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PRESS RELEASE

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D.C. Court of Appeals Decision Supports the Community! Anacostia Customer Service Center Kept OPEN

The D. C. Court of Appeal issued a unanimous decision affirming the right of the D.C. Public Service Commission to reject Washington Gas's decision to close its Anacostia Customer Service Center. In affirming the PSC's decision in Formal Case No 1014, the court recognized the PSC's broad authority to regulate WG including its customer services practices.

"This case is really all about how public participation in the utility regulatory process can lead to effective utility policies that meet the needs of the community. The Community fought to create the Anacostia Customer Service Center back in 1990 and have embraced it as a full service point of contact and community icon for gas ratepayers. From the time members of the community first contacted OPC in December, 2002, OPC's efforts to advocate for the community included timely intervention and participation in public hearings. This was vital in helping to develop the record on which the Commission and the Court made their decisions" stated People's Counsel Elizabeth A. Noël.

The D.C. Court of appeals dealt with several issues. First, the PSC challenged the authority of the court to review this matter which it described as a non reviewable policy decision. The Court disagreed, finding that because legal questions were raised, it had the authority to determine if the Commission's actions are "...authorized, procedurally sound and supported by the record."

The court soundly rejected WG's arguments that it could unilaterally decide to close its customer service center without first seeking approval from the PSC. It further rejected WG's claim that the PSC's decision did not properly consider all of the record evidence. Rather, it found the PSC had fairly considered all of the evidence and determined that the "impact upon the community outweighed the economic considerations raised by [WG]." Finally, the court pointed out that WG had not timely requested a hearing or availed itself of an opportunity to provide evidence or to question witnesses.

"Throughout the case, OPC demonstrated that WG's closing of the Anacostia Customer Service Center was not in the public interest. This case demonstrates what happens when consumers are informed, involved, engaged and clear in expressing their views" stated People's Counsel Noël.

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