

Office of the People's Counsel

# 2015 ANNUAL REPORT

*Preparing Today for a Brighter Utility Tomorrow*



**OPC-DC**  
Office of the People's Counsel  
ADVOCACY | EDUCATION | PROTECTION

★ ★ ★  
**WE ARE**  
WASHINGTON  
**DC**





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## LETTER FROM THE MAYOR

Dear District Residents:

I am pleased to join the Office of the People's Counsel in presenting its 2015 Annual Report: *Preparing Today for a Brighter Utility Tomorrow*.

This past year proved to be an unprecedented period for utility consumers in the District of Columbia, as numerous transitional issues emerged in the reshaping of the city's energy landscape. OPC has been at the forefront of these issues, working daily to educate, protect, and advocate for District ratepayers in all eight wards and ensure reliable and safe utility services.

By statute, OPC is mandated to engage in outreach activities to educate neighborhood leaders, community organizations, civic associations, and individuals on their rights, responsibilities, and options as utility consumers. Most notably, in April of 2015, OPC hosted "Horizons 2015: Uniting Energy, Technology and Consumers," which was free and open to all sectors of the public. This consumer education symposium featured hands-on workshops and presentations on the full scope of energy issues, ranging from solar initiatives and environmental justice to microgrids and pipeline undergrounding. The symposium was not only timely and informative, but also appropriate for a city that continually seeks to lead the nation in adopting and advancing energy efficiency and sustainability measures.

Lastly, OPC has been a steadfast resource for consumers needing help to pay utility bills and resolve disputes. OPC's advocacy remains an important part of my administration's efforts to create pathways to the middle class. I look forward to further opportunities to partner with the Office of the People's Counsel as we work together...*Preparing Today for a Brighter Utility Tomorrow*.

Sincerely,



Muriel Bowser  
Mayor



## MESSAGE FROM THE PEOPLE'S COUNSEL

Dear District of Columbia Consumers:

As People's Counsel for the District of Columbia, I am honored to present to you the 2015 Annual Report of the Office of the People's Counsel. This Annual Report shares the highlights of a very productive year for OPC — a year in which many challenging but rewarding opportunities were at hand. In the fall, it was my privilege to be reappointed by Mayor Muriel Bowser to serve a second term as your People's Counsel. I am honored and humbled by this opportunity to continue my service to District utility consumers and I am excited about what we can achieve together over the next four years. While this Annual Report offers a review of the prior year, I can assure you that OPC is already focused on Preparing Today for a Brighter Utility Tomorrow.

In 2015, the Office of the People's Counsel demonstrated dedication and commitment to every aspect of our mandate to educate, protect, and advocate on behalf of District ratepayers. We implemented numerous outreach initiatives in all eight wards of the city, litigated several critical cases before the DC Public Service Commission, and successfully resolved more than 2,000 consumer complaints and disputes with utility companies.

I am extremely proud of what my team has been able to accomplish in a single year. Moving forward, OPC will strive to an even higher degree to ensure that District residents have utility services that are affordable, reliable, safe, and — in every respect — reflective of the District of Columbia's goals to achieve energy efficiency and sustainability.

On April 18, 2015, we accomplished a key mandate for providing consumer education by sponsoring “Horizons 2015: Uniting Energy, Technology, and Consumers” at the University of the District of Columbia's David A. Clarke School of Law. Horizons 2015 was a first-of-its-kind endeavor in many ways. District residents were able to participate in interactive and informative workshops supporting topics such as hands-on energy efficiency, solar development, and senior consumers. Moreover, DC Public School students were featured in a fascinating essay and art contest. Horizons 2015 also featured presentations and discussions with leading utility industry experts and a keynote address by community activist Rev. Lennox Yearwood, Jr. of the Hip Hop Caucus. The event was a success because of the innovative

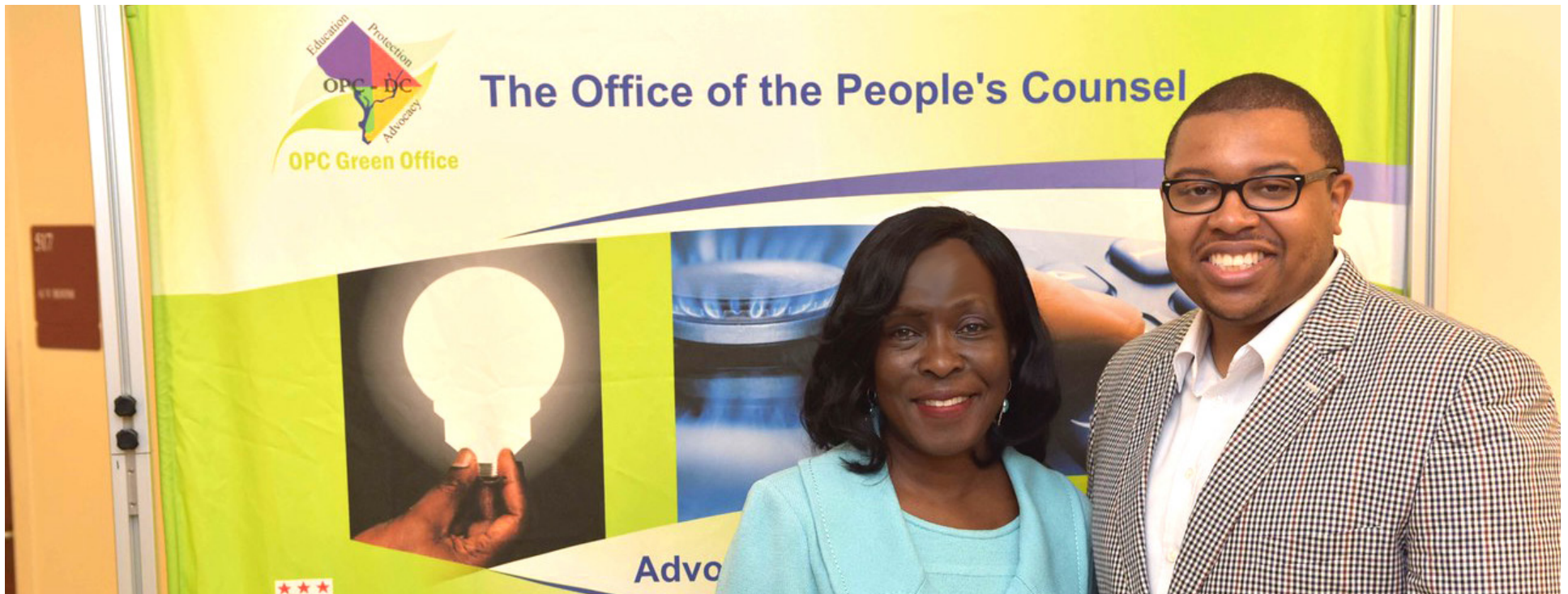


experiences it provided residents seeking comprehensive information on utility technology and service advancements.

In 2015 OPC played a major role in the Pepco/Exelon merger application, carrying out OPC's mandate to ensure affordable and reliable service for consumers. The Pepco/Exelon merger is perhaps the most important utility case of our time. The merger will shape the District's and the nation's utilities for decades to come. OPC's sole focus was to ensure that consumers at all levels received tangible and measureable benefits.

It was critical for OPC to keep consumers informed of the merger proceedings. We engaged residents by attending dozens of community and Advisory Neighborhood Commission meetings, and conducting numerous constituent briefings at our office. Moreover, we strongly encouraged District residents to let their voices be heard at Public Service Commission hearings on the case.





*People's Counsel Sandra Mattavous-Frye with Horizons 2015 speaker, Quentin James, COO & Founding Partner at Vestige Strategies.*

Simultaneously with the Pepco/Exelon merger, OPC litigated 17 additional cases in 2015. They included: the Washington Gas light pipe replacement settlement, the investigation into Verizon's transition from copper wire to a fiber-based network, the Pepco power line undergrounding project (DC PLUG), and the grid modernization proceeding. Indeed, it has been a busy year for OPC's litigation team, a fact that underscores the complexity of the new regulatory landscape taking shape in the District of Columbia.

As we look ahead, I can assure you that we will continue to be engaged with the community and proactively encourage ratepayers to remain vigilant, informed, and vocal. The consumer's voice must never be stifled, and diverse opinions must be heard in order to ensure a utility future that is inclusive and reflects the interests of residents in all eight wards of the District of Columbia.

As People's Counsel, I give my assurance that OPC will remain steadfast in advocating, protecting, and educating consumers in our great city. The Office of the People's Counsel is Preparing Today for a Brighter Utility Tomorrow that is environmentally and economically sustainable for generations to come.

Sincerely,

Sandra Mattavous-Frye  
People's Counsel



*Mayor Muriel Bowser with People's Counsel  
Sandra Mattavous-Frye and OPC staff.*

## **DC OFFICE OF THE PEOPLE'S COUNSEL MISSION STATEMENT**

The Office of the People's Counsel is an independent agency of the District of Columbia government. By law, the Office advocates for consumers of natural gas, electric, and telephone services. The Office also represents the interests of District utility ratepayers before the DC Public Service Commission, Federal Energy Regulatory Commission, Federal Communications Commission, other utility regulatory bodies, and the courts. The Office is mandated to conduct consumer education and outreach, and may represent individual consumers with complaints related to their utility service and bills.

Through this mission, the Office of the People's Counsel is Preparing Today for a Brighter Utility Tomorrow for the benefit of consumers in all eight wards, as well as the betterment of the economy of the District of Columbia, the conservation of natural resources, and the preservation of environmental quality.





Consumer Services Division outreach at the Chinatown Community Cultural Center.

## 2015 OFFICE OF THE PEOPLE'S COUNSEL HIGHLIGHTS



**2,000** Utility Consumer Complaints Resolved



**100** Energy Efficiency Made Simple Workshops

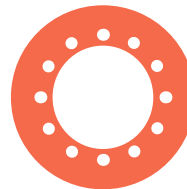


**35** Community Briefings on Pepco/Exelon Merger



**100%** Compliance with DC Language Access Act

**2,500** Limited and Non-English Speaking Persons Engaged



Active Support and Advocacy for Growth in Solar Energy  
**130%** Increase in Investments in Solar Installations in DC



**100%** Compliance with DC Certified Business Enterprise Goals (contracts with local & small businesses)

## ENGAGEMENT WITH DC RATEPAYERS

In order to best represent the ratepayers of the District of Columbia, People's Counsel Sandra Mattavous-Frye met with community members and participated in events across all eight wards. Key appearances of the People's Counsel are represented in the list below.

<b>January 29</b>	DC Council Committee on Business, Consumer and Regulatory Affairs hearing testimony on status of Pepco/Exelon merger, Washington Gas PROJECTpipes
<b>January 30</b>	WAMU 88.5 FM <i>Kojo Nnamdi Show</i> live interview on the Pepco/Exelon merger
<b>February 2</b>	Mayor Muriel Bowser's Open House
<b>February 4</b>	WJLA-TV <i>Seven on Your Side</i> live interview on consumer complaints about high bills and the status of DC Power Line Undergrounding (DC PLUG) construction project
<b>February 12</b>	XM-Radio <i>The Armstrong Williams Show</i> live interview on the Pepco/Exelon merger
<b>March 13</b>	Greater Washington Urban League Whitney M. Young Jr. Memorial Dinner
<b>March 14</b>	Metropolitan Washington Council, AFL-CIO Evening with Labor Dinner
<b>March 20</b>	Foster Grandparents briefing on Pepco/Exelon merger
<b>March 26</b>	Ward 3 Democrats debate on Pepco/Exelon merger
<b>March 31</b>	State of the District Address
<b>April 8</b>	UDC Law School debate on Pepco/Exelon merger
<b>May 9</b>	At-Large Councilmember Vincent Orange's Mother's Day Celebration
<b>May 14</b>	Ward 4 Councilmember Brandon Todd's Swearing-in Ceremony and Open House
<b>May 18</b>	U.S. Congress testimony on the role of the public advocate for the 21st Century Roundtable on the Energy Workforce Sector Jobs Initiative Act
<b>June 1</b>	Missionary Baptist Ministers Conference DC and Vicinity briefing on Pepco/Exelon merger
<b>July 23</b>	Ward 8 Councilmember LaRuby May's Savannah Street Pop-Up Office
<b>June 22</b>	National Energy Utility Affordability Coalition Conference: Presentation on educating consumers about new energy providers
<b>August 27</b>	Ward 8 Councilmember LaRuby May's Minnesota Avenue Pop-Up Office
<b>September 9</b>	DC for Democracy briefing on Pepco/Exelon merger
<b>September 15</b>	Public Power Advocates discussion on proposed DC municipal electric utility





*Jean Gross-Bethel of Consumer Services, Gloria Canton of AARP Penn-Branch Chapter, People’s Counsel Sandra Mattavous-Frye, and Laurence Jones of Consumer Services as OPC is recognized for briefing seniors on the Pepco/Exelon merger.*

<b>September 26</b>	Tenant Association Annual Summit Energy Efficiency Workshop at Gallaudet University
<b>October 5</b>	DC Council Committee on Business, Consumer and Regulatory Affairs hearing testimony on the Status of Utilities in the District of Columbia
<b>October 14</b>	Metropolitan Washington Council, AFL-CIO briefing on Pepco/Exelon merger
<b>October 23</b>	Holy Trinity United Baptist Church briefing on Pepco/Exelon merger
<b>October 28</b>	DC Federation of Civic Associations briefing on Pepco/Exelon merger
<b>October 30</b>	DC Council Committee on Business, Consumer and Regulatory Affairs hearing testimony on Heatwave Safety Amendment Act and Community Renewable Energy Emergency Amendment Act
<b>November 3</b>	Advisory Neighborhood Commission 8A briefing on Pepco/Exelon merger
<b>November 4</b>	Advisory Neighborhood Commission 8C briefing on Pepco/Exelon merger
<b>November 5</b>	Ward 4 Councilmember Brandon Todd’s Riggs LaSalle Community Center Senior Day consumer briefing
<b>November 21</b>	Ward 4 Democrats briefing on Pepco/Exelon merger
<b>November 24</b>	DC Federation of Civic Associations briefing on Pepco/Exelon merger

## SERVING CONSUMERS

The Consumer Services Division (CSD) provides education and outreach to District consumers. CSD gives assistance and representation to individual consumers in disputes with utility companies. CSD also provides assistance and resources to community, civic, and consumer organizations that serve ratepayers. As part of this assistance, CSD representatives attended community events and meetings in all eight wards.

### Horizons 2015 Symposium A Success

On April 18, 2015, OPC hosted Horizons 2015: Uniting Energy, Technology & Consumers, a groundbreaking consumer education symposium at the University of the District of Columbia David A. Clarke School of Law. Unlike previous consumer education events, Horizons 2015 challenged District residents and stakeholders to take a deep dive into conversations about emerging issues in the city's energy landscape. OPC is proud to report that Horizons 2015 met and surpassed its desired goals by exemplifying OPC's landmark efforts to raise community awareness about the energy marketplace and the "new energy normal." More than 200 people attended workshops on topics such as Microgrids in DC's Future, Community Institutions Going Solar, How to Become Energy Smart, and Uniting Seniors and Technology. Participants engaged in lively, thought-provoking discussions and received useful information that empowered them to make smarter energy consumption choices.

Several District government and regulatory leaders participated, including members of the DC Council; Director Tommy Wells of the District Department of Energy & Environment; Commissioner Willie Phillips of the DC Public Service Commission; and Dean Katherine S. Broderick of the University of the District of Columbia, David A. Clarke School of Law (UDC Law).

Several nationally known environmental and clean energy leaders gave dynamic speeches that educated attendees on the intersection between clean energy innovation, public health, and environmental stewardship. Quentin James, the Chief Operating Officer of Vestige Strategies and former National Director of the Sierra Club's Sierra Student Coalition, gave the morning 'Charge to the Audience' and got symposium attendees excited about the day. LaDoris G. Harris, Director of the U.S. Department of Energy Office of Economic Impact and Diversity, discussed her agency's forward-looking energy innovation, diversity, and community engagement programs. Climate justice and voting rights activist Reverend Lennox Yearwood, the President/CEO of the Hip Hop Caucus and UDC Alumnus, gave a spirited and inspirational keynote address. He talked about environmental justice issues in the District and the importance of clean energy to mitigate climate change and provide economic empowerment for DC neighborhoods.

Horizons 2015 also featured a creative art and essay contest for DC Public Schools students. They crafted colorful and artistic reflections on energy efficiency, sustainability, conservation, and renewable energy. Mark Davis, President of WDC Solar, a solar energy company based in Ward 8, joined OPC staff in presenting prizes to the contest winners.

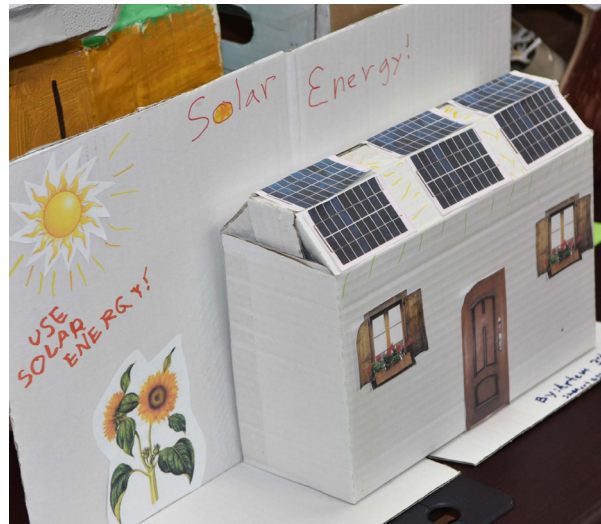
Horizons 2015 was co-sponsored by UDC Law, the DC Sustainable Energy Utility (SEU), DOEE, Pepco, Washington Gas, AARP DC and WDC Solar. Several community partners also helped make the symposium a success. They included the DC Federation of Civic Associations, 1776, Grid Alternatives, Groundswell, United Planning Organization, Greater Washington Urban League, Interfaith Power Light for MD, DC and VA, the Washington DC Chapter of the Sierra Club, and the YMCA.

OPC is proud to have provided a tremendous opportunity for consumers to engage with neighbors, government leaders, environmental activists, and students on issues we all face in the changing energy landscape. In its work Preparing Today for a Brighter Utility Tomorrow, OPC looks forward to presenting more dynamic consumer education events in the future.



# HORIZONS 2015

The art & essay contest was a highlight of Horizons 2015. Judges scored colorful entries by DC Public School students on their creativity and display of energy efficiency, sustainability, conservation, and renewable energy themes.



## A Win for Ratepayers: Securing Permanent Funding to Keep the Lights On

The OPC Energy Efficiency and Sustainability Section works closely with other consumer advocates to help secure resources that ensure utility consumers across our region have a voice in planning for the future of their utilities. In 2015, OPC secured a groundbreaking victory for District consumers related to obtaining permanent funding for the Consumer Advocates of PJM States, Inc. (CAPS). As the regional transmission organization that coordinates the movement of wholesale electricity in 13 states and the District of Columbia, “PJM” or “PJM Interconnection” is the electric grid operator responsible for “keeping the lights on” 365 days a year.

Securing permanent funding for CAPS will ensure that consumer advocate members have future, consistent resources to maintain full participation in the PJM stakeholder process and advocate for the interests of retail consumers at the wholesale energy market level.

The PJM stakeholder process is an integral part of the organization’s function as a regional transmission organization. Stakeholders engage in more than 200 meetings per year and review considerable technical material, which means that significant staffing and resources are necessary for meaningful engagement in the PJM planning process. CAPS was established in 2013, with initial funding coming as a result of the 2012 settlement between Constellation Commodities and the Federal Energy Regulatory Commission (FERC). In order to continue as a voice for consumers in the PJM stakeholder process, CAPS needed to secure guaranteed, permanent funding. This was accomplished through an amendment to a tariff FERC imposes on load-serving entities.

In 2015, CAPS worked diligently to persuade fellow PJM stakeholders that the continued participation of consumer advocates is critical to the credibility and success of the PJM stakeholder process. CAPS members formally submitted their funding proposal to the PJM stakeholders and they overwhelmingly approved the proposal in October 2015. OPC’s key role in obtaining PJM member approval for CAPS permanent funding helped to secure a critical victory for District consumers — Preparing Today for a Brighter Utility Tomorrow — and ensured that consumer perspectives will be represented in the PJM stakeholder process for many years to come.

## Resolving Tyler House Billing Concerns

OPC’s Consumer Services Division works with consumers and utilities to resolve a wide array of consumer complaints about utility services, including high bills, disconnections, and questionable billing practices. These complaints assist OPC in identifying trends that may require further action. For example, in late June 2015, OPC began receiving calls from residents of the Tyler House Apartments, a 280-unit building located at 1200 North Capitol Street NW, who were concerned about their Washington Gas (WGL) bills.

The residents explained that over a two-year period, as their apartment building was undergoing extensive renovations, the landlord had moved many tenants around to one, two, or even three different units. During this time, billing from WGL was inconsistent and appeared inaccurate. Some residents reported they were told to pay as much as \$8,000 in “back charges.” OPC learned from tenants and verified with WGL that building management had gained access to individual WGL customer account numbers and included this information in letters announcing to tenants that their gas service would be disconnected if the charges were not paid by early July 2015.

Residents told OPC that they believed they were treated unfairly because there was no way to track how they were billed as they were moved to different apartments during building renovations. At issue was whether tenants had been billed for multiple accounts during their forced moves. Moreover, some tenants reported they had not even received a bill for more than six months.

With resident complaints in hand, OPC immediately contacted WGL and arranged for a 30-day moratorium to delay any action on all affected customers. OPC staff attended several tenant association meetings to provide residents with utility service information, including resources needed to navigate the complaints resolution process. OPC also arranged for the DC Public Service Commission to conduct tests to determine the accuracy of the meters serving each customer account, with representatives from OPC on-site to witness the tests.





*Hispanic Coordinator Silvia Garrick shares tools and tips for saving energy and money with a constituent of the Mayor's Office on Latino Affairs.*

**“People’s Counsel Mattavous-Frye and her capable staff are very responsive to consumers in my community, providing us with information on a variety of utility topics and making sure that we have the background to make informed choices about our vital utility services. We know that OPC stands with the consumer.” - Mary Cuthbert, Chairperson of Advisory Neighborhood Commission 8C**

Ultimately, OPC and the WGL consumer services division worked together to address resident concerns and provide relief. Corrective action included developing payment plans for consumers and referring them to agencies that provide energy assistance payments.

OPC’s Consumer Services Division continues to advise Tyler House residents. OPC’s goal is to ensure that tenants at Tyler House and rental properties across the city do not pay for services they did not use, as well as protect them from erroneous charges that could negatively affect their finances and overall quality of life.

### Language Access Recognition

OPC remains committed to ensuring that our limited or non-English speaking clients receive safe, reliable, and affordable utility service. In 2015, OPC received its fourth consecutive rating of 100% for compliance with the Language Access Act, and received commendation from the DC Office of Human Rights for proactive efforts in assisting limited or non-English proficient (LEP/NEP) constituents. OPC staff has substantial contact with District residents who need language translation or interpretation services when they use our services or programs. Therefore, our message to LEP/NEP constituents is that their limited ability to speak English is no barrier to receiving quality service related to their public utility concerns. OPC’s LEP/NEP client base includes residents whose first language is Spanish, Amharic, Chinese, Korean, French, or Vietnamese.

OPC sponsors a public dialogue with at least one selected LEP/NEP community each year. On May 2015, Consumer outreach staff held a dialogue with Amharic-speaking residents at Hubbard Place Urban Village in Northwest to inform them of the services OPC provides. We emphasized that although some members of the Amharic-speaking community are not proficient in English, that is no barrier to receiving help with any utility matter, including billing disputes.

For the first time ever at a public event of its kind, OPC made available interpretation equipment at the Horizons 2015 consumer education symposium in April 2015. OPC also conducted walk-throughs in specific neighborhoods such as Mount Pleasant where LEP/NEP small businesses are located to introduce them to our services and distribute information about current utility issues. For example, OPC staff distributed a consumer alert with important information, including addressing high Pepco bills.



## Consumer Complaints Resolution Process

OPC's mission to advocate on behalf of consumers includes not only advocacy before regulatory bodies, but also mediating resolutions for individual consumer complaints. OPC's comprehensive consumer complaints resolution process ensures utility ratepayers are adequately represented in their disputes with utility service providers.

### The steps of the complaints resolution process include:

- 1 Consumer Services Division (CSD) staff receives complaints by phone, email, fax, community meetings, referrals from non-profit organizations, government agencies and the DC Council.
- 2 CSD staff interviews the consumer to gather information about their complaint and provide them with a description of OPC's informal complaints resolution process.
- 3 CSD initiates an investigation with the utility company.
- 4 CSD staff contacts the consumer to review the investigation findings.
- 5 If the consumer is dissatisfied, CSD staff informs the consumer that they can ask the Public Service Commission (PSC) to open a complaint investigation. Based on the findings of the PSC investigation, the consumer can request a PSC informal hearing and, subsequently, a formal hearing if the consumer is not satisfied with the decision. OPC can formally represent the consumer at a formal hearing convened by the PSC.

*OPC is helping tenants adjust to paying an electric bill rather than having usage included in their rent payments. They will get individual apartment meters to replace the master meters like those shown here that collectively measure usage of all tenants.*





## Consumer Complaints by Utility

OPC's Consumer Services Division staff continued to represent DC consumers in utility related disputes in matters such as disconnections, poor service, and payment plans. In all, OPC received 2,058 consumer complaints during 2015. While the total number of complaints decreased compared to 2014, the variety and complexity of complaints has grown. More than half of the total complaints received involved Pepco services, followed by Washington Gas (WGL). Verizon complaints have continued to decrease over the last several years, possibly due to the steady growth of customer use of mobile phones or computer-based communications systems instead of the traditional landlines. Third Party Suppliers (TPS) complaints declined by more than 50% compared to the number of TPS complaints received in 2014.

### PEPCO

In 2015, Pepco's consumer complaints totaled 1,189, representing 57% of all complaints received. Pepco's new billing format, high bills, time payment arrangements (TPAs), disconnection notices, and disconnections were some of the most frequent complaints received from consumers. On January 5, 2015, Pepco launched a new billing system and ensuing software issues caused it to withhold or issue partial bills to about 650 customers. Pepco customers also complained that they had not received bills for 60 or more days of service. Pepco offered negotiated time payment arrangements (TPAs) to customers to address this error. Complaints about high bills reflecting extended service periods decreased in the spring.

### WASHINGTON GAS

Consumer complaints about WGL services slightly decreased from the number logged in 2014. In 2015, OPC received 471 WGL complaints, or 23% of the total OPC received. Complaints about WGL included high bills, billing disputes and disconnections. Some residents complained that they had not been notified prior to the start of construction work for PROJECTpipes in their neighborhoods. Consumers also cited WGL's online billing system and what they described as the poor quality of outsourced customer services.

### VERIZON

OPC received 256 Verizon complaints in 2015, 13% of all complaints. Consumers expressed frustration with Verizon's FiOS marketing practices and concerns about information provided by technicians about the transition from copper to fiber optic cable, their rights to retain copper lines, and overall poor quality of customer services.

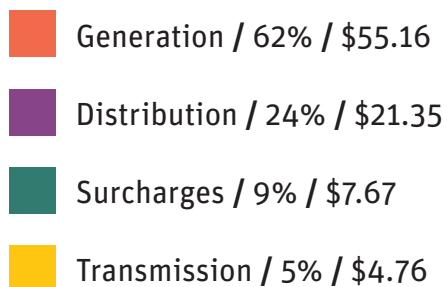
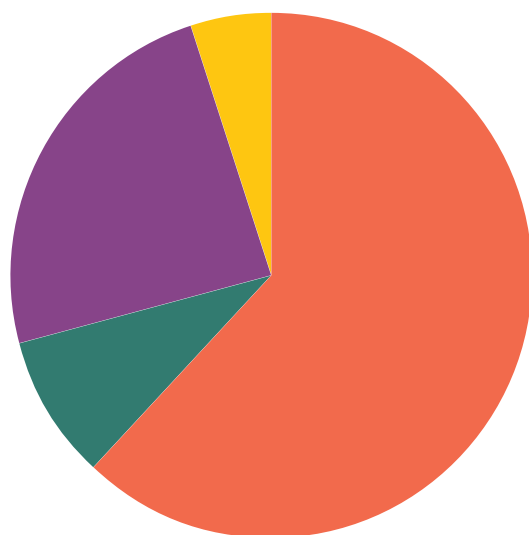
### THIRD PARTY SUPPLIERS (TPS)

After accounting for 446 complaints in 2014, TPS complaints declined to 137 complaints in 2015, representing 7% of all complaints received. The decline can possibly be attributed to Public Service Commission Formal Case 1105, which resulted in a \$100,000 settlement with Starion Energy. Terms of the settlement required Starion Energy to recalculate hundreds of customers' bills.

“OPC staff is responsive and attentive to utility consumers' needs. The staff goes the extra mile to assist DC's residents in need.” - *Venus Little, President of the Tyler House Apartments Tenants Association*

### What's in Your Electricity Bill?

Average Monthly Bill for a Standard Offer Service (SOS) Residential Customer, 2015-2016



## LITIGATING FOR CONSUMERS

The OPC Litigation Services Division (LSD) consists of the Energy, Telecommunications, Technical and Market Monitoring Sections. LSD litigates cases involving utility companies before the Public Service Commission, federal regulatory agencies, and the DC Court of Appeals. This work includes all aspects of trial litigation and case management.

### OPC Advocates for Consumers During Pepco/Exelon Merger

The merger between Pepco Holdings, Inc. and the Exelon Corporation generated more public interest and participation in 2015 than any other utility proceedings in recent memory. In April 2014, Chicago-based Exelon announced plans to purchase District-based Pepco and sought approval from the DC Public Service Commission. From the outset, the People's Counsel maintained that in order to meet the public interest standard necessary for the merger to proceed and gain OPC's support, the merger must deliver tangible benefits for District consumers, including rate relief, sustained improvements in reliability, and continued growth in energy efficiency and conservation programs. After careful examination of the merger application filed by the companies in July 2014, OPC found it to be wholly deficient in all of these areas and requested that the Commission reject it.

In August 2015, the Commission denied the merger, finding that the proposal included too many benefits for Pepco and Exelon, and too few benefits and several risks for consumers. While noting the deficiencies, the Commission declined to impose conditions that would prevent a merger under different terms. In October 2015, OPC and others filed a settlement agreement with the Commission seeking a number of consumer benefits in a future merger application, including rate increase credits, low-income energy assistance, and job training and employment opportunities for District residents. The filing also sought commitments from the companies to deploy solar and wind generation projects.

In February 2016, the Commission denied the settlement agreement, but offered an alternative proposal which OPC, the District government, and other parties believe fell short of the proposed agreement and therefore not in the public interest. Ultimately, the Commission approved the Pepco/Exelon merger, moving forward a revised agreement that OPC continues to oppose because it fails to offer consumer rate protections and other benefits that consumers deserve.



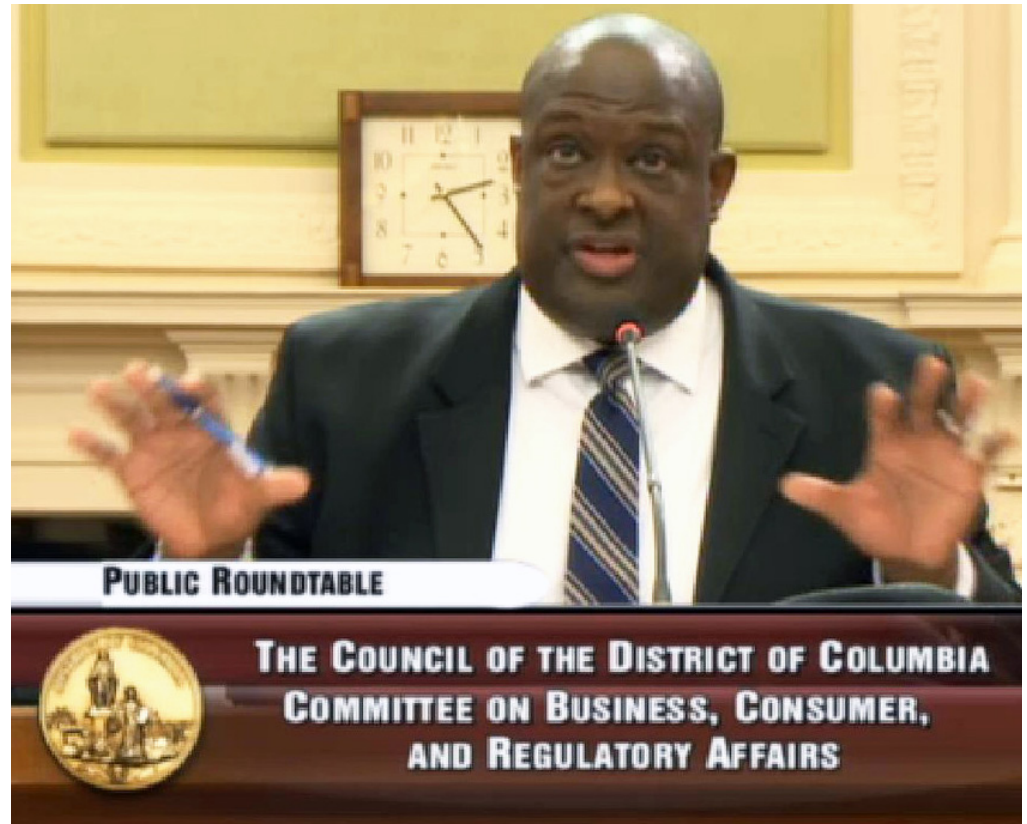
OPC is dedicated to Preparing Today for a Brighter Utility Tomorrow by advocating on a daily basis for reliable, safe, and environmentally sustainable electric service for consumers in the District of Columbia. OPC litigation staff are actively engaged in ensuring that Pepco/Exelon comply with the almost 150 provisions of the merger.

### PROJECTpipes Moves Forward with Consumer Protections

One of the most worrisome concerns facing natural gas consumers is service reliability as a result of the aging infrastructure of natural gas pipes serving the city. To address this issue in the District, in August 2013 Washington Gas (WGL) filed a proposal with the DC Public Service Commission that detailed “PROJECTpipes,” a multi-million-dollar plan to increase reliability and safety by replacing hundreds of miles of outdated gas main lines. WGL sought approval to obtain up-front funds for the construction by adding a surcharge to its customers’ bills, rather than recovering funding through a traditional rate increase after project completion.

Consistent with OPC’s historical opposition to single-issue ratemaking and surcharges, OPC litigation staff initially opposed WGL’s surcharge request. However, once the Commission gave final approval to WGL’s five-year plan for PROJECTpipes on August 21, 2014 and the parties began settlement negotiations, it became apparent that OPC’s objective must focus on protecting consumer interests as the urgently-needed work moved forward. WGL estimates the cost of PROJECTpipes to be \$110 million for the first five years. For a typical residential heating customer, this translates to a 60-cent per month surcharge for the first year of the project.

After considering the Commission’s decision and public safety, OPC agreed to a surcharge for a limited period of time. WGL is required to file two rate cases during the span of PROJECTpipes, which will allow the cost of completed pipe replacement to be included when new rates are established and ensure that consumers do not have to pay an open-ended surcharge. To further ensure PROJECTpipes is transparent and accountable, OPC negotiated a unique settlement with WGL, with terms that require WGL to provide public access to project proposals for each year of implementation and facilitate opportunities for public review and comment.



*OPC Director of Litigation Laurence Daniels testifies at DC Council hearing on the Pepco/Exelon merger.*

Now underway with important consumer protections, PROJECTpipes is a mechanism for Preparing Today for a Brighter Utility Tomorrow as the reliability and safety issues that result from aging natural gas pipes will be addressed in an expedited manner for the benefit of District consumers.

### OPC Seeks Fair and Affordable Undergrounding as DC PLUG Moves Forward

OPC litigation staff continued to represent consumer interests as a member of the District of Columbia Power Line Undergrounding (DC PLUG) Task Force in 2015. The District created the DC PLUG Task Force and initiated the undergrounding project in 2012 after a series of damaging storms resulted



## Provisions of the Verizon DC Decision

The DC Public Service Commission directed Verizon DC to:

- Permit voice service customers to retain or return to copper wire infrastructure upon request.
- Revise service technician materials to include language to reflect that customers have the right to be informed that they are not required to switch to fiber optics in order to receive repairs to the existing copper system.
- Update its fiber optics user guide to include information about the Power Reserve Backup Battery Unit (BBU) that may be required to maintain service during electric power outages.
- Amend maintenance and procedural manuals to include BBU disclosures and recodation of customer agreement and understanding of the BBU disclosures by service technicians.
- Amend customer service representatives' training materials and language to provide full disclosure of:
  1. the availability, features, and price of the BBU;
  2. access to 9-1-1 service during a commercial power outage; and
  3. compatibility with home security and alarm systems when customers call in to Verizon DC and inquire about ordering or changing to fiber voice service or FiOS Digital Voice service.

in extended power outages for Pepco customers. The DC PLUG initiative is designed to deliver more reliable electricity services by relocating overhead power lines underground and shoring-up the city's electric infrastructure to withstand harsh weather conditions. OPC has played a major role on with the Task Force, particularly regarding affordability and reliability issues. The DC Council and the DC Public Service Commission approved Task Force recommendations in 2014. OPC's role is now to work with Pepco, the District Department of Transportation (DDOT), and DC communities to ensure the implementation of an undergrounding plan that is both fair and affordable for District residents.

The DC Council passed legislation in May 2014 to enable the DC PLUG Task Force to develop an implementation plan to relocate overhead power lines most susceptible to damage. In November 2014, the Public Service Commission approved a construction plan submitted by Pepco and DDOT and approved Pepco's proposal for funding DC PLUG, including monthly surcharges for Pepco customers. In addition, the Commission required the creation of the Undergrounding Project Consumer Education Task Force to provide recommendations on how to best educate District residents about the undergrounding project and to monitor the effectiveness of Pepco and DDOT's consumer outreach.

In Preparing Today for a Brighter Utility Tomorrow, OPC is working hard to help educate consumers about DC PLUG every step of the way, and ensure that this program helps the District secure reliable, resilient, affordable, and safe electric service now and far into the future.

## OPC Advocates for Consumers During Verizon FiOS Transition Proceedings

As the telecommunications industry evolves and consumers are exposed to new technologies, many of the procedures and terms used to describe new services can be confusing to traditional telephone service customers. In 2015, OPC helped consumers understand what was involved in Verizon DC's transition to newer technologies, such as fiber optics and FiOS Digital Voice.

In January 2013, the Public Service Commission established a proceeding to investigate several public interest concerns, including how Verizon DC was transitioning its customers from a copper wire to fiber optic





*OPC's legal and regulatory team: (seated) Jason Gray, Director of Litigation Laurence Daniels, People's Counsel Sandra Mattavous-Frye and Deputy People's Counsel Karen Sistrunk; (standing) Nicole Sitaraman, Arick Sears, Danielle Lopez, Tamika Dodson and Naunihal Singh Gumer.*

infrastructure, whether customer needs and choices were respected, and whether service quality and reliability would be maintained during and after the transition. The Commission opened the proceeding because consumers complained that Verizon used questionable marketing practices that compelled them to switch to the fiber infrastructure with service inferior to the copper infrastructure. OPC cited these deficiencies in a filing to the Commission.

OPC actively participated in the proceedings, which will have far-reaching implications for the future of telecommunications service in the District. OPC supported the introduction of new technologies and urged the Commission to protect the right of consumers to purchase local phone service delivered over copper or fiber wire. OPC's testimony further urged the Commission to ensure that Verizon's fiber telephone service offers the same functions as copper, particularly regarding 9-1-1 service and reliability of telephone service during electrical outages.

On September 1, 2015, the Commission issued a decision approving a number of new rules to govern how Verizon provides FiOS to District residents, including new disclosure and reporting requirements as recommended by OPC. The Commission's decision focused on particular aspects of the FiOS service, as FiOS Digital Voice is not regulated by the Commission. The Commission's decision reflects consumer and OPC concerns and includes important provisions to protect consumers, laying the groundwork for the delivery of reliable telecommunications services in the District and Preparing Today for a Brighter Utility Tomorrow.

## **ENERGY EFFICIENCY & SUSTAINABILITY**

The OPC Energy Efficiency and Sustainability Section identifies policies, strategies, and activities that help the District of Columbia transition to a sustainable and clean energy economy. In carrying out its mission, OPC insists on pursuing only those initiatives that will provide long-term environmental and economic benefits to the ratepayers in all eight wards of the District.

### **OPC Shares in Major Victory for Consumers with Supreme Court FERC "Demand Response" Decision**

In 2015, OPC vigorously advocated for the preservation of "demand response," a rate mechanism for reduced energy use in the wholesale energy marketplace. OPC's actions helped to win a major court victory for consumers. Demand response refers to the practice of large electricity customers reducing their energy use during periods of high demand to help prevent power outages. In the District, wholesale energy costs comprise approximately 70% of consumers' monthly bills, so reducing overall usage could significantly reduce monthly bill amounts in high-demand periods.

In 2011, the Federal Energy Regulatory Commission (FERC) issued Order 745, a rule that set rates for demand response in the wholesale electricity markets. This was significant because FERC maintained that demand response can be regulated on both the retail and the wholesale levels because demand response provides the same value to the grid during periods of peak demand. The rule meant that electricity grid operators were required to pay demand response providers who reduced energy usage the same way they would pay suppliers of traditional energy resources such as coal, oil and natural gas. Demand response providers

include universities, shopping malls, and other large businesses, as well as some aggregated or grouped residential customers.

The Electric Power Supply Association (EPSA) — an organization that represents energy suppliers — later brought a lawsuit against FERC, claiming that the federal agency did not have the authority to regulate demand response. The U.S. Court of Appeals for the DC Circuit agreed with EPSA. FERC, however, appealed to the U.S. Supreme Court, arguing that it did have this authority.

In February 2015, OPC joined with the Sierra Club, Natural Resources Defense Council, Environmental Defense Fund and other organizations in filing a “friend of the court” brief supporting FERC’s jurisdiction over demand response. OPC joined with the National Association of State Utility Consumer Advocates (NASUCA) on a second brief in July 2015.

On January 25, 2016, the Supreme Court handed consumers a victory by affirming FERC’s authority to regulate demand response. The decision allows FERC to continue establishing incentives for consumers to be compensated for reducing their electric consumption. Treating demand response as an energy-saving vehicle in the wholesale markets — and thereby Preparing Today for a Brighter Utility Tomorrow — reduces the need for utilities to purchase more power during peak demand periods and reduces the need for utilities to build new power plants at consumer expense. Both developments will lead to lower consumer bills.

### OPC Chairs NASUCA Distributed Energy Resources Committee

OPC is committed to providing a voice for national and local consumer advocates in policy discussions about distributed energy resources. OPC is a founding member of the Distributed Energy Resources (DER) Committee of the National Association of State Utility Consumer Advocates (NASUCA), and an OPC staff member chaired that committee in 2015. DER initiatives are sweeping the country and will directly impact utilities of the future. Distributed energy consists of the deployment of power sources smaller than the typical utility system and is designed to provide electricity and energy in locations close to consumers. Sources include fossil and renewable energy technologies like solar panels, fuel cells, and wind, combustion, and steam turbines. Distributed energy can provide solutions to many of the nation's most pressing energy and electric power problems, including blackouts and brownouts, energy security concerns, tighter emissions standards, and the desire for greater control over energy costs.



*A technician works on overhead power lines.*





*OPC Interim Consumer Services Manager Laurence Jones hands out energy efficiency information at the Ward 4 Senior Day event.*

**“People’s Counsel Mattavous-Frye’s dedication and hard work in helping to promote the early adoption of solar in low income neighborhoods and churches in the District of Columbia...has shown great concern for the residents of the District of Columbia. Her office has sought to provide long-term environment and economic benefits to DC residents.”**

*- Mark Davis, President of WDC Solar, Inc.*

The purpose of the NASUCA DER Committee is to share information and establish policies regarding energy efficiency, renewable energy, and distribution generation that foster the development of cost-effective programs and promote fairness and value for all consumers. OPC coordinated meetings, presentations, and roundtable discussions on various DER topics throughout the year and introduced a number of nationally recognized experts in the field.

For example, these meetings included presentations by Katherine Hamilton, Policy Director at the Energy Storage Association. Hamilton discussed the status of commercial deployment of energy storage at the distribution/retail level, how energy storage can optimize renewable energy resources and load management, and how energy storage can be integrated in a cost-effective manner for consumers in the future. Energy storage is a solution to the challenges of intermittent generation often associated with wind and solar power. Additionally, OPC coordinated a roundtable on community solar initiatives across the country. OPC, along with DER Committee members from California, Minnesota, and Maryland, gave presentations on community solar initiatives and statutes passed in their states, and on the consumer education and regulatory issues involved.

At the December 2015 DER Committee meeting, OPC featured Karl Rabago and Radina Valova of the Pace Energy and Climate Center discussing their organization’s involvement in the New York “Reforming the Energy Vision” (REV) proceeding at the New York Public Service Commission. Rabago addressed a variety of consumer issues surrounding New York REV, including the impact of fixed and demand charges on low-income and low-use customers; the importance of maximizing energy efficiency potential in the affordable multi-family housing sector; and affordability and consumer engagement issues.

### **Engaging the Public Through Energy Efficiency Education**

A key priority for OPC is empowering District consumers with information about using energy efficiently. OPC has long been committed to teaching consumers how to be energy-smart and to take control of their energy consumption to save money. In 2015, OPC addressed the energy efficiency needs of District residents in a number of different ways.



*OPC Energy Efficiency Outreach Specialist Pamela Nelson gives energy saving tips at a community workshop.*

“The Office of the People’s Counsel consists of professionals who are compassionate and caring and get the job done to help all constituents. They are equipped with staff who will make personal appearances to your group activities or organizations. As a senior, my faith has been renewed because...OPC took the time that was needed to help me as a consumer.” - Bettie Florence, Chairman of Ward 4 Mini-Commission on Aging

Outreach staff hosted a variety of innovative hands-on workshops in all eight wards to educate DC ratepayers about simple, practical, and affordable measures they could immediately use in their homes.

OPC’s ongoing partnerships and collaborations with District agencies such as the District Department of Energy and Environment, DC Sustainable Energy Utility, DC PACE (Property Assessed Clean Energy), and with various nonprofit and for-profit organizations helped ensure that ratepayers had comprehensive access to efficient and renewable energy resources. OPC strove to put consumers in the driver’s seat and empower them to make informed choices. Our goal is for consumers to take charge of their own energy usage and finances, using their knowledge to help the District in Preparing Today for a Brighter Utility Tomorrow.

OPC conducted more than 100 energy efficiency workshops and presentations at churches, civic organizations, public schools, and libraries. A number of them were conducted by OPC’s L.E.A.P intern who came onboard and underwent training in energy efficiency and sustainability. L.E.A.P., which stands for “Learn, Earn, Advance, Prosper,” is an employment program administered by the District Department of Employment Services.

Outreach efforts also resulted in new partnerships and policy dialogues with entities that are working with OPC to pave the way for innovative community-based projects and initiatives. Partners included ThinkBox, the National Energy Utility and Affordability Coalition, 15th Street Presbyterian Church, Greater Washington Interfaith Power & Light, and Energy First.



## AGENCY FUNDING

### Source of Funds

Funding for the Office of the People's Counsel is provided through two sources: 1) Appropriated Budget and 2) Assessment Funds. All funds are paid by DC utility ratepayers.

### Appropriated Budget (Operating Funds)

The appropriated budget provides for administrative and general operating expenses for OPC (rent, salaries, equipment) and is authorized by the District of Columbia in the governmental budget review process. Appropriated funds are also used to support such additional activities as: 1) representing the interests of District consumers before the DC Council, Congress, and federal courts and agencies; 2) conducting independent investigations or audits of utility companies; 3) monitoring the implementation of utility rates; and 4) providing technical assistance to community groups. By law, these funds must be reimbursed to the District by the three regulated utility companies and the alternative energy and telecommunications providers according to an established formula, outlined in the Public Utility Reimbursement Fee Act, DC Code § 34-912(b)(1).

### Formal Case Assessments

Assessment funds are used to pay the costs of litigation and investigations. OPC assesses the affected utility and the utility is allowed to recover those costs directly from consumers through rate increase cases.

To fully participate in complex litigation before the Public Service Commission and the courts, the People's Counsel is authorized to retain the professional services of attorneys and expert technical consultants such as economists, accountants, and engineers, as needed, to effectively represent DC utility consumers. By law, the affected utility company is required to pay a special franchise tax to cover the costs of regulatory litigation by OPC. In turn, the law recognizes that the utility may include these costs, as well as its own litigation-related expenses, as operating expenses that can be recovered from consumers through rate increase requests. OPC must adhere to monetary limits in imposing assessments on the utilities. In a rate case, the Office is permitted to assess no more than a

total of one-quarter of one percent of a company's District revenues. With respect to all other cases or investigations (those not involving the setting of rates), OPC is permitted to assess one-twentieth of one percent of all investigations of a company per year. All unused money is returned to the company on an annual basis.



*Consumer Services staff members Linda Jefferson, Jean Gross-Bethel, Erica Jones, Laurence Jones and Cheryl Morse are recognized for outreach to Ward 8 residents.*

**“The Office of the People’s Counsel is a model for all DC agencies. OPC provides exceptional guidance.” - Kathy Henderson, Commissioner, Advisory Neighborhood Commission 5D**

## OFFICE OF THE PEOPLE'S COUNSEL STAFF

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*Deputy People's Counsel Karen Sistrunk and People's Counsel Sandra Mattavous-Frye guide OPC's mission to advocate, educate and protect consumers.*





*Women leaders in the DC utility industry at Horizons 2015: Deputy People's Counsel Karen Sistrunk, Public Service Commissioner Joanne Doddy Fort, Pepco Regional President Donna Cooper, People's Counsel Sandra Mattavous-Frye, and Washington Gas Vice President Roberta Simms.*

## **CONSUMER EDUCATION AND OUTREACH STAFF IN THE COMMUNITY**

### **JANUARY 2015**

- Parkside Civic Association
- Shrine of the Sacred Heart Community, St. John's Episcopal Church, and Pennsylvania Avenue Baptist Church Senior Outreach
- Re'ese Adbarat Debre Selam Kidest Mariam Church Event for Hubbard Place Residents
- Ward 3 Citizen Advisory Group
- Advisory Neighborhood Commission Outreach (ANC 4A, ANC 4C)
- Family Ministry Food Distribution Program
- Homebuyers Foreclosure Prevention Clinic
- CentroNía Parent Teacher Association PTA
- John Burroughs Education Campus Outreach

### **FEBRUARY 2015**

- Green Construction Program
- Rittenhouse Tenants Association
- Informational Workshop: African Diaspora Marketplace (ADM III) Business Plan
- Advisory Neighborhood Commission Outreach (ANC 2C, ANC 6B, ANC 2B)
- Low Vision Support Group
- Mayor's Office on African Affairs' FreshStart Open House
- Seabury Advisory Council
- Savannah Street and Hayes Senior Center Community Health, Wellness and Informational Fairs
- Model Cities Senior Wellness Center Outreach
- Undergrounding Project Outreach
- DC Association of People Supporting Employment First (DC APSE) Chapter Meeting for DC Residents with Disabilities

## **MARCH 2015**

- Advisory Neighborhood Commission Outreach on Pepco/Exelon Merger (ANC 8A, ANC 1C, ANC 1B, ANC 6C)
- Stoddard Baptist Nursing Home Senior Outreach
- 2015 Lunar New Year Celebration for the Year of the Goat
- Family Ministry Food Distribution Program Meeting
- Brightwood Community Association Meeting
- House of Lebanon Senior Outreach
- DC Supporting Families Community of Practice Outreach
- Washington Ethical Society Senior Symposium
- Foster Grandparents Briefing on Pepco/Exelon Merger
- Sixteenth Street Heights Civic Association, Executive Committee Meeting
- Congress Heights and Connecticut Avenue Community Health, Wellness and Informational Fairs
- Latin American Youth Center 3rd Annual Post-Secondary Fair
- TERRIFIC, Inc. Asian & Pacific Islander Senior Center Lunar New Year Celebration

## **APRIL 2015**

- Advisory Neighborhood Commission Outreach on Pepco/Exelon Merger (ANC 2E, ANC 4A01, ANC 7C, Ward 8 ANCs)
- Seaton & Mayor's Office on Latino Affairs Health & Wellness Fair
- Victory House Energy Efficiency Presentation to Senior Citizens
- Energy Efficiency Day at 15th Street Presbyterian Church
- Energy Efficiency Workshop for Visually Impaired Residents of Low Vision Support Group
- Ft. Lincoln Senior Outreach
- Horizons 2015 Consumer Education Symposium
- AARP Chapter 2414
- Dahl Greene Court Apartments Senior Outreach

- Hubbard Place & Urban Village Apartments Outreach Event
- The Severna Community Senior Citizen Outreach
- Delegation of Ugandan Utility Regulators Visit to OPC
- North Michigan Park Community Health, Wellness and Informational Fair

## **MAY 2015**

- Penn-Branch, Crestwood, Fairlawn Citizens, and Deanwood Citizens/ Civic Associations
- TERRIFIC, Inc. Ward 4 Community Health Fair
- La Clinica Del Pueblo Community
- Friends of Kingman Park
- Pepco Community Advisory Group
- Ward 8 Parks Council

## **JUNE 2015**

- Advisory Neighborhood Commission Outreach (ANC 6E, ANC 7B, ANC 7D)
- Hillcrest Community, Eastland Gardens Civic Associations
- Ward 7 Health Alliance
- 6th District Citizens Advisory Committee
- DC Department of Parks and Recreation Senior Picnic
- Rock Creek Ford Apartments Outreach
- Webster Street Outreach
- Aya Community Markets at Southwest Waterfront
- Adventure Dental and Orthodontics Community Outreach
- 20th Annual North Michigan Park Family Day
- Mt. Airy Baptist Church Outreach
- Environmental Professionals of Color Event
- Adventure Dental Community Resource





*Participants at Horizons 2015.*

- United Medical Center's Lunch & Learn Open House
- DC Department of Housing and Community Development 7th Annual Housing Expo
- Anacostia Coordinating Council Meeting
- DC Department of Energy and Environment Session at Thurgood Marshall Academy

## **JULY 2015**

- Advocates for Justice and Education, DC Parent Information Network
- Webster Gardens Tenants
- Groundwork Anacostia/National Park Service Urban Archaeology Event
- Ward 7 Vision Tours
- Fort View Apartment Outreach
- First Baptist Senior Center Outreach

- Catholic Charities Meeting
- Tyler House Tenants Association
- Young African ConneXions Annual Summit & Mandela Day of Service
- Brochure Distribution at Lombardi Cancer Center

## **AUGUST 2015**

- Shepherd Park Power Outage Meeting
- Suppliers Education Workshop and the Technical Conference
- National Night Out
- Ward 8 DC Council Pop-Up Offices
- Diabetes Forum for District Workers and Residents
- Parkwood Senior Citizen Outreach
- Douglas Knolls Apartment Family/Community Day

## SEPTEMBER 2015

- Pennsylvania Baptist Church Community Day
- Ward 8 Chapter of AARP
- Ft. Stanton Community Health, Wellness and Informational Fair
- Pope Branch Park Film Night
- Hispanic Heritage Month Kickoff
- Senior Transportation Advisory Council
- Guy Mason Senior Program
- Barry Farm Senior Appreciation
- Tenant and Tenant Association Summit
- Pepco Energy Assistance Summit

## OCTOBER 2015

- Congress Heights Senior Wellness Center, Community Informational Fair
- Retired Educators Outreach
- The George Washington University Block Party Outreach
- River Park Senior Health Fair

## NOVEMBER 2015

- Advisory Neighborhood Commission Outreach on Pepco/Exelon Merger (ANC 8E, ANC 8A, ANC 8C, ANC 1B, ANC 5D05, ANC 5A, ANC 3B, ANC 7B, ANC 4B)
- Matthews Memorial Church and Ward 8 Democrats Briefings on Pepco/Exelon Merger
- Latino Leaders Network Meeting
- Ward 4 Councilmember Brandon Todd's Senior Day
- Capital Community Service Meeting
- Annual 2015 Disability Awareness Exposition
- Mayor's Town Hall Meeting at Arena Stage on Pepco/Exelon Merger
- Model Cities Senior Wellness Center Community Health, Wellness and Informational Fair

- Edgewood Civic, DC Citizens Associations Briefings on Pepco/Exelon Merger
- DC Consumer Utility Board Meeting

## DECEMBER 2015

- Advisory Neighborhood Commission Outreach on Pepco/Exelon Merger (ANC 4A, ANC 4D)
- Jetu Apartments Tenants Meeting on Master Meter Conversion
- Mayor's Annual Senior Holiday Celebration
- Kibar Senior Center Meeting
- Briefing on the Proposed Pepco/Exelon Settlement Agreement
- AARP Outreach in Grid Reliability
- Mt. Pleasant Community Canvassing to Distribute Pepco/Exelon Merger Information



*OPC staff at Ben & Jerry's ice cream social promoting clean energy.*







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