

**OFFICE OF THE
PEOPLE'S COUNSEL
COMPENDIUM OF
ACTIVITIES
1997-2000**



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1999

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I. INTRODUCTION

It is my honor to serve as People's Counsel for the District of Columbia. Serving in this position has capped my career as a public interest attorney. My Juris Doctorate degree from the Georgetown University Law Center and my undergraduate degree in economics from Fordham University have prepared me well for a legal career rooted in the areas of public utility regulation and administrative and antitrust law with a focus on consumer protection.

I have been witness to and partner in the Office's growth to its current status as one of the premier utility consumer advocacy agencies in the United States. As an independent agency of the District of Columbia government¹, OPC is charged with the responsibility to advocate for ratepayers and consumers of natural gas, electric and telecommunications services in the District of Columbia. OPC also is empowered by law to represent no fault automobile insurance ratepayers whenever the Commissioner of Insurance holds a rate hearing².

As People's Counsel, I took an oath to implement the mandate of the Office to advocate the provision of quality service and equitable treatment of rates that are just, reasonable and nondiscriminatory; to assist individual consumers in resolving disputes with energy and telecommunications companies about rates, billing, and quality of service; and to provide technical assistance and consumer education to citizens and lay consumer advocates.

In carrying out the Office's mission, OPC engages in a broad range of activities designed to guarantee District utility consumers will be professionally and effectively represented before the

¹ Originally established by the U.S. Congress in 1926, the Office was eliminated in a federal Executive Branch reorganization. In response to consumer concern about escalating utility rates, OPC was reestablished, becoming an independent agency of the District government in January 1975. D.C. Code Ann. § 43-406 (1998).

² D.C. Law 4-155, the Compulsory No-Fault Motor Vehicle Insurance Act of 1982, D.C. Code Ann. § 35-1703 (h) and (i) (1997).

D.C. Public Service Commission (APSC@ or ACommission@), the D.C. Council, the Federal Energy Regulatory Commission (AFERC@), and the Federal Communications Commission (AFCC@). Also, OPC ensures consumers are prepared to function in an inchoate competitive marketplace for energy and telecommunications services.

Current members of the Public Service Commission, appointed by the Mayor and confirmed by the Council, are Acting Chairman Edward M. Meyers and Commissioner Agnes M. Alexander; one position is vacant. The three-member body serves a quasi-judicial role in the regulation and market oversight of the firms providing energy and telecommunications services to D.C. consumers.

With the passage of the 1996 D.C. Telecommunications Act³, market oversight expanded to the service of competitive telecommunication companies providing service to consumers in the District of Columbia. Similarly, the promulgation of the District's 1999 electric restructuring law⁴ authorizes Anew entrants@to provide electric service to D.C. consumers. Local regulation will be retained over PEPCO's transmission and distribution functions.

The groundwork for my administration was laid by my predecessors. Their unique skills as dynamic lawyers and their progressive visions were the building blocks for the evolution of the Office into the venerable and unique institution it is today in the District and in the Nation.

The first People's Counsel, the Honorable Annice Wagner, established OPC as a law office operating in the public interest, a building block that undergirds recognition of the rights and

³ District of Columbia Telecommunications Competition Act of 1996, codified at D.C. Code Ann. § 43-1452 (1998).

⁴ Retail Electric Competition and Consumer Protection Act, Bill No. 13-284.

responsibilities of consumers as those rights pertain to each of the utilities. During his tenure as the second People's Counsel, Brian Lederer validated citizen involvement and participation in the regulatory process. The architect of the Office's infrastructure was the third People's Counsel, the Honorable Frederick D. Dorsey. During his administration, the Office grew in size and budget, the assessment funding mechanism was clarified, and rules were devised to assure the financial resources needed to conduct complex utility litigation before the PSC⁵. In building on this solid foundation, my commitment to providing utility consumers with professional and effective legal representation remains unwavering.

For the period FY 1997-FY 2000, I have managed a cumulative appropriated budget of \$9.6 million. Direct assessments of the utilities⁶ from FY 1997 through FY 1999 for case-related expenditures totaled \$1,857,845.

Each year OPC's staff prepares and submits legal briefs, expert testimony and studies for consideration before the PSC, FERC, and the FCC to provide evidentiary bases for full and fair decision-making. Our consumer staff and administrative support engage in myriad tasks to advance the legal and consumer interests of ratepayers. During fiscal years 1997 through 2000, the Office participated in approximately **56 major cases** before the District of Columbia Public Service Commission. I believe the Office has comported itself superbly during the past three years in carrying out its primary responsibility to represent utility ratepayers before the Commission.

⁵ The Honorable Annice Wagner is now the Chief Judge of the D.C. Court of Appeals. Brian Lederer is in private practice primarily representing electrical workers. The Honorable Frederick Dorsey is a District of Columbia Superior Court judge.

⁶ Direct assessments for the expenses of retained legal and technical experts, as well as administrative expenses, incurred in representing ratepayers before the Public Service Commission are author-

Clearly, utility regulatory issues have become more complex and affect more consumers. Emerging issues such as the appropriate treatment of new market entrants, mergers and acquisitions, utility asset divestiture, competition in local telecommunications and energy retail markets, the impact of technology, the locations of payphones affecting the quality of life in residential neighborhoods, cellular tower deployment in residential areas, and environmental concerns have put greater demand on OPC's resources.

The Office routinely monitors legislation introduced by the D.C. Council and encourages citizen involvement and provides technical support to consumers who testify at public legislative hearings. During the past three years, OPC has submitted substantive comments to the D.C. City Council on such matters as the following:

- ★ *ARetail Electric Competition and Consumer Protection Act of 1999*⁷
- ★ *AEmergency and Non-emergency Telephone Calling System Trust Fund Act of 1999*⁸
- ★ *ADistrict of Columbia Telecommunications Competition Act of 1999*⁹
- ★ *AElectricity Gross Receipts Tax Amendment Act of 1999*¹⁰
- ★ *ANatural and Artificial Gas Gross Receipts Tax Amendment Act of 1999*¹¹

⁷ Bill 13-284, D.C. Code ANN. § 43-1251 *et seq.*, 1999 D.C. ALS 107; 1999 D.C. Stat. 107; D.C. Law 107; 1999 D.C. Act 256.

⁸ Bill 13-200, 1999 D.C. Act 13-352 (May 19, 2000).

⁹ D.C. Code Ann. § 43-1458 (1998).

¹⁰ Bill 13-280, D.C. Law 13-148 (July 18, 2000)

¹¹ D.C. Law 12-99.

★ *ALegal Service Establishment Amendment Act of 1998*^{12@}

★ *AWater and Sewer Authority Public Utility Designation Act of 1998*^{13@}

The Office also represents individual consumers with complaints about service quality and rates charged by the utility companies. In 1999, consumer complaints and inquiries increased 12.0 percent over 1998 figures.

The Office has continued to be overwhelmed with citizen complaints about "nuisance" public pay telephones. With the regulation of customer-owned coin-operated telephones, in the past three years the Office has investigated complaints concerning more than 201 public pay phones.

OPC would have accomplished little without its strong and well-informed consumers. While the mandate for the Office's public education activities is written into its statute, I recognize the value of an informed constituency. As a staunch believer that consumer education and advocacy are inextricably intertwined, I have used a three-pronged approach of information, education and outreach as the keystone of OPC's advocacy. The Office welcomes every opportunity to work with our clients. We maintain a consistent and ongoing relationship with advisory neighborhood commissions, civic and citizens associations, the United Planning Organization, Tenants Organized Political Action Committee, the YMCA, church groups, the D.C. Federation of Civic Associations, the D.C. Legislative Committee of the American Association of Retired Persons, and the D.C. Consumer Utility Board (CUB), to name just a few.

Since 1997, the Office has routinely sponsored utility issues seminars for lay community advocates and ~~A~~issue teach-ins@for community leaders. In the past three years, the Office

¹² D.C. Act 12-612.

¹³ Bill 12-660.

sponsored approximately 15 major utility issues briefings, participated in 45 CUB meetings, and sponsored four (4) major consumer conferences that reached an estimated 3,500 District consumers. Through OPC's Speakers Bureau we have appeared at over 500 community meetings, addressing citizens' concerns about utility issues and services.

In keeping with a longstanding tradition the Office presented consumer advocacy awards to community activists during annual awards celebrations of the **D.C. Federation of Civic Associations**. Recent recipients of the OPC Consumer Advocate Award have included Former ANC Commissioner and community activist GiGi Ransom, Guy Corriden of the D.C. AARP Legislative Committee, and Theresa Jones of the United Planning Organization.

Our ongoing public education activities include **Joint Utility Discount Day**, which has enabled approximately 10,000 citizens to qualify for discounts in utility rates since 1997. The Office writes, produces and disseminates educational publications, including newsletters, fact sheets, brochures and pamphlets.

I have held steadfast to my personal tenet to educate consumers and utility professionals. I am a faculty member of the **Institute for Regulatory Studies** sponsored by the **National Association of Regulatory Utility Commissioners** at Michigan State University. Since 1987, I have taught utility regulatory courses to attorneys, accountants, economists, engineers and individuals new to the field. (See *Appendix A* for presentations by the People's Counsel.)

As People's Counsel, I look forward to the exciting, new horizons in energy and telecommunications. The past three years have been productive and exciting times for me and my staff. It is in this context I am reporting our accomplishments to you. You will learn of the myriad issues, events and challenges that have faced me, this office and you -- our clients, utility ratepayers and consumers of the District.

II. OFFICE ORGANIZATION AND STRUCTURE

Space Allocation

The Office is located at 1133 15th Street, N.W. The lease expires on September 30, 2000. Early in 1997, OPC contacted the Office of Property Management to begin the lease renegotiation process. Lease negotiations are ongoing.

Organizational Structure

The Office is organized into five divisions: **B** Directorate; Litigation; Operations; Information Systems; and Consumer Protection, Complaints, Education and Outreach (CPCEO). Each division is headed by a manager. An organization chart is attached as *Appendix B*.

The **Directorate** comprises the People's Counsel, a Staff Assistant, and the management team of Sandra Mattavous-Frye, Esq., Deputy People's Counsel; Derryl Stewart King, Associate People's Counsel for Operations; Herbert H. Jones, CPCEO Manager; and Darlene Wms-Wake, LAN Manager. The Directorate oversees all agency matters and makes overall litigation and policy determinations. It also provides legislative analysis and assistance to the Executive and the Council of the District of Columbia on relevant matters.

The **Litigation Division**, consisting of the Energy and Telecommunication Sections, is responsible for managing and presenting 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 strategy to be pursued, preparing aspects of each case, coordinating outside counsel, and marshaling various expert technical witnesses.

The **Operations Division** is responsible for budgetary and fiscal management, editorial functions, assessments, space acquisition and management, materials and equipment, procurement,

recruitment, personnel, staff development, benefits administration, and legal matters related to the office's operations.

The **Consumer Protection, Complaints, Education and Outreach Division (CPCEO)**, formerly the Consumer Services Division, was reorganized in recognition that the move toward retail competition sharpened OPC's existing focus on issues of consumer outreach, education and consumer protection. The Division provides education and outreach to District consumers, responds to numerous information requests and requests for speaking engagements, and provides assistance and representation for individual consumer complaints. CPCEO also offers technical assistance and resources to community civic and consumer organizations.

The Division consists of three (3) sections: ***Consumer Complaints, Consumer Protection, and Education and Outreach***. An attorney, though still on the litigation team, supervises ***Consumer Complaints***. Staffing includes a complaint specialist, as well as CPCEO staff and the attorneys from the Litigation Division responsible for handling individual complaints. The Office's economist, recently reassigned to this division, assists in complaint-related data collection, retrieval, aggregation, and policy.

Another attorney, also still on the litigation team, supervises the ***Consumer Protection*** section, which targets information and identifies matters to be addressed in rulemaking proceedings and in related working groups. The Office is recruiting an additional attorney with a public interest background to assist in consumer protection matters. ***Education and Outreach*** staff consists of policy analysts, outreach and education specialists, and an administrative assistant. One CPCEO staff member is bilingual, and another is trilingual.

The **Information Systems Division** is responsible for computer systems management. This Division routinely assesses and upgrades the Office's computer infrastructure to assure

hardware and software compatibility and readiness.

Office of the Chief Financial Officer

As part of the District's Office of the Chief Financial Officer's (OCFO) 1996 consolidation of financial functions and the redeployment of OPC's financial staff to the OCFO, OPC now shares a chief financial officer, Irvin Logan, with the Public Service Commission. The transition has not been seamless. Minor matters remain to be addressed, and OPC continues to work cooperatively with OCFO.

With respect to the budgeted and actual expenditures for FY 1999 and FY 2000, these figures, like those of other District agencies, are unaudited. They are subject to a final District-wide audit due in mid-March of this year.

In the summer of 1999, the staff of the Operations Division underwent training for the District's CAPPS (personnel) and SOAR (financial management) systems. Despite the apparent difficulties the District may be experiencing with the systems' implementation, OPC's training level made the transition relatively simple.



Staff prepares to greet panelists and citizens at an OPC consumer education seminar

III. OPC'S PLAN OF ACTION

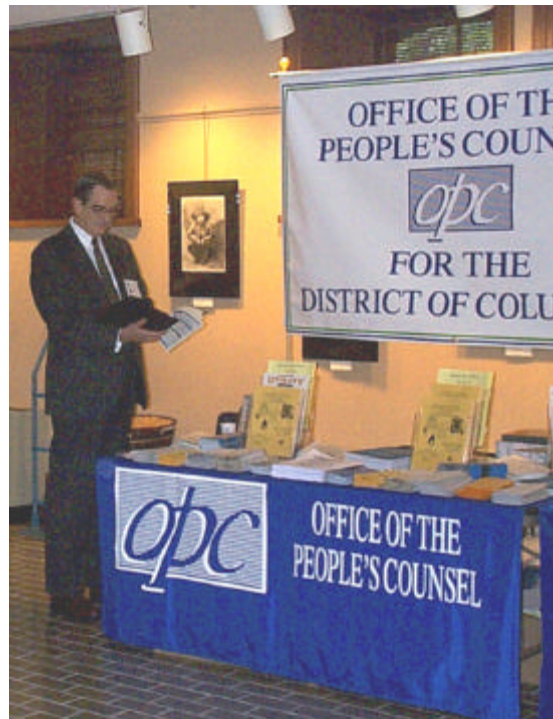
Beyond legal advocacy before regulatory bodies, the courts and the legislative arena, the Office's challenge is to inform and to educate consumers about the emerging issues of the quality of energy and telecommunications services, local competition, universal service, and the reasonableness and affordability of rates. A keen focus on education, outreach and consumer protection best ensures OPC's continued status as a premier consumer advocacy office. OPC will continue to advocate safe, reliable and adequate utility service at reasonable rates. This focus becomes even more challenging as legislators restructure the industry, giving consumers a choice in a slowly emerging competitive marketplace. The movement toward industry restructuring and local retail competition in the utility market challenges consumers, advocates and regulators.

To be ready to serve D.C. consumers in this era, the Office has embarked on a plan of action designed to meet the following goals:

- ! to develop and to advocate appropriate and enlightened regulatory policies, reflecting the interests of District ratepayers and consumers, as well as addressing concerns of the future
- ! to create and to maintain a consumer protection and education and outreach component with innovative approaches to protect and to educate consumers
- ! to continue prompt and successful resolution of individual consumer complaints
- ! to collect and to analyze data on consumer complaints with an eye toward incorporating trends in regulatory policymaking
- ! to ensure the interests of D.C. consumers are adequately and professionally represented in the regulatory scheme and that their concerns are given "great weight"
- ! to harness the benefits of technology for the collective benefit of the community

- ! to protect consumers against the potential abuse of market power and to ensure consumers realize the panoply of benefits which may result from deregulation, restructuring and competition
- ! to ensure the interests of utility consumers are articulated in all appropriate forums and proceedings in which policies affecting those interests are developed
- ! to assist in framing consumer-conscious regulatory policies, which ensure informed choice among utility providers and high quality of service standards
- ! to enhance computer capabilities, including continued web site expansion, thereby providing consumers with current information on utility regulations and trends, as well as OPC specific matters
- ! to enhance and to augment media efforts to reach broader cross-sections of consumers
- ! to promote effective utility competition within the District by analyzing and monitoring Commission-approved pilot plans, as well as by identifying barriers to market entry
- ! to assist in the development of alternate regulatory schemes to fit the competitive landscape
- ! to enhance involvement and contacts with organizations to reach even more consumers
- ! to establish and to measure a baseline of District residents' awareness of ongoing utility issues
- ! to identify and to prioritize consumers' utility needs with respect to current and future service, as well as the recurrence of specific complaints
- ! to initiate consumer surveys on utility compliance with Commission directives growing out of competition
- ! to identify and to advocate positions to maximize benefits and to minimize harm in legislation and pilot programs and in implementing rules and regulations
- ! to coordinate other stakeholders' efforts to promote ratepayers' interests within OPC's jurisdiction
- ! to advocate effective and mandatory customer safeguards, informed choice and universal service
- ! to ensure continued use of OPC's cross-divisional skills and capabilities to ensure the highest level of consumer utility regulation

- ! to analyze available data from OPC's database, surveys, and industry and regulatory trends, ultimately implementing strategies to improve quality of service
- ! to ensure OPC utilizes appropriate technology and resources, both financial and human, to best serve District ratepayers and consumers



A conference participant reviews consumer education materials at OPC's Utility Competition Forum

IV. Consumer Protection, Complaints, Education and Outreach

Industry restructuring and inchoate retail competition are presenting challenges to ensuring utility customers, particularly residential and small business consumers, continue to receive safe, adequate, reliable and affordable service. Unquestionably these challenges are now in a different regulatory context. The District's incumbent utilities have taken their first steps toward competing in the marketplace, allowing their customers to choose their electric, gas and local telephone service suppliers. It remains to be seen whether D.C. residential consumers will ever receive tangible, economic benefits in a retail competitive marketplace.

A robust rigorous competitive marketplace will not emerge overnight. We remain convinced large commercial customers will receive the benefits of local competition long before residential customers. With emerging competition in the gas and electric sectors, consumer confusion and the potential for consumer abuses are likely to cause complaints to skyrocket. Utilities and their customers will grapple with sweeping shifts in the conduct of businesses. OPC will work assiduously to ensure residential consumers have relevant and timely information, enabling them to make efficient and economic choices.

The 1990s were characterized by the utilities jockeying to prepare for competition. That race is over, and the 21st century will determine the true winners as competition is implemented. Consumer advocates have been catapulted to the forefront of consumer education and outreach. Fortunately, consumer education has long been a critical component of OPC's statutory mandate. The Office will continue its efforts to bridge the regulated past with the competing interests of consumers and competitive utilities in the new millennium.

Consumer Education and Outreach 1997-1999

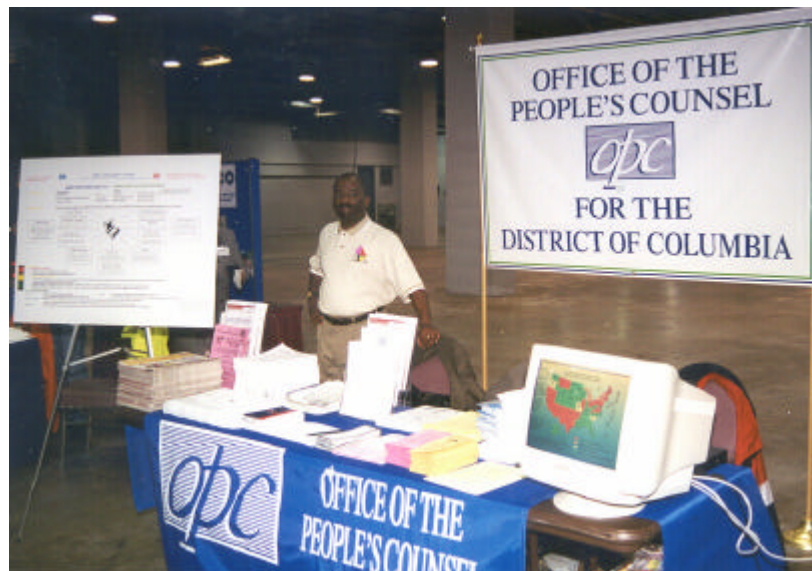
As part of its legal advocacy role, OPC has a statutory obligation to provide education, outreach, information dissemination, and technical and consultative assistance to consumers. My staff and I have worked assiduously to assure the Office meets its statutory mandate. In so doing, OPC recognizes the value of a receptive, well-informed and active utility consumer constituency consisting of persons of all ages and genders, from all races and socioeconomic levels, and from all eight of the City's wards.

Over the last three years, as in the past, the Office aggressively pursued outreach opportunities addressing consumers at approximately **500** community meetings. As a result, the Office was alerted to emerging issues which lead to education, litigation and legislative actions in numerous areas. Some of the issues brought to OPC by consumers and the actions taken by OPC included:

- \$ PEPCO and WG rate investigations -- petitions filed before the PSC
- \$ Public pay telephone working group and rule making
- \$ Cellular towers educational forums and technical support of community advocates
- \$ Quality of service educational forum, public hearings and petition filing
- \$ Negotiation of telecommunications Community Trust Fund settlement -- more than **\$4 million for Internet wiring** of schools and government buildings
- \$ Services for hard of hearing -- oversight working group
- \$ Federal Low Volume Calling charges -- joined with advocates nationwide to oppose fees
- \$ Universal Service Fund -- supported local incumbent BA-DC's receipt of federal funding to contribute to the Fund to be used for the benefit of low-income consumers
- \$ Prevention of local disconnection for non-payment of long distance

In the three-year period ending December 1999, OPC produced and distributed **24,500 copies of 47 different** brochures, fact sheets, consumer alerts and other educational documents in English and Spanish. (See *Appendix C* for a summary.)

At OPC, we have kept our promise to heed the *public voice* and include our constituents' concerns in the regulatory process. We have worked tirelessly to transform our consumer clients into *consumer advocates* by arming them with sufficient information about utility issues, rates and quality of service, thereby enabling consumers to become proactive.



Consumer Services Division Manager Herbert Jones
at the 1999 Joint Utility Discount Day.

1999

Presentations were made throughout the City's eight wards to groups as varied as ANC commissions, the AARP, civic associations, tenant and community groups, and Council-sponsored town hall gatherings. OPC has been a regular participant in the *Mayor's Night In*, the *Mayor's Neighborhood Action Summit*, and the Mayor's *Take Back the Streets* events. The Office's Hispanic Program Manager routinely meets with Latino community groups and social service agencies to share Spanish language educational materials on utility issues. OPC is widening its outreach in the Asian language community, working with other government agencies and utility representatives to conduct key education events in Asian dialects.

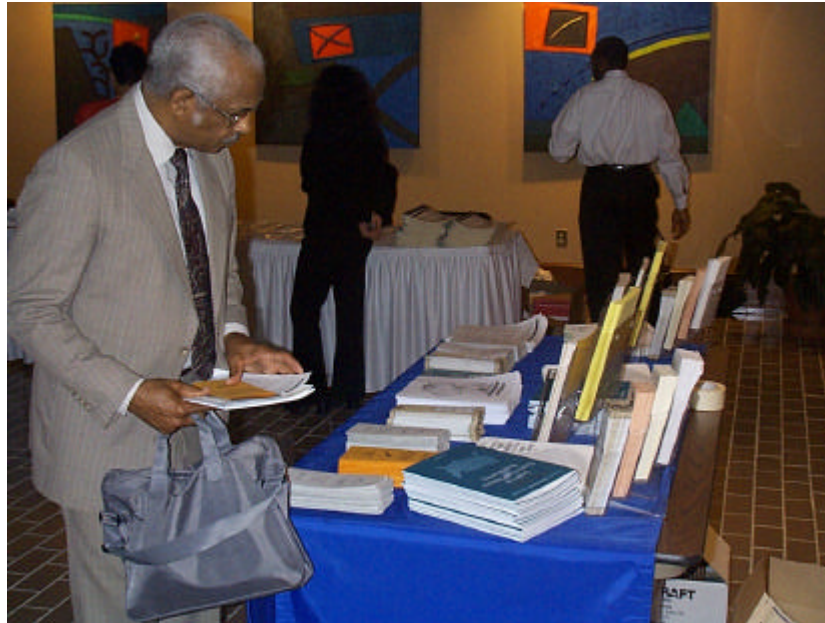
These actions typify OPC's longstanding approach to conducting outreach in the District's diverse communities. Recognizing the majority of the Office's constituents work during the day, OPC staff members work evenings, weekends and holidays to ensure all sectors of the community are served.

Public Payphones

A major quality of life issue championed by OPC in 1999 involved **customer-owned-coin-operated-telephones** or **COOCOTs**. Consumers complained these *free enterprise* competitive payphones are often a neighborhood blight. The Metropolitan Police Department reports multiple arrests at payphones used in illegal drug transactions. During the three-year period ending in 1999, the Office represented individual consumers in **201 COCOT** cases before the PSC. (See *Appendices D through G* for statistics on COCOT complaints generally and by ward.)

Requested relief included telephone removal, blocking incoming calls, and time-of-day service restrictions. OPC is empowering the community by providing information to

consumers to influence the hearing process. Consumers now have the ability to challenge the need for new pay phones when vendors apply to the Commission and to demand removal of illegally installed phones.



D.C. resident collects consumer education materials at a consumer forum

Consumer Complaints

With respect to individual consumer utility complaints, in 1999 alone, the Office responded to **8,062 inquiries and 862 consumer complaints¹⁴, an increase of 12.9% over 1998 and a cumulative increase of 134% since 1996** when 3,450 complaints and inquiries

¹⁴ “Inquiries” are walk-ins or consumer calls to the Office, which do not require OPC staff intervention with a utility, but involve providing consumers with information about local utility programs, long distance services and other District agencies. Consumer complaints require negotiations between OPC staff and utility company representatives to resolve disputes including quality of service, disconnection and re-connection, payments and billing.

were reported. **Spanish-speaking** consumers accounted for **five (5) percent (365)** of the Office's inquiries and complaints in 1999. Over the past three years the combined numbers are even more staggering: OPC staff handled more than **20,400 inquiries and complaints**. Negotiations with the utilities on ratepayers' behalf are most often successful in helping consumers maintain their service and in establishing favorable payment arrangements to resolve arrearages. OPC's sensitivity and adept handling of complaints has had tremendous impact on the quality of life for consumers and small business owners. (See *Appendices H through L* for statistics on total inquiries and complaints generally and by utility company.)

Response to Y2K

The Office's frequent appearances in the community to make presentations, as well as to listen to residents, provided early awareness of consumers' Y2K concerns. Many residents expressed the simple need for accurate information to prepare for the changeover. After contacting the District's Office of the Chief Technology Officer, OPC assisted in distributing more than **5,000** copies of the **AY2K Preparedness Guide**,[®] as well as the Office's publication **When the Power Goes Out . . .**,[®] a consumer guide covering seasonal utility service disruptions.

1998

A major addition to OPC's education and outreach efforts was the implementation of the **Consumer Information Database (ACID)**[®], a customized database which can produce a variety of reports on consumer utility complaints by name, age, ward, type of problem and resolution, as well as other demographic information. CID permits early recognition of complaint patterns and trends. Database information is also used in budget preparation and presentations to the District Council, other government agencies and community organizations.

The Office has produced numerous in-house publications for education and outreach. Over the past three years, more than **5,000** copies of **Utility Notes**, OPC's semiannual newsletter chronicling local utility issues and national trends, have been distributed. In May 1998, in conjunction with two major public conferences on competition sponsored by the Office, OPC published the **Washington, D.C. Customer Choice and Utility Competition Report**, followed by a second edition in July 1999. The two conferences (featured speakers included **BA-DC President Marie Johns, PEPCO President and Chairman John M. Derrick, and Washington Gas Senior Vice-president and Chief Operating Officer Joseph Schepis**), attended by some **450** District residents, provided opportunities for industry leaders, competitive service providers, and other public advocates coping with customer choice and competition issues to share their experiences with an audience of thousands of D.C. ratepayers.

Multimedia Approach to Outreach

The Office uses a variety of effective media approaches to reach a broad and diverse audience in outreach and education efforts. **OPC-designed multimedia presentations** give the lay advocate an overview of issues surrounding the transition to a competitive utility environment. The multimedia shows have been well received by the public and have been used repeatedly throughout the City. The Agency partnered with the Office of Cable Television to broadcast each of the OPC conferences and other OPC events on cable TV to reach a broader audience.

Effective use of the media is also evidenced in the Office's success in delivering services to low-income and senior populations. In the past three years, OPC has assisted in **attracting more than 10,000 clients to Joint Utility Discount Day**, a one-stop event for income-eligible consumers to apply for utility discounts and federal energy assistance. Each year

the Office participates in the working group to plan and publicize the event, utilizing newspapers, radio, television, direct mailings and community leafleting.

With the launch of OPC's web site (www.opc-dc.gov) in the fall of 1998, consumer outreach broke new ground. From the calendar of events to online filing of consumer complaints, the Office is now reaching another segment of District consumers. As OPC moves forward into the new millennium, preparations are underway to launch a revamped version of the web site to enhance its consumer friendly feel and to place new emphasis on quickly and efficiently converting OPC brochures, fact sheets and consumer alerts for display, as well as translating key materials into Spanish.

Cellular Towers

Early in 1998, residents bordering Rock Creek Park registered concern over Bell Atlantic Mobile's (BAM's) plan to construct cellular towers in two Park locations. OPC staff walked door-to-door for miles in the affected area to talk with residents about the plan. When it became clear the residents sought to participate in the decision-making process, OPC organized the first face-to-face forum between BAM and the community. Subsequently, the Office provided technical support to the community coalition resisting the plan. Due to OPC's work with the affected community, which fostered citizen involvement in the application process, the National Capital Planning Commission denied BAM's application to construct the towers. Although the cellular towers issue was subsequently politicized by subsequent congressional involvement, the Office's efforts gave concerned residents access to the decision-making table and provided valuable information necessary to defend against efforts to circumvent home rule.



Consumer Education Specialist Lauren Christopher and Senior Economist Lawrence Thurston assist in completing Joint Utility Discount Day applications.

Quality of Service

The Office has always been quick to respond to issues identified by the public. In 1997, when consumers began voicing concerns that utility efforts to position the companies for competition were having a negative impact on ratepayers= quality of service, OPC took action. Late in 1997 and in January 1998, the Office conducted a series of public hearings throughout the District on quality of service issues. OPC learned of many problems such as issues with subcontractors hired to perform regular maintenance and in-home services by BA-DC and WG. At these hearings consumers were the first to go on record, speaking out about the disruption and aggravation caused by unrepaired roadways following Astreet cuts@for utility service.

In conjunction with these hearings, the Office filed a Quality of Service petition with the Commission requesting investigations of each utility's service performance. Following the hearings, OPC also generated a quality of service Report which included the utilities' responses to some of the issues raised by consumers. In early 1998, the PSC determined it would review quality of service issues for each utility in separate proceedings. OPC has also responded by undertaking education programs for example, to inform consumers street cuts are the result of the District's emergence as a technological hub which is projected to enhance economic growth. In addition, OPC generated a Quality of Service Report in response to questions and concerns raised by consumers during the public hearings. The Office continues to participate in quality of service working groups involving BA-DC and new service providers.

V. ELECTRIC SERVICE ISSUES

OPC's litigation staff has faced new horizons in consumer advocacy as energy issues have continued to explode. While some of the 56 cases litigated during 1997-1999¹⁵ do not indicate a clear-cut victory for the Office in terms of direct savings to consumers, they all involve key issues on which the Office took positions on behalf of D.C. ratepayer-consumers. Many of the investigations and the ensuing litigation were sparked by concerns consumers shared with the Office. It is in this context these cases are summarized.



People's Counsel Elizabeth A. Noël greets PEPCO President John Derrick, one of the featured panelists at the Electric Restructuring Education Forum

¹⁵ The total number of cases litigated for the three-year period may seem low. Cases at the local and federal levels frequently span several years, with active litigation occurring at various points of time.

Litigation before the D.C. Public Service Commission

Utility Assets Divestiture

On December 30, 1999, the PSC approved a non-unanimous settlement agreement in **Formal Case No. 945**, PEPCO's request to divest (sell) its generation assets and plants. The Commission also paved the regulatory road for the implementation of retail competition in the District. After several rounds of pre-filed testimony and a week of evidentiary hearings, PEPCO entered into the settlement agreement with the Apartment and Office Building Association, Washington Metropolitan Area Transit Authority, International Brotherhood of Electrical Workers, General Services Administration, the D.C. Government, and Washington Gas. OPC and the Consumer Utility Board (ACUB) did not sign the agreement because it lacked adequate protection for residential ratepayers.

The Commission concluded after balancing the interests of all of the parties in this case, approval of the settlement, as clarified, is in the best interest of the ratepayers in the District of Columbia, and, as such, is in the public interest. The PSC noted its decision was based upon its evaluation of the benefits to District ratepayers presented by the Settlement itself, as well as the Commission's determination these benefits outweighed any potential detriment resulting from divestiture.

Pursuant to the Commission's order, OPC is currently meeting with other parties to determine unbundled rates for all customers. The Office will also participate in working groups to make recommendations to the PSC on the steps necessary to implement retail competition to ensure adequate consumer protections, as well to consider the creation of universal service programs.

Reliability of Service: 1999 D.C. Power Outage

In January 1999, OPC requested the PSC initiate an investigation of the two-day outage caused by a severe ice storm earlier that month, which left some 230,000 D.C. and Maryland customers without power. As a result of the investigation (**Formal Case No. 982**), PEPCO filed an interim report on the outage in February and a final report in June. The Commission will hold a public meeting to discuss the report.

Tariff: Unmetered Electric Service for Telecommunications Network Devices

Currently, unmetered electric service for multiple telecommunications network devices cannot exceed 15 watts per device. (The monthly kilowatt-hour consumption is computed by the manufacturer's average wattage ratings of the installed devices.) In June 1999, PEPCO requested modifications (1) to cover cable television power supply devices; (2) to increase the wattage limit from 15 to 1800; and (3) to add an option of determining electricity usage for this unmetered service by statistical sampling techniques (**ET 99-1**).

While the Office did not oppose cable TV coverage or the wattage increase, OPC raised the issues of cross-subsidization. If the regulated affiliate (PEPCO) undercharges for services provided to an unregulated affiliate (i.e., Starpower), the remaining costs would be recovered from residential regulated customers, a result the Office is seeking to prevent. OPC also objected to PEPCO's failure to demonstrate why the use of statistical sampling is an appropriate alternative method for measuring electricity consumption. The Commission has not yet issued a decision.

D.C. Legislation

The Office filed substantive comments before the D.C. Council in hearings on electric restructuring in the District to ensure long term cost savings and tangible benefits to D.C. and

its residential and commercial consumers. OPC's recommendations on Bill 13-284, **The Retail Electric Competition and Consumer Protection Act of 1999**, which was enacted in December 1999, included adopting licensing requirements for billing service providers; requiring suppliers disclose material contract terms; requiring any entity, including the affiliate, wishing to supply electricity to have a license; placing a cap on the monetary recovery of educational expenses; and adopting an opt-out provision from the municipal aggregation program to be implemented by the Mayor.

The law gives the Public Service Commission the authority to require policies on disconnection and payment in competitive billing, a recommendation made by the Office. Also, the law permits the PSC to adopt rules to prohibit disconnection of regulated services for nonpayment of unregulated services, also an OPC recommendation. The law authorizes OPC



Washington Gas staff review educational materials at OPC's Utility Competition Forum

to initiate a proceeding for violations of any provision of the Act or violations of any regulation or order issued under the Act. Additionally, OPC must monitor the D.C. retail markets for electricity supply and services declared by the Commission to be potentially competitive to ensure these markets are not being adversely affected by anti-competitive conduct or conditions.

Federal Intervention

FERC: Market Power Concerns

OPC filed testimony before FERC requesting it deny approval of the proposed PEPCO/BG&E merger. Although FERC approved the merger, the decision acknowledged the legitimacy of OPC's market power concerns, deferring specific consideration of these issues to the D.C. and Maryland public service commissions.



PEPCO's John Derrick, Bell Atlantic's Marie Johns and Washington Gas' Joe Schepsis listen to a speaker at the Competition Forum held at Sumner School.

Federal Electric Restructuring

OPC submitted written comments responding to the congressional Committee on Appropriations' consideration of a proposal to allow D.C. public schools to competitively purchase power. The Office also provided comments to the Office of Management and Budget on the Clinton Administration's electric restructuring plan.

Independent System Operator

The PJM is an electric transmission network and energy market in the mid-Atlantic region. It is the largest centrally-dispatched electric system in North America. As initially created, the PJM was a voluntary power pool with eight member utilities, including PEPCO. In June 1997, seven of the eight member utilities submitted to FERC a comprehensive filing, which it approved in November 1997, to restructure the pool and to create the first Independent System Operator (ISO) in the United States, now operating the transmission systems of the member utilities.

The PJM ensures the delivery of electric power to over 23 million people in Pennsylvania, New Jersey, Delaware, Maryland, Virginia, and the District of Columbia. It also administers bid-based wholesale markets in which participants buy and sell electric energy and generating capacity.

In restructuring the PJM, FERC also approved PJM's Operating Agreement providing the establishment of User Groups. OPC participates in the Public Interest and Environmental Organizations User Group, which considers the quality, reliability, and affordability of electric services for end-users, as well as environmental issues related to the electric system.

First Right of Refusal - PEPCO Divestiture

Congressman James Moran (D-VA) proposed an amendment to the D.C. FY 2000 Appropriations Bill to prohibit PEPCO from selling, auctioning, or transferring any generating facility unless the local government of the city in which the electric plant is located has first been offered the right to purchase the facility. OPC wrote the Congressman, asserting his proposal could be considered inverse condemnation **B** a government taking of the value of PEPCO's property. As such, this could subject the federal government or any local government exercising the right-of-first-refusal to any litigation costs and possible liability for the differential between the value the generating plants would obtain at an auction and the value they would have when subject to a right-of-first-refusal.

In addition, OPC provided Congresswoman Eleanor Holmes Norton with its views on Congressman Moran's amendment and other related aspects of PEPCO's proposed divestiture plan then pending before the Public Service Commission. The Office explained how PEPCO's Potomac River, Benning Road and Buzzard Point generating stations are vital to the reliability of service to the District. Congressman Moran's amendment would have permitted the separate sale of the stations. The costs to remedy any problems caused by the loss of any one of those stations would be a substantial and unnecessary additional burden on District ratepayers. The purchase of those units and any attempt to operate them as a separate system would produce no savings for the District, likely increasing costs and degrading service reliability to the District.



Karla L. Chryar, Darlene Wms-Wake and Barbara L. Burton talk with Joint Utility Discount Day participants

VI. NATURAL GAS SERVICE ISSUES

WG's metamorphosis from a monopoly utility providing totally bundled (i.e., both supply and distribution) natural gas service to one offering selected unbundled services in an emerging competitive market began in December 1995 when WG filed the first of several proposed gas tariffs (AGTs) with the PSC, requesting approval to unbundle or separate the costs of different components of its service so customers could see component pricing (e.g., the cost of gas, pipeline costs, delivery costs, etc.).

Since January 1997, the Commission has approved several of these unbundling gas tariffs. One theme OPC has consistently sounded in commenting on these proposals is they should be viewed in the context of comprehensive regulatory policies addressing emerging competition and industry restructuring issues. OPC remains concerned a piecemeal approach will result in regulatory gaps precluding tangible benefits to D.C. consumers.

Litigation before the D.C. Public Service Commission

Unbundling Tariffs

In **GT 95-4**, the Public Service Commission approved and OPC supported WG's request to reformat bills to reflect unbundled service for large commercial customers.

GT 96-2 authorizes large commercial customers (e.g., hospitals, universities), effective April 1, 1998, to purchase gas from third-party suppliers, but still receive delivery service from WG.

GT 96-3 authorizes a two-year pilot program permitting residential gas customers, effective January 1, 1999, to purchase gas from third-party suppliers, but still receive delivery service from WG. OPC emphasized the need for adequate consumer education to ensure

informed choices by customers.

In **GT 97-1**, OPC supported WG's proposal to replace the gas commodity charge with separate distribution and purchased gas charges. The Office did, however, oppose the use of forecast or market-based data to calculate purchased gas costs, because consumers bear the risk of higher gas costs during peak consumption periods. The Commission approved the proposal, including the use of market-based data.

In **GT 97-2**, OPC asked the Commission to reject WG's request to mitigate the impact of what it claimed to be stranded costs. According to the Company, the costs of prior investments, then recovered through regulated rates, would become stranded when customers select third-party suppliers. The Commission disagreed with OPC, which argued WG's proposal shifted the risks of WG's foray into the competitive marketplace from shareholders where they belong to District ratepayers.

GT 97-3, effective in 1999, authorizes small commercial customers to purchase gas from third-party suppliers but still receive delivery service from WG. In approving the program, the Commission agreed with several of OPC's recommended modifications, including the requirement to conduct a formal evaluation of the program.

Other Post-Employment Benefit Expenses

In **Formal Case No. 922**, WG's Other Post-Employment Benefits (OPEB) expenses, OPC successfully negotiated settlement agreements with Washington Gas giving ratepayers \$14.4 million savings stemming from retirement-related expenses.

Exculpatory Tariff

The Office filed comments requesting the Commission reject the Company's proposal

in **GT 99-1** to amend its existing tariff containing a **Force Majeure** provision to replace it with an exculpatory provision. The **Force Majeure** provision protects the Company from liability claims due to causes beyond its control, i.e., natural disasters. The exculpatory provision would have made it more difficult for consumers to successfully obtain redress from Washington Gas for any damage to property or for personal injury resulting from a gas explosion, as well as any other potential problem with WG's service. OPC argued WG failed to demonstrate its request, which would have made consumer litigation for property damage or for personal injury nearly impossible, was just and reasonable and thus, in the public interest. The Commission rejected the tariff amendment holding it shielded the Company from liability for all negligence, even if such negligence resulted in personal injury, a result clearly not in the public interest.



People's Counsel Elizabeth A. Noël responds to press inquiries at a public consumer education hearing

VII. TELECOMMUNICATIONS SERVICE ISSUES

The Year 2000 marks the four-year anniversary of the passage of both the federal Telecommunications Act of 1996 and the District's Telecommunication Competition Act. Two of the Acts=stated purposes are the facilitation of competition and providing local consumers with an array of choices offered by new suppliers. Despite the passage of time, residential and small business consumers in the District are, for the most part, still waiting to see real, effective, vigorous and robust competition in their choices for local telephone service. OPC expects when residential and small business customers actually see any benefits of competitive local telecommunications services, they may likely also see some disadvantages as well, particularly with respect to quality of service. OPC continues its vigilance in ensuring competition does not come at the cost of diminished reliability or quality of service.

Litigation before the D.C. Public Service Commission

Implementing Local Telecommunications Competition

Formal Case No. 962, the PSC's ongoing proceeding implementing local telecommunications competition, is an effort to establish a methodology for calculating the costs associated with providing competitive telephone providers access to BA-DC's local network. OPC is actively participating in settlement discussions on local competition and the impact on District ratepayers. These discussions include issues relating to pricing, universal service, performance standards, and the quality of service.

Quality of Service

Through **Formal Case No. 814, Phase III**, OPC participated in a working group monitoring the quality of service provided by BA-DC. The Commission has since docketed Formal

Case No. 990 and created a working group to address issues related to the quality of service provided by BA-DC, as well as other competitive providers. This group is currently working to update the Company's quality of service standards and to develop standards for competitive providers.

Price Cap Plan

With respect to BA-DC's Price Cap Plan, **Formal Case No. 814, Phase IV**, the PSC approved a settlement agreement negotiated by OPC and the Company extending the plan through December 2001.

Telecommunications Infrastructure Assistance Fund. The overarching significance of Formal Case No. 814, Phase IV is the Office's leadership in establishing the Telecommunications Infrastructure Assistance Fund, which enhances telecommunications capabilities in D.C. public schools and libraries¹⁶. OPC's continued presence assures an additional BA-DC contribution of \$1.53 million by 2001 and a \$1 million contribution to train District residents for jobs in the telecommunications industry.

Infrastructure enhancements. By December 2001, BA-DC will have invested more than \$23.4 million to convert District residential area switches to digital switches and to install Synchronous Optical Network (SONET®) technology, giving D.C. customers access to transmission systems supporting high bandwidth and speed and providing network assurance services.

¹⁶ The initial Trust was seeded with \$1 million from over-collections from D.C. ratepayers of the Subscriber Plant Factor stemming from the divestiture of "Ma Bell" in 1984. BA-DC contributed an additional \$1 million each year during 1997, 1998 and 1999. The District's schools and libraries have been fully wired.

Reasonable rates. OPC's negotiation efforts resulted in BA-DC guaranteeing a \$2.3 million reduction in basic service rates effective July 2000, and another \$2.0 million reduction in basic service rates effective July 2001. In addition, Economy II Service customers will receive unlimited local calling.

BA-DC Local Service Provider Freeze Policy

BA-DC currently has a Local Service Provider Freeze Policy, which if accepted by a customer, prohibits the Company from transferring the customer to another local service provider, unless the customer first contacts the local service provider to remove the freeze. BA-DC asserts the service prohibits slamming (unauthorized switching of telecommunications providers). In April 1999, the PSC docketed an investigation, **Formal Case No. 984**, to determine whether this policy is just and reasonable. OPC argued it is anti-competitive and incomplete, a position supported by several competitive local exchange carriers, including Sprint, MCI, AT&T, and Starpower, which formally complained to the Commission about disparate treatment of the incumbent and the local exchange carriers. A decision is pending.



Community activist Robert Artis at an OPC consumer forum

Public Pay Telephones

Over the past three years, OPC participated extensively in a **Formal Case No. 829** Working Group established to draft proposed rules to bring PSC rules in conformance with the 1996 Telecommunications Act. In September 1999, the Office filed a motion requesting a Commission rulemaking to conform to the federal requirements. In December 1999, the PSC announced its intent to revise its pay telephone rules in the **Formal Case No. 712 docket**¹⁷.

In response, the Office submitted comments generally supporting the proposed rules, but making several recommendations, including increasing the period in which Advisory Neighborhood Commissions may voice opposition to payphone installations from 10 days to at least 30 days.

Public Interest Payphones

The FCC defines public interest payphones as subsidized payphones necessary where payphone vendors would otherwise not install phones because of insufficient returns on their investments. These phones are typically located in rural areas. Keeping in mind these payphones are a vital component of universal service, the Office filed comments in **Formal Case No. 976** urging a survey of Advisory Neighborhood Commissions, as well as payphone service providers, to determine the need for public interest payphones in the District.

Telecommunications Merger

The merger of AT&T and Teleport, **Formal Case No. 968**, raised issues about the combined entity's efforts in the District. OPC filed comments, which were not adopted, urging

¹⁷ 46 D.C. Reg. 10051 (Dec. 10, 1999).

the PSC to impose specific conditions, including a commitment to contracting with minority and female-owned businesses investing in economic development projects designed to enhance the District's telecommunications infrastructure. The Commission approved the merger in November 1999, finding it in the public interest because the ability of the merged entity to compete with BA-DC would be enhanced as AT&T acquires and expands its fiber optic and broadband wireless facilities.

Telecommunications Relay Service/Economy II

OPC is an active member of the **Formal Case No. 850** Telecommunications Relay Service (ATRS) Advisory Board, comprising community organization leaders, Bell Atlantic and the PSC. The Office continues to advocate the interests and needs of deaf and hard-of-hearing individuals. Also in this proceeding OPC works to ensure the District's Economy II discount telephone service continues.

D.C. Legislation

In October 1999, OPC testified on D.C. Council Bill 13-200, the Emergency and Non-emergency Telephone Calling System Trust Fund Act of 1999, urging regulators and legislators not to expand this tax beyond this particular service. As OPC recommended, the Bill recognizes that, *any and all* local exchange companies, wireless telephone service providers, and any other service provider with access to the Emergency/Non Emergency Number Telephone System, should contribute to the System's costs. The Office also recommended the Bill set a definitive time frame, require the fee be clearly explained on bills, and the inclusion of reporting and monitoring requirements. The legislation is pending.

Federal Communications Commission

OPC filed written comments in a number of matters, as well as joined the National Association of State Utility Consumer Advocates (NASUCA) in commenting on others, including:

- \$ OPC, with NASUCA, filed written comments in the Low Volume Long-Distance Callers proceeding (FCC No. 99-168) recommending long distance companies' surcharges be assessed proportionately to customers' usage of long distance service and improved disclosure requirements for rates and advertisements to minimize customer confusion. (1999)
- \$ OPC, with NASUCA, filed written comments in the Access Charge Reform proceeding (FCC No. 99-238). Included was a proposal to ensure consumers realize immediate benefits through reductions in the cost of local and long distance telephone service. (1999)
- \$ OPC filed written comments before the FCC examining the Self Certification Notice of Proposed Rulemaking on Primary and secondary telephone line distinctions. (1998)
- \$ OPC submitted written comments with the FCC about truth in billing and proposed modifications to ARMIS Service Quality and Infrastructure Reporting Requirements. (FCC No. 98-170) (1998)
- \$ OPC, with NASUCA, appealed the FCC's Access Charge Reform decision recommending federal changes lowering long distance companies' access charges not adversely impact consumers' ability to subscribe to local basic service. (1997)
- \$ OPC filed comments in the FCC's jurisdictional separations docket asking that states not be forced to incur unfair shared and common costs from facilities used by local telephone companies in providing both interstate and intrastate telecommunications services. (1997)
- \$ OPC filed comments in the FCC's universal service docket requesting D.C. telephone consumers be assured affordable and widespread telephone service. (1997)
- \$ OPC filed comments in the FCC's slamming docket (FCC No. 94-129) recommending the FCC create rules and guidelines to ensure telephone consumers are protected from abusive and unauthorized long distance service providers. (1997)

Quality of Service

Quality of Service Petition

In 1997, in response to an increasing number of complaints and telephone inquiries the Office received from D.C. consumers expressing frustration about the quality of service provided by the utilities, OPC filed a request for an investigation. The PSC, in January 1999, issued three orders indicating its intent to examine in four separate proceedings the quality of service provided by the District's utility companies. The Commission opened a new docket, **Formal Case No. 977**, to examine the quality of service provided by Washington Gas. PEPCO's quality of service will be examined in the context of **Formal Case No. 945**, the existing proceeding on PEPCO's divestiture and the implementation of local competition. BA-DC's quality of service is to be examined in the context of the Quality of Service Working Group established in **Formal Case No. 814, Phase III**. Finally, the quality of service provided by competitive local exchange (telecommunications) carriers is to be examined in **Formal Case No. 962**, the existing proceeding implementing competition in the District's local telecommunications market. As previously noted, however, the Commission recently established Formal Case No. 990 to address quality of service of BA-DC and the CLECs.

Investigation into Year 2000 Compliance by Utility Companies

Formal Case No. 981 was established in December 1998 to monitor the Y2K preparedness of the District's three primary public utilities (Washington Gas, PEPCO and Bell Atlantic) and the competitive local exchange carriers authorized to provide local telephone exchange services in D.C. The public utilities were required to report to the PSC on their plans for insulating their systems from the Y2K problem. OPC reviewed the filings to ensure District of Columbia public utility consumers were protected.

Summary of Litigation Activities and Legislative Highlights

Major Cases - D.C. Public Service Commission

Electric:

- ▼ PEPCO and BG&E proposed merger (Formal Case No. 951)
- ▼ PEPCO divestiture (Formal Case No. 945)
- ▼ Reliability of service: 1999 D.C. power outage (Formal Case No. 982)
- ▼ PEPCO's Productivity Improvement Plan (Formal Case No. 766)
- ▼ Review of PEPCO's energy conservation plan (Formal Case No. 917, Phase II)
- ▼ PEPCO bond issuance (Formal Case No. 948)

Gas:

- ▼ Unbundling tariffs (GT 95-4, GT 96-2, GT 96-3, GT 97-1, GT 97-3)
- ▼ Other Post Employment Benefit Expenses (Formal Case No. 922)
- ▼ Washington Gas claims of stranded costs (GT 97-2)
- ▼ Exculpatory tariff (GT 99-1)
- ▼ Washington Gas procurement practices (Formal Case No. 874)
- ▼ Washington Gas least-cost plan (Formal Case No. 921)
- ▼ Washington Gas application to issue securities (Formal Case No. 975)

Telecommunications:

- ▼ Implementing local telecommunications competition (Formal Case No. 962)
- ▼ Quality of service (Formal Case No. 814, Phase III)
- ▼ BA-DC Price Cap Plan (Formal Case No. 814, Phase IV)
- ▼ Telecommunications Infrastructure Assistance Fund (Formal Case No. 814, Phase IV)

- ▼ Public pay telephone regulations (Formal Case Nos. 829 and 712)
- ▼ Telecommunications Relay Service/Economy II (Formal Case No. 850)
- ▼ Closing of BA-DC Payment Center (Formal Case No. 950)
- ▼ Telecommunication interconnection agreements (Formal Case Nos. 956 and 967)
- ▼ AT&T Corporation and Teleport Communications Group, Inc. merger (Formal Case No. 968)
- ▼ Bell Atlantic application to issue securities (Formal Case No. 974)
- ▼ Public interest payphones (Formal Case No. 976)
- ▼ Revision of Economy II service to comply with FCC requirements (TT97-13)

Federal Regulatory Proceedings

- ▼ Federal Energy Regulatory Commission - proposed PEPCO/BG&E merger
- ▼ Low Volume Long-Distance Callers proceeding (FCC No. 99-168)
- ▼ Access charge reform proceeding (FCC No. 99-238)
- ▼ FCC Self Certification Notice of Proposed Rulemaking on Primary and secondary telephone line distinctions@
- ▼ Truth in billing (FCC No. 98-170)
- ▼ FCC proposed modifications to ARMIS Service Quality and Infrastructure Reporting Requirements
- ▼ FCC's jurisdictional separations docket
- ▼ FCC's universal service docket
- ▼ Telephone slamming (FCC No. 94-129)

Legislative Highlights

- , Retail Electric Competition and Consumer Protection Act of 1999 (Bill 13-284)
- , Emergency and Non-emergency Telephone Calling System Trust Fund Act of 1999 -- E911/311 (Bill 13-200)
- , Congressman James Moran's amendment to D.C. FY 2000 appropriations bill (PEPCO divestiture/right-of-first-refusal)
- , Joint hearing by the D.C. Council Committees on Consumer and Regulatory Affairs and Government Operations - Y2K readiness preparations of the District's primary and ancillary public utility service providers
- , District of Columbia Telecommunications Competition Act of 1996 (Law 11-154)
- , Public hearing sponsored by Committees on Consumer and Regulatory Affairs; Public Works and the Environment; Economic Development; and Government Operations - the building of a local infrastructure to support the development of the District as a "tech city"
- , Electricity Gross Receipts Tax Amendment Act of 1999 (Bill 13-280)
- , Natural and Artificial Gas Gross Receipts Tax Amendment Act of 1998 (Law 12-99)
- , Legal Service Establishment Amendment Act of 1998 (Bill 12-660)
- , Congressional Committee on Appropriations' proposal re: D.C. public schools energy pilot program
- , Public comments on Clinton Administration's electric restructuring plan filed before the Office of Management and Budget
- , Water and Sewer Authority Public Utility Designation Act of 1998

VIII. Information Systems Management

OPC has long recognized the professional benefits of using technology to enhance service delivery and to increase community outreach and education. Through its Management Information Systems (MIS) Division, OPC has continued to use state of the art information technology systems. The Office is proud of its accomplishments in the technology arena. The Office continually uses information systems for increased efficiency in service delivery and to save costs in delivering the highest quality customer service. OPC also uses technology to increase its flexibility in the analysis and presentation of data, to reduce personnel hours, to exchange information with off-site clients, to complete research, to link with and perform vital functions of the District government, to provide service to OCFO staff and to give OPC staff a host of options in producing litigation and educational materials. Information Systems staff is always available to assist with day-to-day computer matters and to keep the Office current with application upgrades to assure hardware availability and compatibility for special projects.

OPC's technological success results not only from vision, planning and project management, but also from the *execution* of programs that include *all staff*. Each staff member is provided training to stay abreast of emerging issues and is required to have adequate computer proficiency to execute their responsibilities. Advanced training is provided to complete special projects such as the OPC Web page and the customized Consumer Information Database (CID), both of which were conceived and developed by in-house staff, who now maintain it.

Each year the Office evaluates and reviews its technological systems to plan and effectively implement new enhancements. MIS staff also continuously assess the infrastructure

to assure hardware and software compatibility and readiness. For example, OPC began its preparation for Y2K in 1997, with the complete inventory of both IT and non-IT systems. Project plans included system configuration upgrades and remediation. More than 800 software elements were tested and remediated. The Office was certified *100 percent Y2K ready-- five months before the new millennium.*

Computer Training

Each OPC staff member is knowledgeable about computer technology basics and has the ability to use updated word processing packages. All staff must take relevant computer training, including word processing, e-mail and remote telecommunications. Information Systems staff identify and recommend training for specific projects. For example, when OPC decided to create a web site, it was with full responsibility for the design, maintenance and updating of the site. Web site committee members completed courses in HTML and Front Page. Other committee members charged with design and graphics creation completed more advanced courses like JAVA, and Dynamic HTML. Technical staff completed courses in spreadsheet and database applications. Additionally, attorneys are trained in research applications such as Lexis/Nexis.

Equipment Upgrades

The September 1997 replacement of the outdated 386/486 computers opened the door to additional technological opportunities for OPC. The seven-year old 386 and 486 models restricted the Office from using Windows '95 software, as well as a host of other network tools. The replacement machines (Pentium II, 266MHz) came standard with 6GB partitioned hard drives, Windows '95 software, zip drives and high speed (24x) CD-ROM drives.

OPC's current information architecture includes a dedicated LAN server, 26 workstations with Internet access, four (4) file servers, three network printers and several peripherals. Each

workstation has memory (32Mb) and storage capacities well beyond the requirements of the Windows '95 operating system applications. All 13-inch and 14-inch monitors were replaced the following year with 17-inch flat screen anti-glare monitors. These new monitors are particularly useful to employees using spreadsheet and database applications. The wider viewing area also enables staff to save time and to work more efficiently with multiple documents. Peripheral hardware such as scanners, color printers, and a digital camera were added to the common area desktop publishing station so all staff has access to and can share a range of professional enhancement tools.

Software Upgrades

The addition of more capable equipment permits the Office to also use more capable software. Word processing upgrades from WordPerfect 6.1 to Corel WordPerfect 8 and the addition of Microsoft software suites provide OPC with all its processing requirements. The configuration includes database, spreadsheet, presentation, desktop publishing, e-mail, antivirus, web browser, fax, fault tolerance, network monitoring and remote telecommunications applications.

With these new capabilities, the Office has raised the level, quality and quantity of in-house educational material production. OPC has shifted its paradigm from straight text to include more creative, colorful brochures, tri-fold fliers, poster boards, creative mailers, digital photographs, scanned reproductions, booklets, invitations, slide presentations, etc. Intra-office communications were enhanced with upgraded e-mail. Outreach efforts have also improved with the addition of a customized Consumer Information Database and OPC's own home page on the Internet.

OPC Web Page

On September 28, 1998, the Office joined the "online age" with the release of its web site, <http://www.opc-dc.gov>. The web site gives OPC both national and international presence, opening a new level of communication with all its constituents. The introductory site included the sections "About the Office," which contains the OPC mission statement, organizational structure, and duties; "Community Calendar," which lists events including hearings, forums, and special meetings; "Consumer Complaints;" and "Outreach and Education," which highlights OPC program activities such as major forums and community briefings. There was a glossary of utility terms and listing of educational information available from the Office. Also included was an e-mail based contact form browsers could use to request office contact, pose questions, initiate a complaint, or simply make comments. Form information is automatically e-mailed directly to the Office. This feature allows the community to contact OPC 24 hours per day, seven days per week at their own convenience.

Maintenance and upkeep of a web site are highly demanding. A number of ingredients are necessary for professional web site management. All information must be converted to be placed on the Internet where updates and current information are vital. Links must be tracked, accurate and organized. User information must be relevant and useful. The site must be user-friendly, and the software format should be accessible to a broad audience.

Using a team approach OPC rose to the challenge. The web committee includes not only MIS personnel, but staff members from each division of the Office. Those staff with a creative/technological bent and those with technical backgrounds are all challenged. Additionally, all staff is tasked with writing assignments to keep web site postings current and

informative. There is a multi-phase process through which each new article is passed to verify accuracy and relevance. Quality control rests in-house. For immediate access approved articles are uploaded directly from OPC.

The OPC web page project has been extremely successful. Since its inception new sections have been added: **A**Current Issues,**@A**Utility Contacts,**@A**Links to Utility Related Sites**@** and **A**Site Index.**@** OPC has not only expanded the information base, but also plans to increase its presence in the Spanish-speaking community by making available on-line educational materials in Spanish.

Consumer Information Database

1998 marked the creation and unveiling of the Consumer Information Database (“CID”). It is a one-of-a-kind, customized database enabling staff to produce a variety of reports about consumer complaints from Bell Atlantic, Washington Gas, and PEPCO. Information recorded includes claimant name, address, ward, nature of problem, resolution, and other demographic information. CID includes sections for collecting public payphone investigation information and for reporting community-based education and outreach sessions conducted by or participated in by staff.

CID information assists OPC in recognizing patterns and trends with respect to clients and the nature of utility problems. The database also allows the CPCEO Division to better track community concerns and questions arising during education and outreach events. Database information is used when the Office prepares its budget and makes presentations to the District Council, government agencies and community organizations. The database permits the Office to better allocate staff resources to serve OPC constituencies in ongoing outreach and consumer education efforts. CPCEO and Litigation staff are currently reviewing CID to make

recommendations for further expansion of the database. As utility competition continues to develop, the Office will be able to more efficiently track quality of service issues and other new and emerging utility-related concerns.

Wide Area Network Link

In 1999, the District government completed conversion of its financial management (SOAR) and payroll and personnel (CAPPS) systems. OPC participated in the conversion process and acknowledged the District's vision to be linked citywide through its Wide Area Network (WAN). OPC recognizes the benefits and importance of integrated systems that maintain hardware and software standards across a network. The Office is in compliance with the citywide standards for system architecture as recommended by the Office of the Chief Technology Officer (OCTO).

The WAN connection enables intra-District information exchange and easy access for processing personnel, payroll and finance matters. OPC installed a high speed, dedicated telephone line to "talk" with other agencies on the network. The WAN gives designated staff access to the CAPPS and SOAR programs enabling previously unavailable print capability from the network.

OPC Y2K Transition

The Y2K transition was a huge success for the Office. MIS, Operations and Litigation staff served as principals on a team that spent countless hours assessing, training, planning, designing, and remediating systems (both IT and non-IT) to assure the Office would operate "business as usual" after January 1, 2000.

In September 1997, MIS staff began planning the computer network system upgrade.

This phase included Y2K readiness concerns. A complete system inventory of the Office's hardware and software was performed, and system upgrade changes were implemented. The Office completed its evaluation of hardware and software assets and identified non computer assets that were date sensitive or contained embedded chips. In August 1998, the Office began a partnership with the District government Y2K project representatives. OPC participated in each phase of the OCTO sponsored programs and participated in various meetings and training workshops over the course of the following year.

OCTO tested OPC computer hardware, software and non-IT assets during March and April 1999. *The Desktop Hardware and Software and Non-IT Inventory and Assessment Report* was issued June 24, 1999. The assessment report findings were as follows:

- # All Office computer hardware tested 100 percent Y2K compliant.
- # OPC had 812 software elements tested. Of those, only seven were reported non-compliant. None of the seven elements was actively being used.
- # Of 81 non-IT elements tested, only one was reported non compliant.

The Office completed remediation of all elements and finalized the Y2K Contingency Plan. On July 28, 1999, five months before the millennium, OCTO recognized and reported the Office was 100 percent Y2K ready in all measured areas. MIS staff performed monthly system checks to assure new changes were Y2K compliant.

Looking Forward

The year 2000 will be a thrilling time in the technology arena at OPC. As is customary, the Office will "raise the bar" yet again in this new millennium, making use of technology as an important tool in its endeavors to protect, to educate, and to advocate for consumers. The new millennium will be a time of "instant" information and a time when technology will continue to

assist OPC in creating legal and educational documents, analyzing reports, comparing data pools, completing inventories, and scheduling group activities.

The Office will use its resources to enhance charts and graphs, to create online business forms, to produce educational materials for outreach in the community, and to prepare and convert files for web publication. As a professional management tool, technology will continue to be used to permit staff to more efficiently juggle several tasks or to be more effective in making presentations.

IX. OPC STAFF TRAINING AND DEVELOPMENT

As People's Counsel, I believe in providing opportunities for staff to increase their effectiveness as consumer advocates through training, which provides both skills and current information. To ensure the Office remains abreast of utility issues, trends, and policies, I assure my staff a variety of continuing education courses, seminars, meetings and conferences associated with utility regulation and other work-related topics. Specifically, OPC staff attended conferences and 42 training seminars in 1999. Topics included negotiations and settlements, rate case preparation and presentation, current issues challenging the regulatory process, clean air solutions, legal negotiation, computer skills, and web training. Two members of the OPC staff have had the distinguished honor of being selected to participate in the District of Columbia Excellence in Government program.

X. WHERE DO WE GO FROM HERE?

Planning the Future

The future is now. The next few years will determine whether consumers will derive the benefits of restructured industries and local retail competition. The Office must be in a position to meet the challenges that lay ahead. OPC is considering a number of plans and measures to enhance these efforts. **All require executive and legislative branch support. Some involve statutory changes to permit continued effective advocacy. Others require continued general support of the Office's education and outreach efforts.**

The seminal question is: How should we measure the success of competition and restructuring? Regulators, consumer advocates and industry experts are wrestling to derive a set of performance measures. OPC will continue its litigation efforts and participation in the Commission's proceedings defining utility competition. The Office's primary goals are (1) to ensure adherence to Commission established guidelines and directives; (2) to articulate and to appropriately address consumers' concerns; and (3) to make certain residential and small business customers receive the so-called benefits of competition: lower costs, greater choice and higher service quality, among others.

Restructuring and retail competition shift industry concerns from growing rate base (to justify increases in rates) to lowering overall costs (divestiture, downsizing labor pools, consolidating divisions, spin-offs to unregulated subsidiaries) and shifting remaining costs to residential captive consumers for whom a choice is not an option (read: many residential consumers). Significant litigation, however, will continue. Even greater emphasis is logically being placed on education and outreach, consumer complaints and service quality issues. The

future and nature of the Office's litigation will be significantly influenced by competition-related consumer complaints about utility service and by the results of ongoing OPC quality of service surveys. Given the emphasis that must be placed on consumer protection, consumer education and outreach, the Office sees the need for change and is considering a number of specific plans and measures to enhance these efforts.

Amendments to Statutory Assessment Authority

Currently, OPC is before the PSC in Formal Case No. 962 to represent the interests of telecommunications consumers on a number of issues, the outcome of which will affect whether residential and small business consumers will ever benefit from a robust, competitive market. These issues include among others, local number portability, unbundling of rates, universal service, service quality standards, and local dialing parity.

Unfortunately, OPC's ability to fully participate in these matters is limited by a cap on OPC's expenditures as set forth in D.C. Code Ann. ' 43-1452(m) (1998). This hampers OPC's ability to fully represent consumer interests as effectively as possible. Absent expressed approval from the Council, OPC is unable to exceed this limit. This cap must be raised or the Office will be unable to represent consumer interests in these matters, which will surely affect the benefits of competition to District ratepayers.

Statutory Amendment to Procurement Authority

By way of background, the Office's procurement authority with respect to expenses for day-to-day operations (i.e., supplies, travel, etc.) is delegated from the Public Service Commission. With respect to professional services for litigating matters before the PSC, the Office's authority is independent of the Commission. Prior to the creation of the District Financial Authority, the Office had independent procurement authority dating back to OPC's

1975 inception. The Financial Authority limited all agencies, including the Office and the PSC, to a \$25,000 cap on procurement authority, subsequently raising this limit District-wide to \$50,000. Both OPC and the PSC were restricted to this amount.

Early in 1999, the Residential Real Property Seller Disclosure, Funeral Services Date Change, and the Public Service Commission Independent Procurement Authority Act of 1998¹⁸ gave the Commission independent procurement authority. Subsequently, the PSC delegated to the Office independent authority for the expenses of day-to-day operations. With this delegation OPC had independent authority to purchase supplies, pay for work-related travel, etc., but remained limited to \$50,000 in contracting with legal and technical experts to assist in litigating matters before the PSC. The \$50,000 limit, however, was too low for individual contract ceilings. Moreover, because of externally imposed litigation deadlines, having contracts in excess of the \$50,000 approved outside the Office was impractical.

Late in 1999, OPC sought assistance from Council Member Sharon Ambrose, chair of the Office's oversight committee, with regard to procurement authority. Scheduling difficulties prevented the Agency's draft legislation from being placed on the legislative agenda in time for consideration. Council Member Ambrose and her staff, staff from Council Member Kathy Patterson's office, and the District's Chief Procurement Officer, Elliot Branch, worked expeditiously to address the Office's procurement authority, particularly since OPC was in the midst of litigating PEPCO's complex divestiture proceeding. Through their efforts, the Office now has independent procurement authority up to \$250,000. The Office is deeply appreciative and notes it has been able to effectively address contract amounts in the litigation arena.

¹⁸D.C. Act 12-625 (Jan. 5, 1999).

The Office feels however, the \$250,000 limitation is a short-term solution. For continuity and in adhering to the intent of OPC's enabling statute making it independent, the Office believes its procurement authority should be independent. Also, the \$250,000 limit could possibly be withdrawn by a new chief procurement officer or a new administration. OPC wishes to avoid this possibility and sees permanent legislation granting the Office independent procurement authority as the logical cure.

Utility Partnership Program

As People's Counsel, I am recommending a multitask public-private sector partnership be created in a coordinated effort to educate consumers and new entrants about the District's regulatory arena. Conceivably, such a partnership could provide information about public utility regulations governing the provision of safe, reliable, affordable and quality service, as well as providing information on the District's business requirements. The partnership could also facilitate efforts to inform and educate residential and small business consumers about Achoice.@ These goals could be realized through an inter-District agency and private sector task force, which could include relevant District agencies such as the District's Office of Economic Development and the Department of Consumer and Regulatory Affairs, and utility companies (both incumbents and new entrants).

Cooperative Consumer Education Initiative

The relationship between the utility consumer advocate and the companies has frequently been cordial but contentious. The industry's evolution necessitates a change in that relationship. In a competitive environment, it is in each provider's interest to market itself as the Aconsumer- friendly utility of choice.@ OPC, working cooperatively with the utilities, provides a Abridge,@ ensuring consumers receive timely and current information for making informed utility choices.

OPC proposes to work with the incumbent utilities and each new entrant to set a new standard

for cooperative education about retail competition and consumers to promote uniformity of education over marketing of services. There are advantages to this approach for incumbents and new providers, but more importantly for consumers.

The cooperative development by OPC and other advocates nationally of an enforcement database would provide readily accessible resource information to consumers on competitive utility providers and existing local utility companies. This would be another measure to permit intelligent choices based on service history and consumer complaint information.

Media Education and Outreach

OPC will enhance its media efforts with consumer education being based on information gleaned from the utilities about the services they plan to offer. Also, the Office will continue cooperating with the media to further enhance outreach to the public. A comprehensive television, cable-tv, radio and mobile ad campaign will generate greater public interest and demystify retail competition for consumers.

Municipal Responsibility

Retail competition's growth is likely to have a far more profound impact on the economic development of the District than generally estimated. The D.C. government's ability to take a leadership role to ensure District residents and small businesses maintain safe, reliable and reasonably priced utility service will have a major effect on the District's quality of life. Measures involving load aggregation for government buildings and City-run housing, as well as public safety expenses such as street lighting, if adopted, could have a significant impact on the City's budget. Prospects exist for the City to function as an aggregation clearinghouse, partnering with Community Development Corporations, non-profits, churches, and community groups to ensure the benefits of retail competition are realized by all classes of D.C. ratepayers.

Other Issues for Consideration

Other areas and issues for future OPC efforts include, but are not limited to the following:

- Implementing retail competition programs for residential customers
- Exhaustion of area code 202
- When there will truly be new entrants in the District's telecommunications market
- Environmental justice concerns
- Equitable deployment of advanced technology in D.C. neighborhoods
- Licensing fees to provide utility service in the District to cover regulatory costs
- Voluntary and municipal load aggregation
- Multiple sitings of cellular towers
- Public pay telephone considerations, including nuisance issues and inter-District regulatory control
- District regulatory control over the convergence of cable and telephone
- Cable access issues about wiring and control of it

These are just a few of the issues facing the Office in the new millennium. OPC will use its full statutory authority to assure the interests of District utility consumers and ratepayers are heard and addressed. Education and outreach efforts will be tailored and focused to educate and to inform our clients.

XI. CONCLUSION

The optimal position for ratepayers and consumers must be ensured to enable them to make efficient economic decisions in the competitive marketplace, *even if* that decision is to remain with the incumbent. Consumer education and outreach are the critical requirements and the keys to informed consumer choice. Vigorous and progressive consumer advocacy ensures consumers have pertinent information *and* that consumer protections are in place and enforced. As the District continues its rebound and thrives in this new century, there must be continuity in utility consumer advocacy and effective outreach and education.

Presentations Made by People's Counsel Elizabeth A. Noël (1997-2000)

- ★ Low Income Customers: Disparity in Marketing and Retail Access Through Aggregation in the Electric Industry (March 06, 2000)
- ★ Legal Advice and Assistance Clinic, John Wesley A.M.E. Zion Church, Washington, D.C. (February 19, 00)
- ★ A1999 Utility Consumer Advocacy Award,@D.C. Federation Award Banquet (October 30, 1999)
- ★ Joint Hearing of the Committees on Consumer and Regulatory Affairs and Government Operations of the Council of the District of Columbia (September 22, 1999)
- ★ AElectric Deregulation: What's the Next Step for Municipalities,@(Panel IV: How to Educate Residents on Municipal Aggregation or ACommunity Aggravation!: AHelping (Residential & Small Business) Consumers Roll with the Punches), Iselin, NJ (May 5, 1999)
- ★ Address to the D.C. Consumer Utility Board on Electric Competition in the District (April 21, 1999)
- ★ AElectric Competition: Many Voices, One Vision,@National Consumer League and the Electric Consumers Alliance Conference, Hart Office Building, Capitol Hill, Washington, D.C.(March 23, 1999)
- ★ ADo It Right for Consumers or Not at All,@panel moderator for AConsumer Protection: Be Wary but Ready,@1999 NASUCA Capitol Hill Conference on Electric Utility Restructuring (March 16, 1999)
- ★ Comments to the Washington Gas Deregulation Forum, People's Congregational Church, Washington, D.C. (September 21, 1998)
- ★ ARetail Competition and Customer Choice: Between the Devil and the Deep Blue Sea?@ Douglas Policy Institute's ANational Issues Forum APower to the People's: Challenges and Opportunities, Washington, D.C. (February 5, 1999)
- ★ Consumer Interests in a Restructured Era or AAn Educated Consumer is Your Best Customer,@NARUC 109 Annual Convention and Regulatory Symposium, Boston, MA (November 11, 1997)
- ★ AFuture of Consumer Advocates: Dial M for Merger or Mergers and Market Power Issues,@ NASUCA mid-year meeting, Charleston, SC (June 9, 1997)

Participation in Think Tanks@

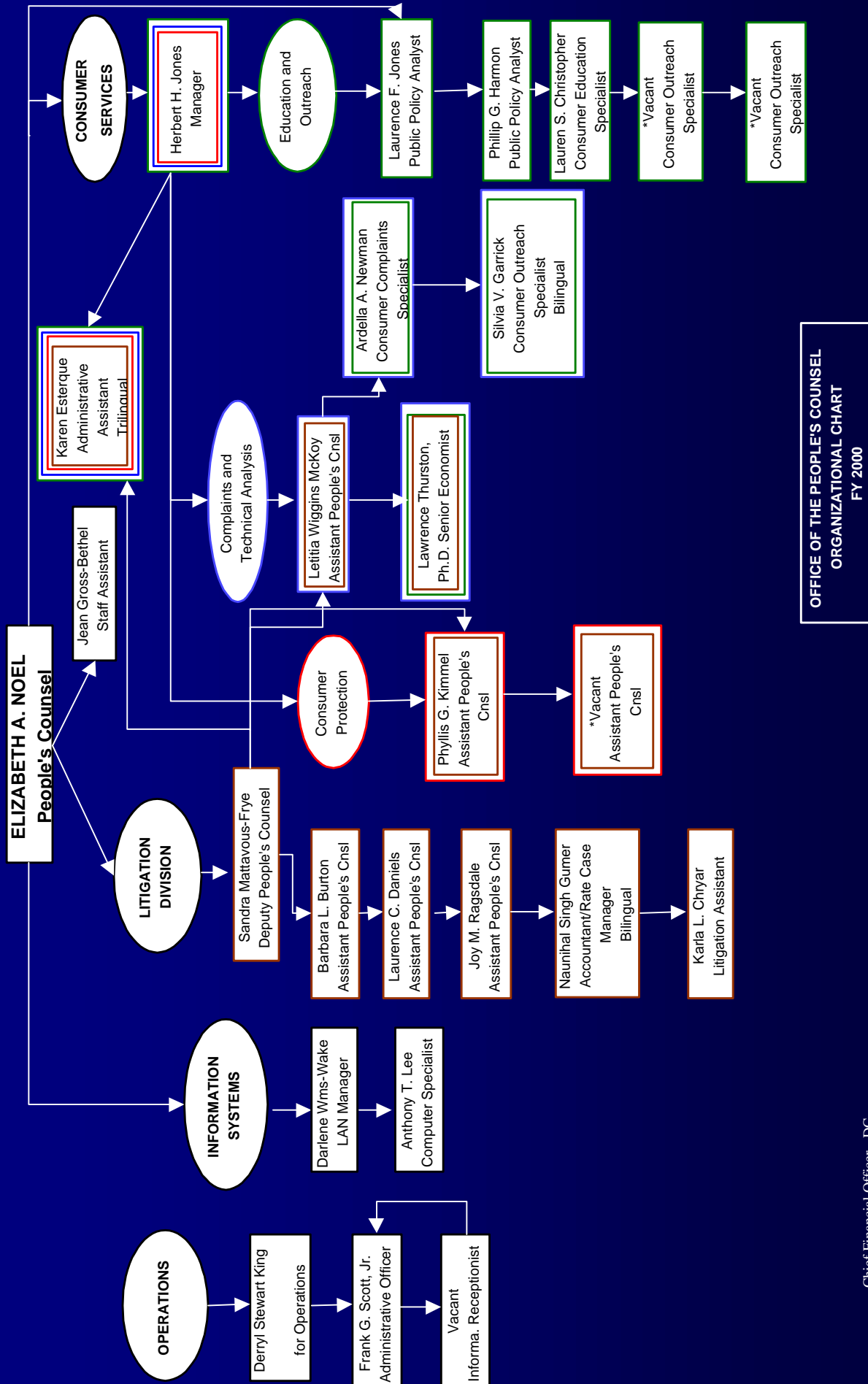
1997-2000 Competition Policy Institutes Symposium on Telecommunications Policy

1997 Harvard University Electric Policy Group, John F. Kennedy School of Government

Teaching (1997-2000)

1997-2000 D.C. Bar, Administrative Law for New Admittees

The Office of the People's Counsel



OFFICE OF THE PEOPLE'S COUNSEL
ORGANIZATIONAL CHART
FY 2000

Chief Financial Officer - DC

Appendix C

***Consumer Educational Materials 1997-1999
Pursuant to OPC's Mandate
(D.C. Code Ann. ' 43-406 (d) (5) (1998))***

ELECTRIC

- ▶ **Electric Restructuring (fact sheet)**
- ▶ **PEPCO Divestiture Proposal (consumer alert)**
- ▶ **The 1999 Washington, D.C. Utility Choice and Competition Report**
- ▶ **The 1998 Washington, D.C. Utility Choice and Competition Report**
- ▶ **1999 OPC Utility Consumer Education Forum on Electric Restructuring (media alert)**
- ▶ **Electric Rate Comparison Map of the United States (special display material)**
- ▶ **PEPCO Divestiture Scorecard special (special display material)**
- ▶ **PSC Sunshine Hearing on Formal Case 945 (media alert)**
- ▶ **Electric Retail Competition and Divestiture (public service announcements)**
- ▶ **PEPCO and BG&E Merger (public service announcements)**
- ▶ **Electric Restructuring Legislation (press release)**
- ▶ **January 1999 PEPCO Outages Investigation before the PSC (press release)**
- ▶ **OPC Files Comments in F.C. 945 Urging PSC to Get Electricity Competition Right (press release)**

NATURAL GAS

- ▶ **Washington Gas, Contractors and Repairs: What You Need to Know Before You Call (brochure)**

- ▶ **Washington Gas East Station Proposal (fact sheet)**
- ▶ **Gas Choice Pilot Program (fact sheet)**
- ▶ **Gas Choice Pilot Program 1-877-Y-CHOOSE Telephone Number (fact sheet)**
- ▶ **Gas Choice Pilot Scams (consumer alert)**
- ▶ **Washington Gas Rate Investigation (press release)**

TELECOMMUNICATIONS

- ▶ **Questions and Answers on the Status of Local Telecommunications Competition in the District of Columbia (fact sheet)**
- ▶ **Services for the Hard of Hearing: the District of Columbia Telecommunications Relay Service (brochure)**
- ▶ **Telephone Bill Charges and Fees: What Am I Paying and Why (fact sheet)**
- ▶ **Formal Case 950: Bell Atlantic Closes Payment Center (fact sheet)**
- ▶ **Incorrect Long Distance Charges (public service announcement)**
- ▶ **OPC Settlement with Bell Atlantic: A Telecommunications Infrastructure Trust Fund (press release)**

PUBLIC PAY TELEPHONES (COCOTS)

- ▶ **Public Pay Telephone Regulations (brochure)**
- ▶ **Public Pay Telephone Regulations (fact sheet)**
- ▶ **Evidentiary Checklist for Public Pay Telephone Complaints (fact sheet)**

Y2K

- ▶ **When the Power Goes Out . . . Make Sure You Are Prepared (special display material)**

QUALITY OF SERVICE

- ▶ **A Report on OPC's 1998 Quality of Service Forums**
- ▶ **Quality of Service Forums (media alert)**
- ▶ **Quality of Service Forums (public service announcements)**
- ▶ **OPC Consumer Survey Instrument**
- ▶ **People's Counsel Concerned about the Diminution of Quality of Service (press release)**

ENERGY CONSERVATION

- ▶ **Energy Conservation: Savings You Can Bank On (booklet)**
- ▶ **Making Energy Conservation Real: Power to the People! (booklet)**

GENERAL

- ▶ **D.C. Consumer Utility Complaints (brochure)**
- ▶ **A Practical Guide to the Utility Consumer's Bill of Rights**
- ▶ **OPC is Your Lawyer: How to Maintain Your Utility Service (brochure)**
- ▶ **Resource Guide (brochure)**
- ▶ **Utility Assistance Resources (fact sheet)**
- ▶ **Utility Restructuring in the District of Columbia (brochure)**
- ▶ **Empowering Consumers to Confront Public Utility Challenges: Putting Consumers First (booklet)**
- ▶ **The People's Counsel is Your Lawyer (brochure)**
- ▶ **The People's Counsel is Your Lawyer (fact sheet)**
- ▶ **NASUCA Information and Outreach Materials (report)**

- ▶ **OPC's Web Site (public service announcement)**
- ▶ **Joint Utility Discount Day (public service announcement)**
- ▶ **People's Counsel, Elizabeth A. Noël, Receives Beatrice Rosenberg Award for Outstanding Professional Service by a Government Lawyer (media alert)**
- ▶ **Winter Heating Season Cost Savings Tips (public service announcement)**
- ▶ **Don't Get Disconnected (public service announcement)**

SPANISH TRANSLATIONS

- ▶ **iLista Evidencial de Chequeo de Quejas para Teléfonos Públicos! (Evidentiary Checklist for Public Pay Telephone Complaints)**
- ▶ **Regulaciones de los Teléfonos Públicos (Public Pay Telephone Regulations)**
- ▶ **Quejas Sobre Los Servicios Públicos dal Consumidor en el Distrito de Columbia (D.C. Consumer Utility Complaints)**
- ▶ **Foro Educativo para la Comunidad Torres de Teléfonos Celular: ¿Podría Ud. Estar en Peligro? (Cellular Tower Forum flyer)**
- ▶ **Oficina de Asesoría Legal Pública (OPC fact sheet)**
- ▶ **Somos sus Abogados (OPC Is Your Lawyer)**
- ▶ **Hoja de Datos Caso Formal Numero 929 (Formal Case No. 929 flyer)**
- ▶ **La Asesora Legal Pública Es su Abogada (The People's Counsel Is Your Lawyer)**

MULTIMEDIA PRESENTATIONS

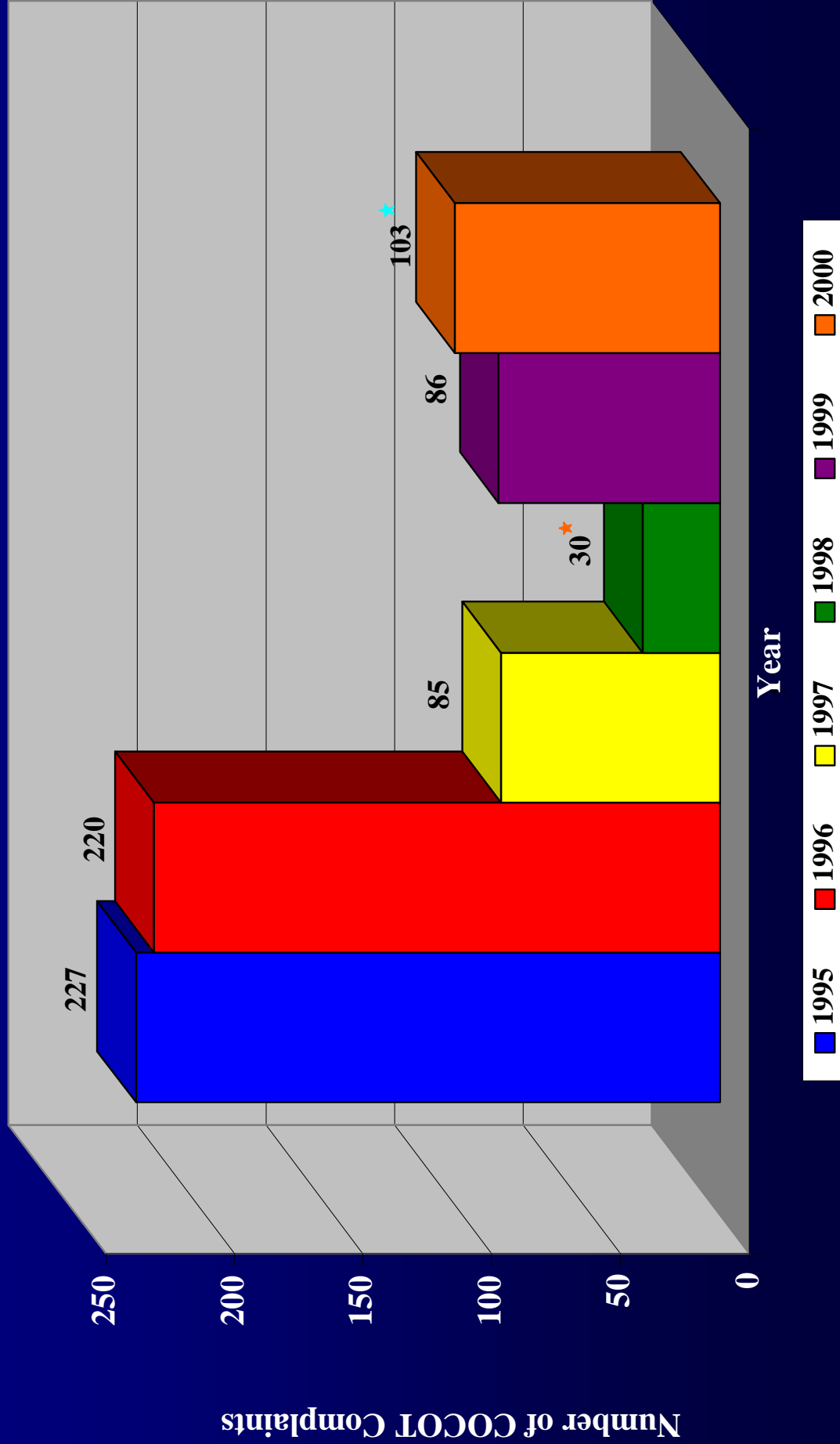
- ▶ **Electric Retail Competition: What Is It and Why Do I Care?**
- ▶ **Electric Restructuring, Divestiture, Local Retail Competition and Customer Choice: Is This Good for D.C. and Its Consumers?**
- ▶ **Mini-slide Modules (in progress), including:**

- # **About OPC**
- # **Consumer Complaints**

- # **Money Saving Tips**
- # **COCOTS**
- # **How to Read Your Utility Bill**
- # **Payment Resources**
- # **Slamming and Cramming**
- # **Federal Telephone Charges**
- # **Electric Restructuring**
- # **Gas Choice Pilot Program**
- # **Local Telecommunications Competition**
- # **How to Avoid Disconnection**
- # **Senior Citizens and Low Income Customers: Services and Tips for Keeping the Power on and Bills Low**
- # **Power Outages**

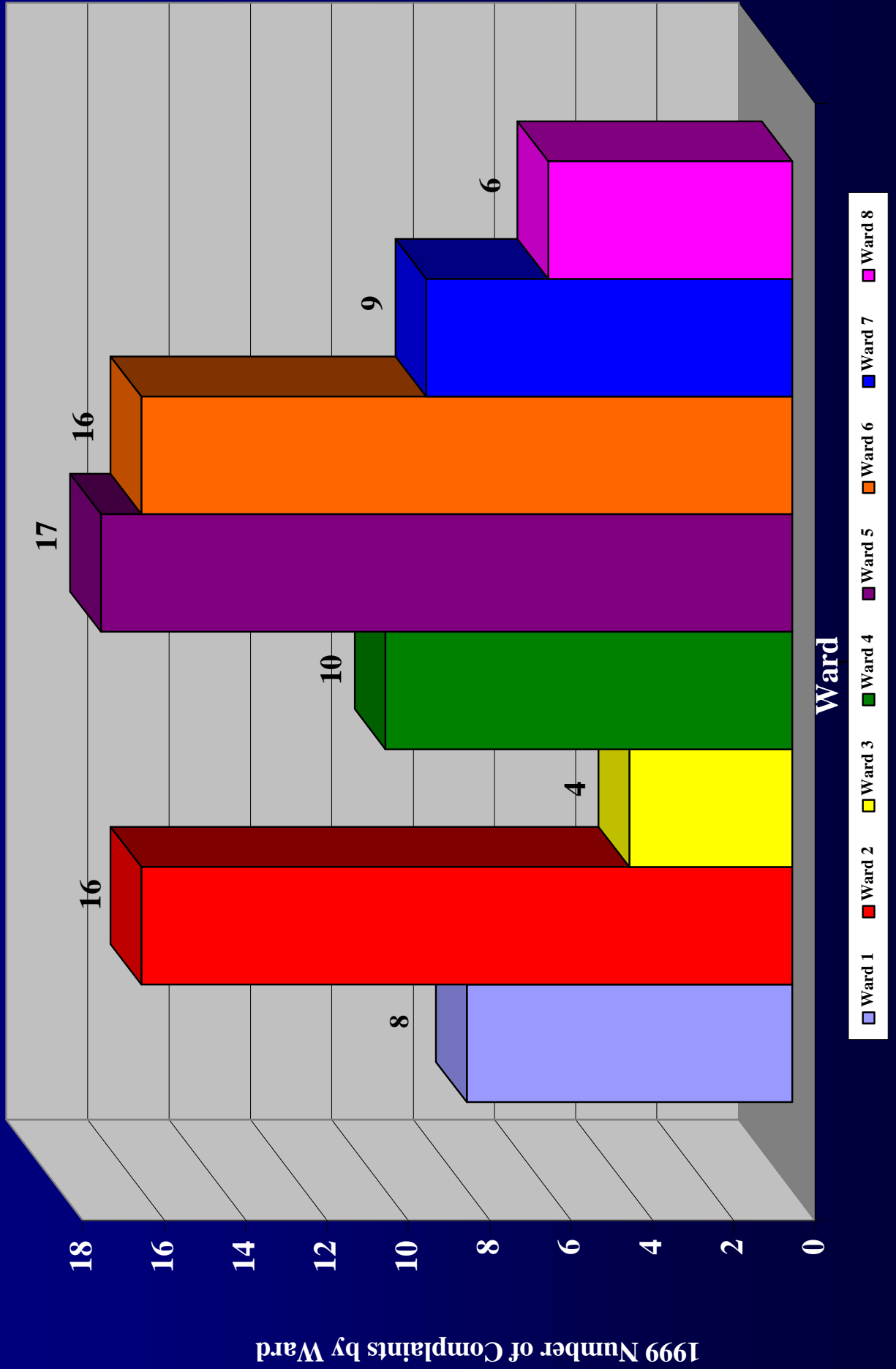
CHARTS AND GRAPHS
OF
COMPLAINTS AND INQUIRIES

COCOT Complaints

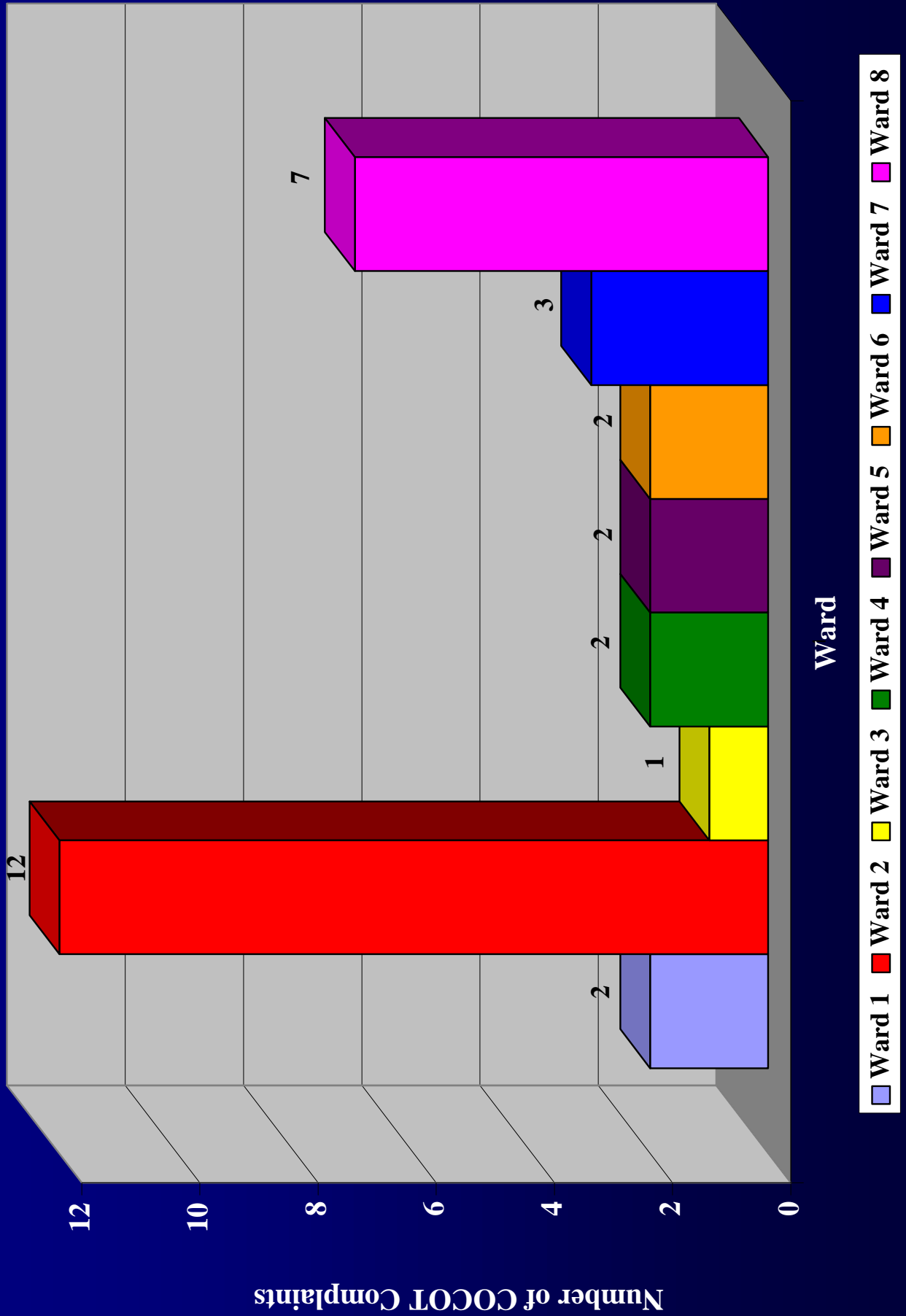


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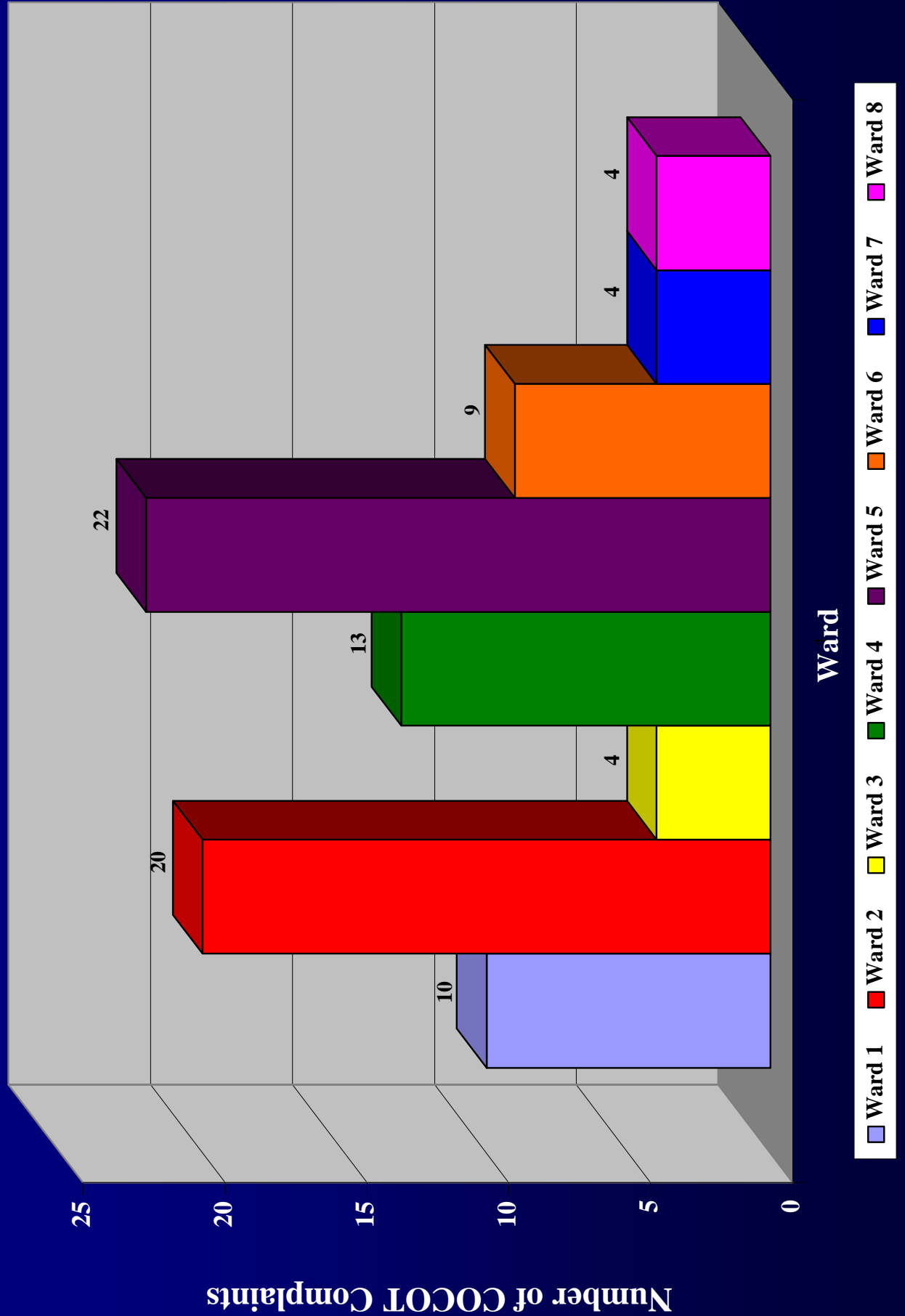
1999 COCOT Complaints by Ward



1998 COCOT Complaints by Ward

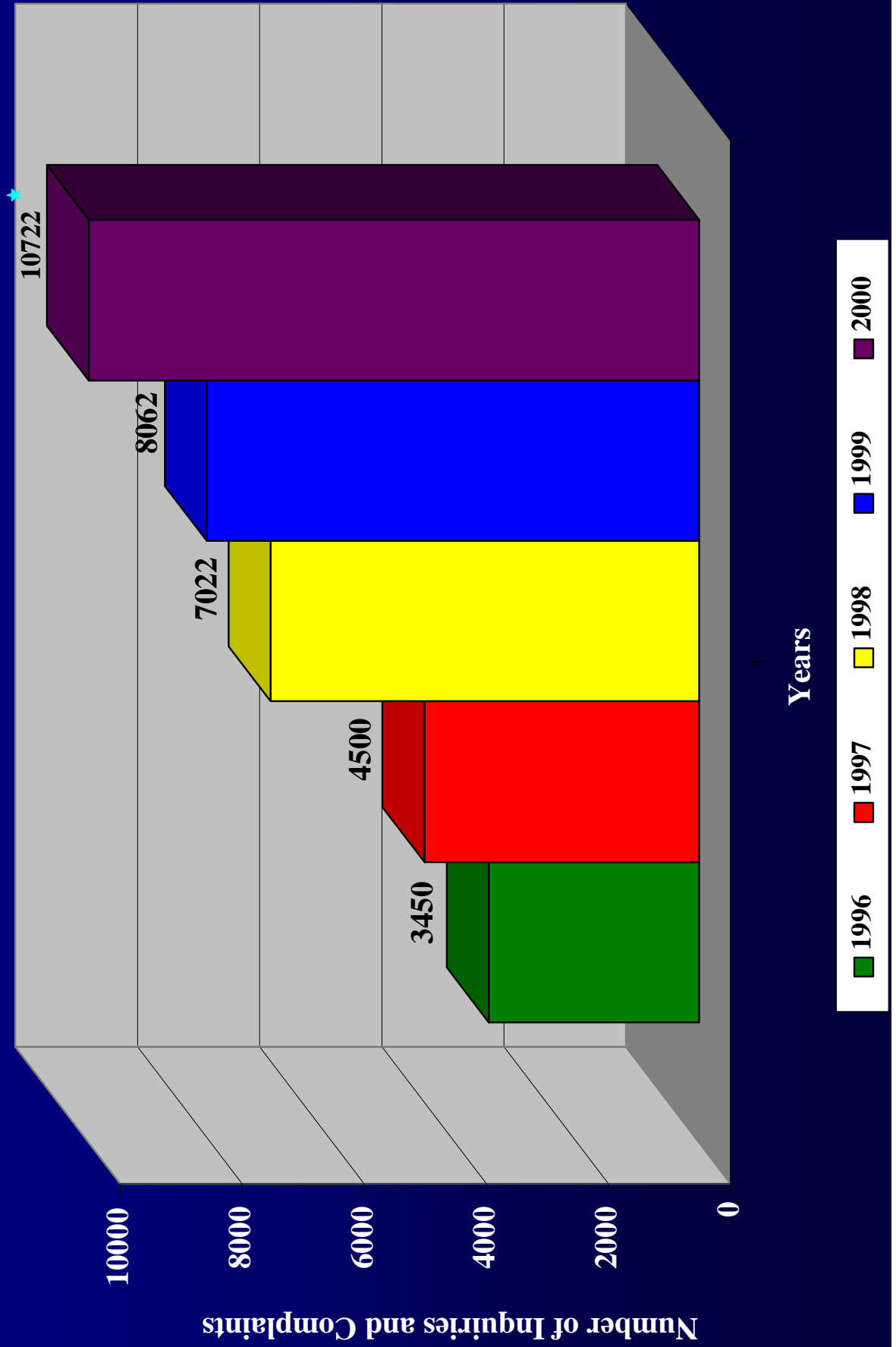


1997 COCOT Complaints by Wards

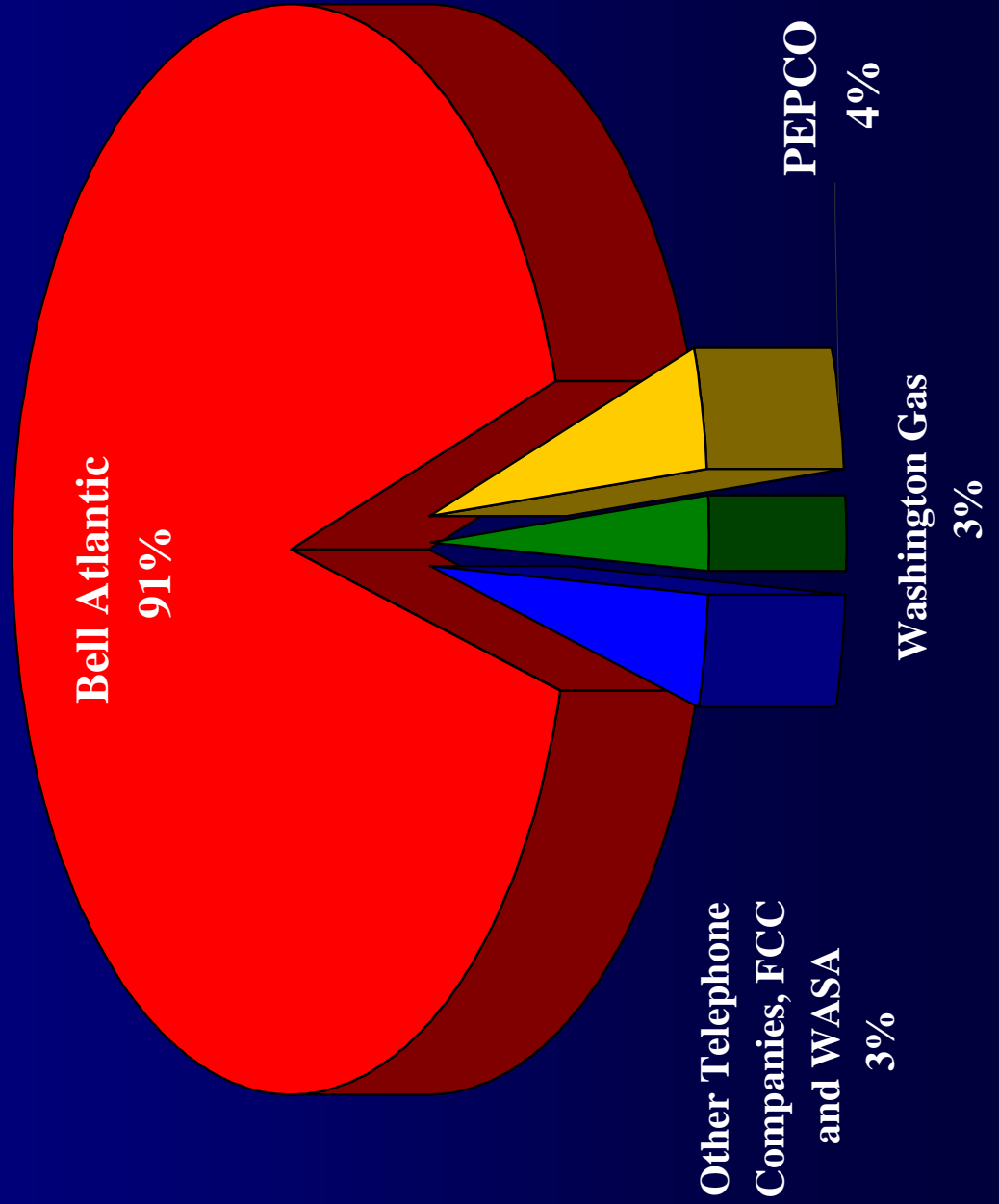


Total Consumer Inquiries and Complaints

Compendium of Activities 1996 - 2000

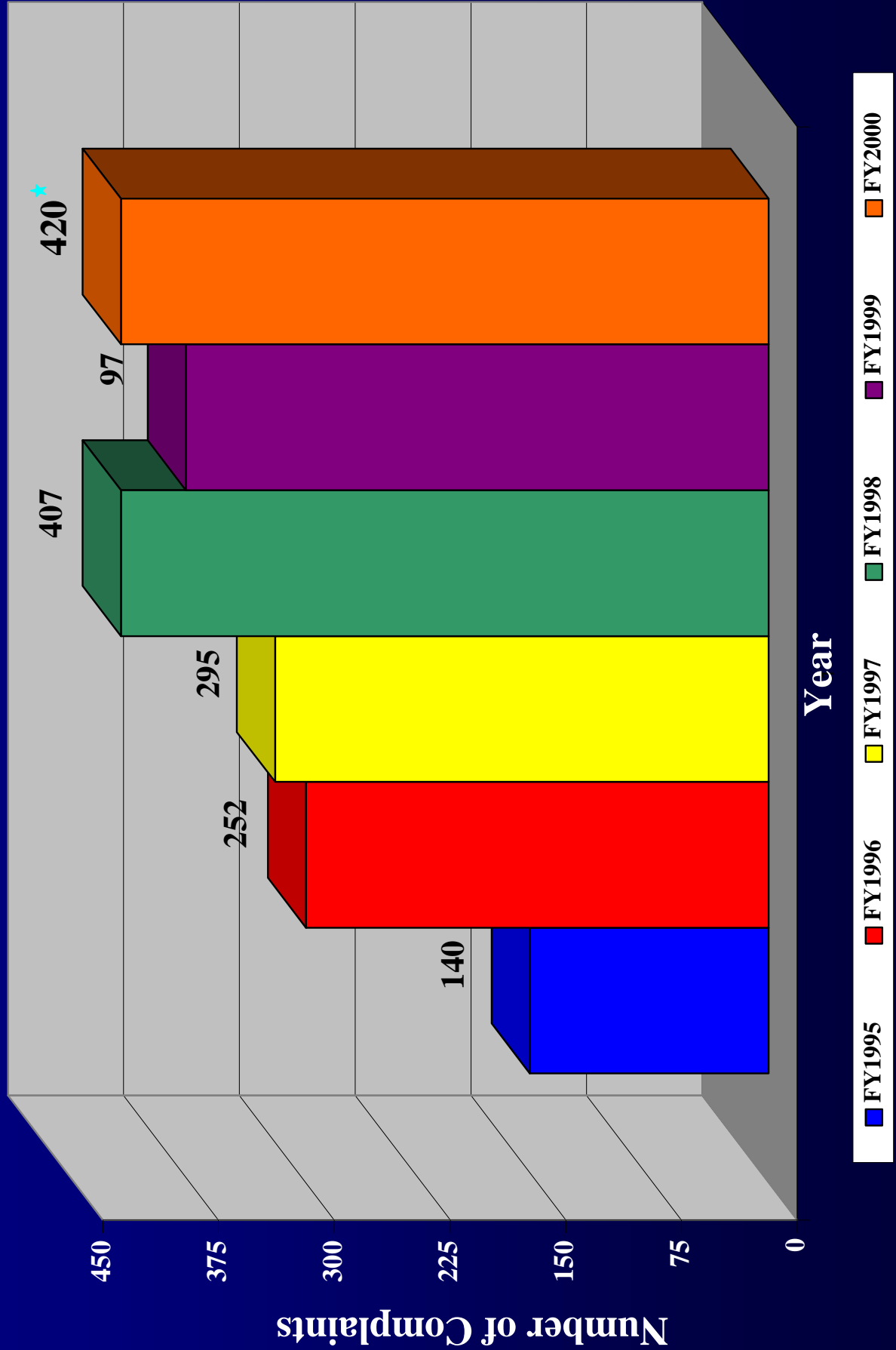


1999 Consumer Inquiries and Complaints Percentages



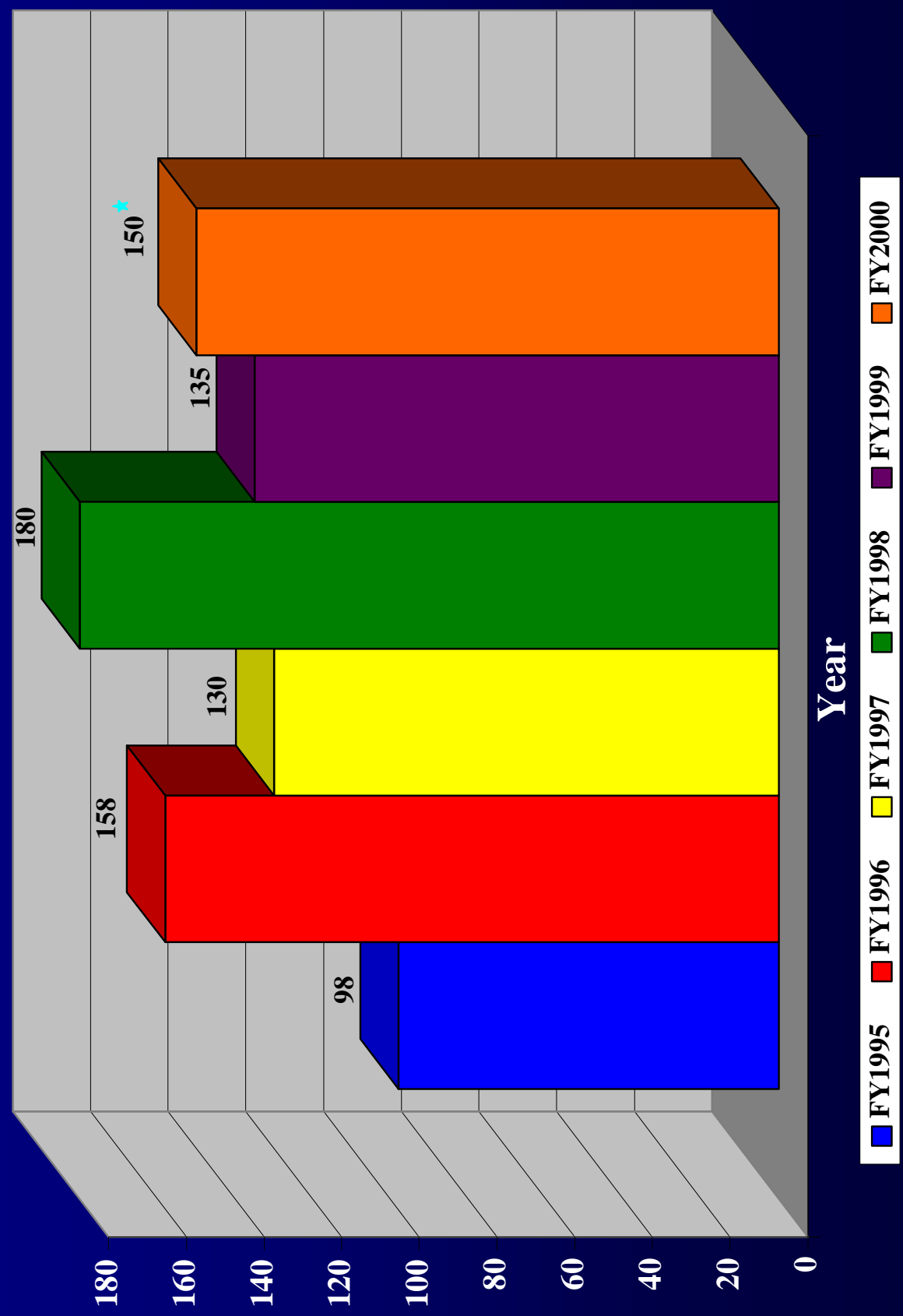
BA-DC Individual Formal Complaints

1995 - *1999



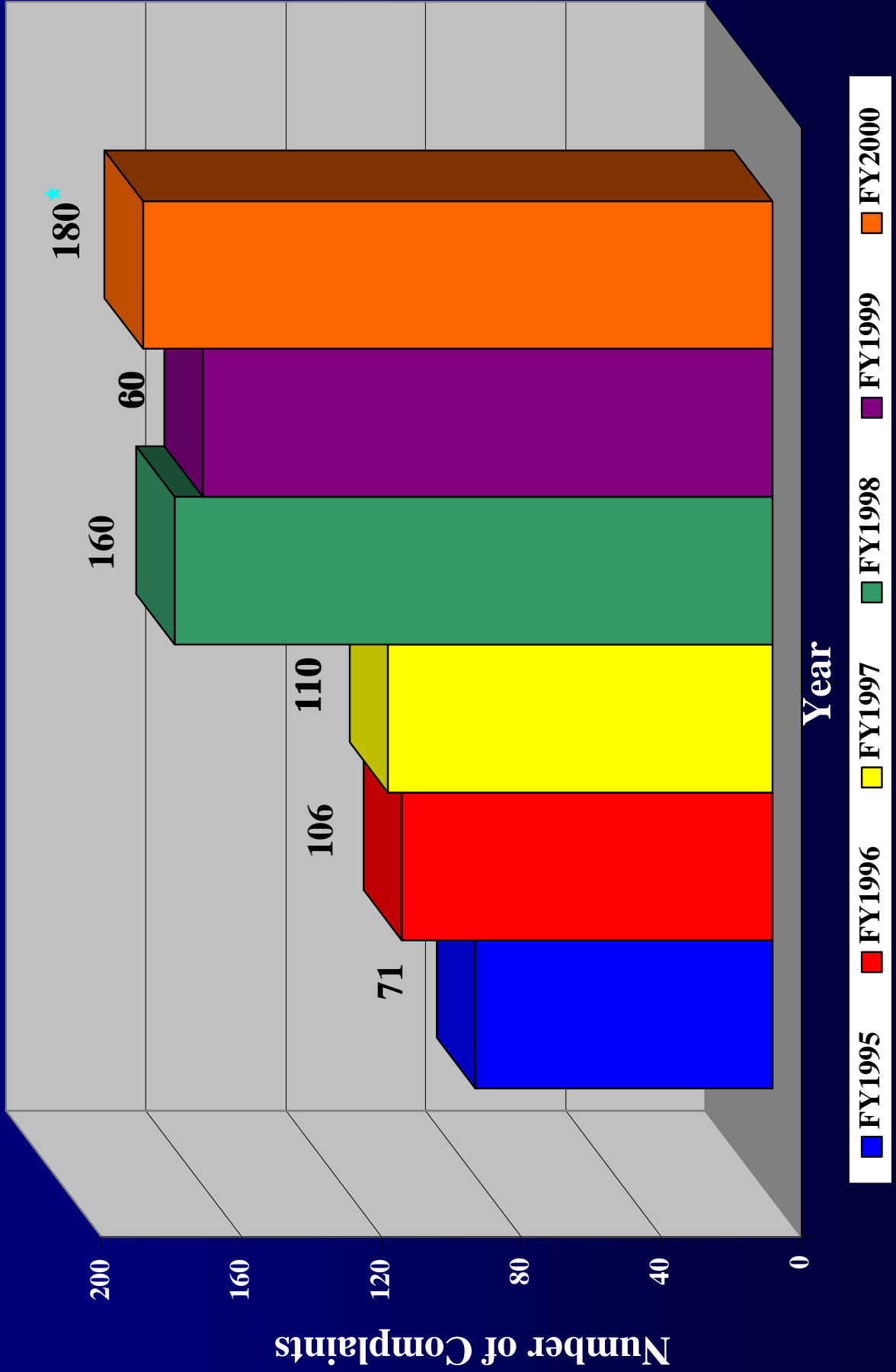
PEPCO Individual Formal Complaints

1995 - 2000



WG Individual Formal Complaints

1995 - 2000



1997 - 1999 OPC Highlights

Consumer Service and Education

- ▼ 500 community meetings
- ▼ 15 public forums/seminars
- ▼ 20 publications (average distribution 5000)
- ▼ 187 COCOT cases
- ▼ 20,400 consumer inquiries and complaints
- ▼ Joint Utility Discount Day (co-sponsors)
- ▼ 6 District Council briefings

Litigation

- ▼ PEPCO and BG&E merger (Formal Case No. 951)
- ▼ PEPCO divestiture (Formal Case No. 945)
- ▼ Bell Atlantic price cap plan (Formal Case No. 814, Phase IV)
- ▼ Local competition in telecommunication (Formal Case No. 982)
- ▼ Washington Gas restructuring and unbundling (various gas tariffs)
- ▼ COCOT regulations (Formal Case Nos. 976 and 929)

Operations

- ▼ In-house law library
- ▼ Completion of central file room and system
- ▼ Substantial telephone system upgrade

Management Information Systems

- ▼ Computer system upgrades
- ▼ Y2K compliant software
- ▼ Consumer Information Database (CID)
- ▼ Internet access
- ▼ OPC web site
- ▼ Desktop publishing
- ▼ WAN connection for CAPPs and SOARS
- ▼ No unscheduled halts

Legislative Activity

- , Electric restructuring bill
- , Local telecommunications competition bill
- , 911/311 legislation (emergency and non-emergency telephone calling)



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