers can save money on their electric bills and reduce energy usage during peak times, thereby reducing energy usage on the whole system. This will in turn bring down energy prices in general and place less demand on the system as a whole, benefitting everyone.

The project will measure five primary items: 1) customer reduction in electricity use during peak times; 2) customer changes in overall consumption; 3) customer satisfaction with different pricing options and technologies; 4) usefulness of the selected technologies; and 5) value of presenting additional pricing information to customers. Following the project's completion, policymakers will have the necessary information to begin assessing the cost effectiveness of these residential pricing and technology options.



*The smart meter (left) has the same diameter but with a slightly higher profile than the standard, glass-encased meter.*

## Formal Case 1054: Washington Gas Rate Case

On December 21 2006, Washington Gas (WG) filed a request for PSC approval of an increase in rates and charges for natural gas service in the District (Formal Case 1054). According to the Company, the requested increases are designed to allow WG to collect \$20 million in additional revenue. WG wants to increase the monthly Customer Charge from \$7.85 to \$9.50 and the per therm charge from \$0.3809 to \$0.4865 for residential heating/cooling customers. For non-heating and cooling customers the proposed increase is from \$0.4197 to \$0.5273.

While at first blush, WG's request appears to be a traditional rate case, the Company is requesting a number of novel rate mechanisms, including a Performance-Based Rate mechanism with an Earnings Sharing Mechanism, a Revenue Normalization Adjustment to allow for weather and conservation adjustments, and a Gas Administrative Charge for uncollectibles.

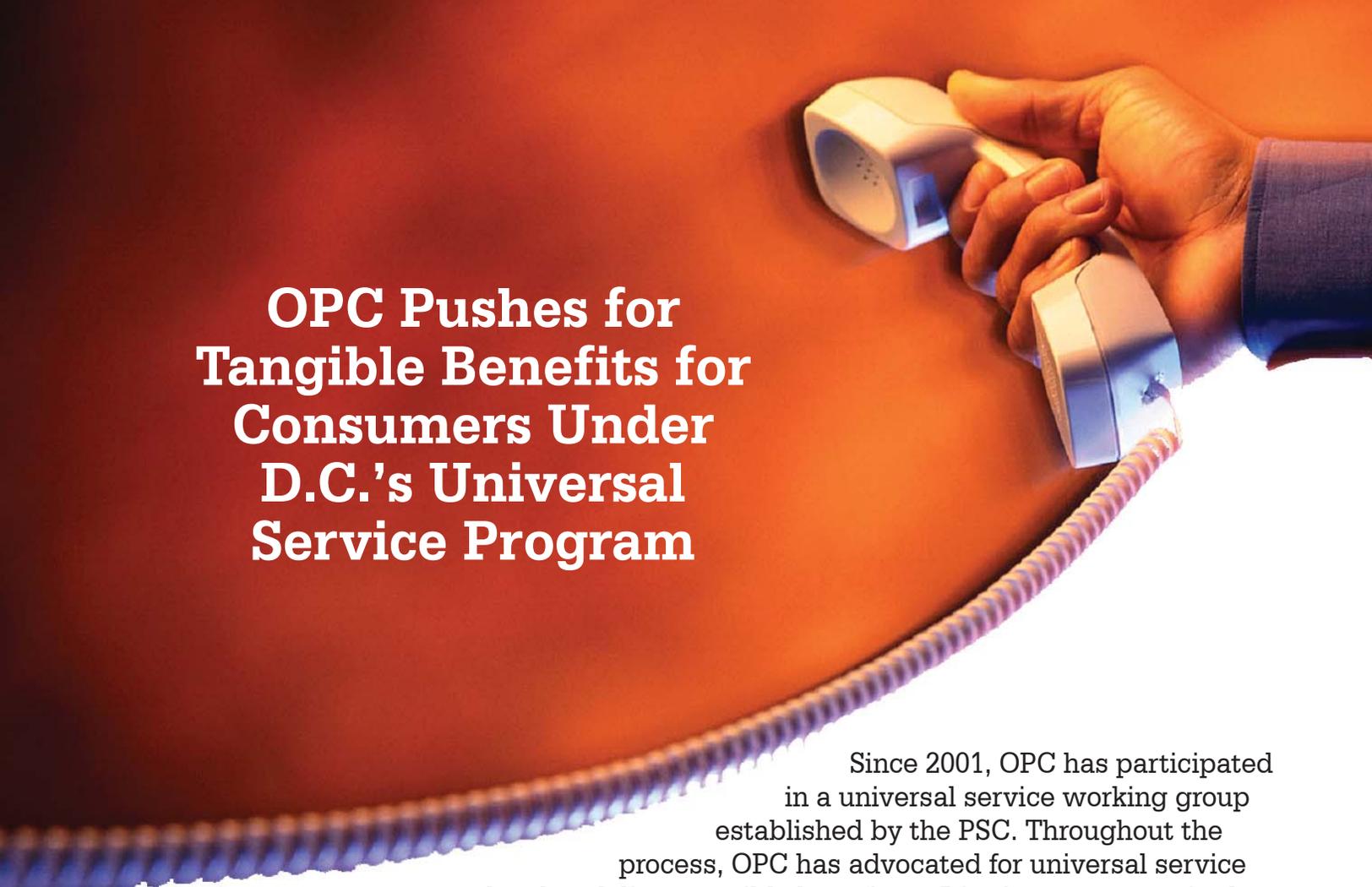
After careful review of the entire WG rate application, it is clear the requested increases are not the real issue of this proceeding. Rather, it is WG's attempt to subsidize a large scale outsourcing contract for its Customer Service functions and to shift risks from shareholders to consumers. The real issues for consumers are the impacts of outsourcing on quality of service, the financial and economic implications of outsourcing, and the attempt to shift business risks from shareholders to ratepayers.



### OPC Investigates Washington Gas' Compliance with Its Tariffs

In June 2005, the Commission opened an investigation into whether Washington Gas is complying with its tariffs and the PSC's rules. The reason for the investigation was WG's admitting in a consumer's complaint it does not always follow its own regulations on service line installations. Since that time, OPC has learned WG is also not in compliance with a regulation prohibiting the Company from charging consumers for the costs of a meter. A decision from the PSC is pending.



A close-up photograph of a hand holding a white telephone receiver. The hand is positioned in the upper right corner, with the receiver held against a vibrant red background. The receiver is connected to a coiled cord that curves across the middle of the frame. The lighting is warm, highlighting the texture of the hand and the plastic of the receiver.

## OPC Pushes for Tangible Benefits for Consumers Under D.C.'s Universal Service Program

Since 2001, OPC has participated in a universal service working group established by the PSC. Throughout the process, OPC has advocated for universal service rules that deliver tangible benefits to District consumers in the form of affordable access to basic telephone service, the Telecommunications Relay Service for the deaf and hard of hearing community, service quality standards, and the ability to redefine universal service to include new services to be identified as universal as telecommunications service technology evolves.

One of the most important aspects of the District's universal service program is its Lifeline telephone service, Economy II. Economy II provides a monthly discount on basic local telephone service for income and age eligible consumers. Consumers who meet the income guidelines can receive local telephone service for \$3. Those consumers age 65 and older and income eligible can receive local telephone service for \$1.

Each year, Economy II recipients must recertify for the program to ensure continued eligibility. This year, after learning nearly half of the Economy II recipients had failed to recertify and were about to lose their Economy II service, OPC advocated another attempt be made to contact the non compliant recipients before they lost their discounted telephone service. As a result of the additional outreach effort, a number of Economy II recipients were recertified.

## OPC Leadership and Direction

The Directorate includes the People's Counsel, her Staff Assistant, Jean Gross-Bethel, and the management team of Sandra Mattavous-Frye, Esq., Deputy People's Counsel; Derryl Stewart King, Associate People's Counsel for Operations; Herbert Jones, Manager, Consumer Services Division; and Darlene Wms-Wake, Manager, Management Information Systems Division. The Directorate determines policy consistent with the Agency mission and provides legislative analysis and assistance on utility matters to the Executive and the Council of the District of Columbia.

Elizabeth A. Noel, Esq.  
People's Counsel

Jean Gross Bethel  
Staff Assistant to the People's Counsel

## OPC Advocates for and Represents Consumers

The Litigation Services Division, headed by Sandra Mattavous-Frye, Esq., consists of the Energy, Telecommunications and Technical Sections. There is also a Market Monitoring Section created pursuant to the District's electric retail restructuring law to monitor the market for market abuses. The Division manages and presents cases involving utility companies before the Public Service Commission, federal regulatory agencies, and the D.C. Court of Appeals. This work includes developing overall litigation strategies to be pursued, preparing aspects of each case, coordinating outside counsel, and marshaling various expert technical witnesses.

Sandra Mattavous-Frye, Esq.  
Deputy People's Counsel

Laurence Daniels, Esq.  
Assistant People's Counsel

Lopa Parikh, Esq.  
Assistant People's Counsel

Jennifer Weberski, Esq.  
Assistant People's Counsel

Bahaa Seireg  
Economist

Barbara Burton, Esq.  
Assistant People's Counsel

Brian Edmonds, Esq.  
Assistant People's Counsel

Brenda Pennington, Esq.  
Assistant People's Counsel

Naunihal Singh Gumer  
Accountant, Rate Case Manager

Tamika Chase  
Office Assistant



Karla Chryar  
Litigation Assistant

## OPC's Ability to Function Effectively

The Operations Division, headed by Derryl Stewart King, is responsible for fiscal management, editorial functions, assessments, space acquisition and management, materials and non-IT equipment, procurement, human resources, staff development, benefits administration, and legal matters related to OPC's daily operations.

Derryl Stewart King  
Associate People's Counsel for Operations

Frank Scott, Jr.  
Administrative Officer

Erica Bright  
Administrative Assistant

Tara Love  
Receptionist

## OPC Consumer Education and Outreach

The Consumer Services Division, headed by Herbert Jones, provides education and outreach to District consumers, responds to requests for information and for speaking engagements. Consumer Services staff provide assistance and representation to individual consumers with utility complaints and complaints about public pay telephones. The Division also provides assistance and resources to the Consumer Utility Board and community civic and consumer organizations.



A Litigation Division staff attorney supervises and advises the consumer complaint staff to determine whether legal action or new policies should be developed. This function helps OPC make and argue strong cases for matters raised through individual complaints demonstrating the need for a policy shift or legal change.

Herbert Jones  
Manager

Elizabeth Brooks-Evans  
Community Education & Outreach Specialist

Silvia Garrick  
Community Education & Outreach Specialist

Laurence Jones  
Public Policy Analyst

Pamela Nelson  
Community Education & Outreach Specialist

Karen Sistrunk, Esq.  
Assistant People's Counsel

Kami Corbett  
Consumer Education Specialist

Phillip Harmon  
Public Policy Analyst

Ardella Newman  
Consumer Complaints Specialist

Cheryl Morse  
Office Assistant

## OPC Technology

The Management Information Systems Division, headed by Darlene Wms-Wake, is responsible for all aspects of the Office's computer network and information management. MIS provides staff computer training and support, tools for production of consumer education and outreach materials, the Consumer Information Database research and other information databases, presentation and desktop publishing, and equipment and technology upgrades. OPC's website, [www.opc-dc.gov](http://www.opc-dc.gov), is also a product of the Division.

Darlene Wms-Wake  
MIS Manager

Akara "Yoshi" Chandee  
Webmaster

Anthony Lee  
Computer Specialist



## OPC is Funded by D.C. Consumers Alone

The Office's funding is entirely revenue neutral to the District's budget. Like other agencies, OPC-DC is part of the District's annual budget process, submitting and explaining its budget request to the D.C. Office of Planning and Budget and then to OPC-DC's Council oversight committee. All Council-approved agency budget requests become part of the District's total budget request, which is sent to Congress for final approval.

None of the Office's funding comes from general revenues, but by law each of the public utilities (PEPCO, Verizon and Washington Gas) and the alternative teleco companies and energy suppliers providing service in D.C. pays a percentage set by law of OPC-DC's annual budget.

There are two elements to OPC-DC's funding. As a practical matter, the Office functions with two budgets: the annual operating fund, as well as assessment funds for expenses related to specific cases. While both are paid by the utilities, the companies are permitted to "pass through" these expenses in the rates charged for utility service. Put another way, *D.C. ratepayers alone pay these costs as a part of utility rates.*

### I. Annual Budget

The annual budget covers office expenses such as staff salaries, fringe benefits, rent, utilities, supplies, printing, equipment and maintenance, training, and periodicals. Although OPC's annual budget is paid by the utilities, these costs are included in the rates charged to ratepayers. *So in fact, ratepayers alone pay OPC's operating expenses.*

### II. Assessments

OPC funds its litigation efforts by what is known as a special franchise fee tax determined by law and assessed directly against the affected utility to fund any costs associated with litigating matters before the PSC. These funds pay legal advisors, expert witnesses and technical consultants, as well as the Office's administrative expenses associated with a particular case. Just as with OPC's annual budget, *ratepayers alone pay for these expenses.*



## **OPC Advocates for Transparency of Utility Companies' Funding of OPC's and the PSC's Operating Budgets**

OPC is adamant the source of funding for governmental agencies should be transparent and available for public review. Ratepayers have the right to know the amount of money the utilities are being assessed for the Office's and the PSC's annual budgets, particularly since the funds paid are ratepayer dollars.

This issue was pushed to the forefront when the Office challenged the utility companies' practice of classifying their gross jurisdictional assessment amounts as confidential. As a result of the companies' designation, the Commission had deleted from public disclosure the amounts it proposed to assess WG, PEPCO and Verizon DC for their share of OPC's and the PSC's operating budgets. (Formal Case No. 712)

As a result of OPC's concern, as well as concerns raised by community leaders, in August 2006, the Office filed a motion seeking clarification as to why the Commission deleted the companies' revenue data from public review. The Office urged the PSC to find "OPC's funding, as well as that of the PSC's, is subject to full disclosure and should be made available to the public."

Verizon DC objected to the disclosure of its revenue information, arguing "while Verizon DC's gross jurisdictional revenues are publically available, they are adjusted in response to the PSC's survey in a way that presents proprietary retail revenues which are not in the public domain."

To date, the Commission has not ruled on OPC's proprietary designation challenge.

## 2006 OPC Staff Professional Development and Education

- 19th Annual Utility Merger & Acquisition Symposium
- SOS RFP Process
- Leadership and Personal Effectiveness
- Project Management for Government Administrators
- Implementing the Energy Policy Act of 2005: Electricity Law Seminar
- DC Bar Association, Sixtieth Annual Meeting
- Community Power Network of New York State, Inc
- NYS Public Service Commission/NYS Energy Research and Development Authority Low-Income Forum on Energy – 2006 Conference
- Emergency Preparedness and Service Restoration for Utilities
- NARUC Utility Rate School, 27th Annual Western Conference
- NARUC Summer and Winter Committee Meetings
- 2006 NASUCA Mid-Year Meeting
- 2006 NASUCA Annual Meeting
- Regional Greenhouse Gas Initiative (RGGI)
- How to Prepare for Identity Theft at Your Company
- Government Administrative Management
- From the Ground Up: Fundamentals of Practice Before the DC Court of Appeals
- What's Ahead from EPACT: One Year Later
- Effective Writing for Lawyers
- 20th Annual Utility Merger & Acquisition Symposium
- Energy Bar Association Mid-Year and Annual Conferences
- 2006 Joint Low Income Energy Conference
- Federal Communications Commission Consumer Advisory Committee Meetings
- 2006 Emergency Utility Operations Meeting
- Peoplesoft Time and Attendance
- Joint Utility Discount Day
- Webinar – Electric & Gas Line Extension Policy
- Webinar – Energy Efficiency and the Specter of Free Ridership
- ING Investment Strategies
- FERC Technical Conference on Reliability Standards
- FERC DR Technical Conference
- FERC PJM Technical Conference
- NASUCA Winter Meeting at FERC
- Annual Regulatory Studies Program
- 19th Annual Utility Merger and Acquisition Symposium
- Emerging Issues Policy Forum



## Do You Need More Information?

At OPC we are proud of the wide range of quality services we provide to D.C. utility consumers. If you want to learn more about the Office of the People's Counsel or if you would like a speaker on utility issues for the next meeting of your neighborhood, church, labor or civic group, please contact OPC:

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