



# 2019 - 2020

## ANNUAL REPORT



## EMPOWERING PEOPLE THROUGH THE PANDEMIC



OFFICE OF THE PEOPLE'S COUNSEL

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# LETTER FROM THE MAYOR

Dear Washingtonians:

I am pleased to join the Office of the People's Counsel (OPC) in presenting its 2019-2020 Annual Report: "Empowering People through the Pandemic." District residents have come to know and depend on OPC to advocate on your behalf, and during these unprecedented times of COVID-19, our communities have faced myriad challenges, including issues related to utility services. Those challenges have demanded and received the full measure of OPC's steady responses to the concerns of consumers like you in all eight wards.

The global pandemic has forced our households and businesses to adapt to new ways of working, learning, and spending time. Just as staff across the District government, OPC staff members have effectively pivoted to remotely represent natural gas, electric, telecommunications and water ratepayers in service and billing matters. Moreover, OPC is partnering with other DC government agencies through the #Here2HelpDC awareness campaign to inform residents and small businesses about bill payment and energy efficiency assistance.

In 2019, passage of legislation in the DC Council expanding OPC's advocacy role was realized with the creation of the Water Services Division. I am pleased that OPC has answered the call to serve in this new role by saving water ratepayers tens of thousands of dollars in bill adjustments and by facilitating greater transparency in DC Water's rate and rulemaking, among other consumer benefits. Notably, OPC has been in the forefront of addressing customer concerns about the Clear Rivers Impervious Area Charge (CRIAC).



I look forward to the continued partnership with People's Counsel Sandra Mattavous-Frye and the staff of OPC in ensuring the delivery of safe, reliable utility services to all Washingtonians at fair and reasonable rates.

We are all in this together and we will all get through this together.

Sincerely,

A handwritten signature in black ink, which appears to read "Muriel Bowser".

**Muriel Bowser**  
Mayor



## LETTER FROM THE PEOPLE'S COUNSEL

Dear District of Columbia Utility Consumers:

I am honored to present to you the 2019-2020 Annual Report of the Office of the People's Counsel: "Empowering People through the Pandemic." The Report recounts what may be recorded as the most challenging period of utility regulation in District history. The COVID-19 pandemic has impacted not just the health, safety, and livelihood of DC residents but also the way government meets their needs. OPC's response to utility consumer complaints and concerns is no exception, and I am proud of how OPC staff adapted during difficult times.

In early 2019, OPC began raising alarms about utility scams that were targeting vulnerable consumers, strategizing to get in front of unreasonable rate increase requests, and making substantive recommendations in the electric grid modernization proceeding. The Consumer Services Division hosted utility town halls citywide and attended numerous community meetings, still in-person, to inform consumers about key utility issues.

In April of 2019, OPC launched the Water Services Division to fill what many saw as a void in customer service for DC Water consumers. The division hit the ground running in representing water ratepayers at hearings and saving property owners tens of thousands of dollars through bill adjustments.

Moving through the seasons, the Litigation Services Division was fully immersed in Pepco's sea-changing applications for authority to implement a multiyear rate plan. During the same period, OPC also focused on fighting an unreasonable rate hike WGL proposed.



I was grateful to be sworn in to a third term by Mayor Muriel Bowser during her visit to OPC on October 8, 2019. The Mayor also recognized four longtime OPC employees for their dedicated service.

When the COVID-19 pandemic hit in March 2020, staff seamlessly moved to remote work, ensuring timely and efficient responses to the inquiries of utility consumers facing health and economic devastation. OPC worked with the DC Council to draft emergency legislation to implement moratoriums on disconnections and other consumer protections during the public health emergency. Through social media, email messages, radio appearances and virtual community meetings, OPC staff educated consumers about bill payment assistance and the need to conserve energy to soften the blow of higher bills resulting from spending more time at home. Anticipating further suffering when moratoriums are lifted, OPC filed a petition with the Public Service Commission asking it to convene a broad-based stakeholder task force, charged with proactively developing relief measures to assist consumers impacted by COVID-19, to be in place upon the termination of the moratoriums.

While the Commission has yet to convene a task force, Commissioner Richard A. Beverly has noted: "This is the time for the Commission, in collaboration with stakeholders, to develop a comprehensive plan."

In May, OPC released The Future of Solar PV in the District, as a follow up to our 2017 Value of Solar Study. The new analysis compared the potential of solar deployment in all eight wards to inform discussions on how to equitably deliver the benefits of solar power to all residents.

In the summer, we fought on the federal level to protect consumers from higher energy costs by joining other states in addressing competitive wholesale energy prices before the

Federal Energy Regulatory Commission. I also launched our Climate Action Division to guide OPC climate change policy and advance the District's clean energy goals.

Pepco and Washington Gas rate cases dominated Fall 2020. On parallel tracks, Pepco and Washington Gas sought rate hikes of \$162 million and \$39 million, respectively. Concern about the possibility of huge rate increases during a pandemic sparked heightened participation at community hearings and strong opposition to company plans. OPC actively encouraged the public to exercise their right to voice their concerns directly to the Commission. Pepco and Washington Gas rate cases dominated...OPC actively encouraged the public to exercise their right to voice their concerns directly to the Commission. In the Washington Gas case, OPC reached a settlement agreement with the utility for the benefit of consumers and the environment.

I am confident that we have Empowered People through the Pandemic, by delivering high quality services, tangible benefits, and legislative wins for District of Columbia consumers.

As we prepare for a future that will likely include some forms of remote working, learning and commerce, I intend to build on what OPC has accomplished in the midst of COVID-19; for in the end, we are all in this together.

Sincerely,



**Sandra Mattavous-Frye**  
The People's Counsel



People's Counsel Sandra Mattavous-Frye interviews Dr. Jerome Paige, economist and lay advocate, on the inaugural show of *OPC Radio Connect* on February 3, 2020.

## ABOUT OPC

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, telephone, and water services. The Office also represents the interests of District utility ratepayers before the DC Public Service Commission (PSC), Federal Energy Regulatory Commission (FERC), Federal Communications Commission (FCC), other utility regulatory bodies, and the courts. The Office is authorized to investigate the operation and valuation of utility companies independent of any regulatory proceeding. OPC's mandate is to advocate for the provision of quality utility service at rates that are just, reasonable, and non-discriminatory; to assist individual consumers in disputes with utility companies about billing or services; and to provide

technical assistance and consumer education to lay advocates and community groups.

Established by the United States Congress in 1926, the Office was eliminated by that body in a federal reorganization in 1952. Concern in the early 1970s about rapidly rising electric rates resulted in the reestablishment of the Office by Congress. OPC became an independent agency of the District of Columbia government in 1975. Concern about rising water bills resulted in passage of a new law in 2018 establishing OPC as the advocate for DC Water ratepayers.

In *Empowering People*, OPC pursues its mission to 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 and climate.

# PANDEMIC RESPONSE

From the onset of the COVID-19 crisis, OPC recognized that the possible disconnection of critical water and power services would threaten the physical and financial health of District of Columbia consumers. OPC was proactive in taking steps to ensure residents who would face dire economic hardships would retain lifesaving utility services during the pandemic. To spark relief measures to help households weather these unprecedented times, OPC began educating DC councilmembers about what ratepayers would face as they were staying home, in particular the need to use more utilities and falling behind on bill payments. OPC's collaboration with the Council, the Executive Office of the Mayor, and utility companies resulted in a number of emergency laws (listed on pages 5-6) designed to keep the lights on, the water running, and the pilots burning. This legislative relief, combined with OPC's wide-ranging initiatives advocating, protecting, and educating, are Empowering People through the Pandemic.

## COVID-19 Regulatory Actions

The COVID-19 pandemic made painfully clear the importance of having connected utility services. Without them, District residents could not take the safety precautions necessary to prevent contracting and spreading the coronavirus, such as frequent hand washing. OPC knows that once the public health emergency expires, the economic crisis for consumers will continue.

## PANDEMIC RESPONSE LIST OF BILLS

### **COVID-19 Response Emergency Amendment Act of 2020** *(Effective March 17)*

Prohibits utility companies from disconnecting electric, gas, and water services, including from disconnecting service for nonpayment of a bill or late fees during a public health emergency or for 15 calendar days thereafter.

### **COVID-19 Response Supplemental Emergency Act of 2020** *(Effective April 21)*

Bars telecommunications providers from disconnecting, suspending, or degrading basic services for non-payment of a bill, any fees for service or equipment, and other charges; or noncompliance of a deferred payment agreement during a public health emergency or for 15 calendar days thereafter. This legislation also prohibits cable operators from doing the same. OPC is not the legal advocate for cable ratepayers and did not have a role in the cable moratorium.





Many utility ratepayers were already behind on their bills when Mayor Muriel Bowser first declared the emergency in March 2020, and those who were not, fell behind as they struggled to pay for food, medicine, housing, and other essentials.

To address this looming problem for utility ratepayers, on May 4, 2020, OPC filed a petition with the Public Service Commission asking it to convene a broad-based stakeholder task force, charged with proactively developing relief measures to assist consumers impacted by COVID-19, to be in place upon the lifting of the moratoriums on utility disconnections. In response to OPC's request, the Commission opened an inquiry to examine whether the Office's request has merit and will hold a technical conference to discuss OPC's request within 45 days after the public health emergency, now through December 31, 2020.

While the Commission has yet to convene the stakeholder taskforce, Commissioner Richard Beverly has noted that "this is the time for the Commission, in collaboration with stakeholders, to develop a comprehensive plan to ensure a seamless transition for utilities and consumers once the statutory protections against disconnections have expired ... To delay starting a stakeholder discussion until as long as 45 days after the public health emergency has ended creates unnecessary uncertainty for people who have been struggling for so long to make ends meet."



### **Coronavirus Support Emergency Amendment Act of 2020** *(Effective May 27)*

Requires utilities to offer payment plans extending for at least one year to eligible customers upon request. Companies are prohibited from reporting delinquencies to credit agencies; cannot require a lump-sum payment under plans; and must waive any fee, interest, or penalties; cannot disconnect service for nonpayment of bill or fees where a customer has entered into a payment plan and has made payments in accordance of the terms of the payment plan. Consumers may file a written complaint with the Office of the People's Counsel and the Public Service Commission if they are denied a payment plan. Utility providers must offer payment plans to eligible customers within six months after the public health emergency for regulated utilities and 60 days for non-regulated utilities.

This bill allows low-income DC Water customers to apply for bill payment assistance if they have an outstanding balance and requires DC Water to set aside funds to assist nonprofits and residential customers with payments for the Clean Rivers Impervious Charge/CRIAC.





## THE SHOW MUST GO ON: SOCIAL SERVICES SUMMIT ADAPTS TO A VIRTUAL WORLD

OPC has continued working in close partnership with other District government agencies and community organizations. The partnerships help to ensure that residents are aware of, and have access to, the level of service and care they have come to rely on from OPC and partners in and out of crisis.

Due to COVID-19 restrictions on in-person gatherings, the 2020 Social Services Summit became a virtual meeting, hosted by OPC. More than 75 representatives from 20 District government agencies, DC Council offices, nonprofits, academic institutions, and faith-based organizations shared information about their assistance programs and resources that others could use to improve their service delivery. Representatives from Pepco, Washington Gas, and DC Water also attended.

The initial Social Services Summit was convened in 2012 in direct response to the growing needs and challenges consumers face in meeting their utility obligations and managing their day-to-day lives.

**CONTINUED ON NEXT PAGE**

## CONSUMER SERVICES DIVISION

### Remote and Ready

Since March 16, 2020, when COVID-19 changed the District and the world, OPC's office setting has also changed to a primarily virtual posture. However, our commitment to our mandate to educate, advocate, and protect consumers has not wavered. During these times of universal teleworking, OPC's consumer services outreach specialists remain readily accessible to resolve complaints about utility company billing and services. Whether on Zoom, Webex, or Microsoft Teams, our outreach staff has dialed in to numerous Advisory Neighborhood Commission and civic association meetings to make consumers aware of bill payment assistance and give updates on rate increase cases and utility construction projects.

No matter the setting and circumstances, there is no stopping OPC from Empowering People through the Pandemic.

### Alerting Consumers to Scams

OPC has doubled down to protect consumers from the myriad utility-related scams that victimize households. Scammers deploy many deceptive practices, and the COVID-19 pandemic opened the door to increases in scams as more people stayed home and picked up the phone. OPC responds to dozens of scam complaints that consumers alert the agency to every year. We also learn about scams by monitoring neighborhood listservs and social media.

Periodically, the "pay now" scam is the focus of complaints to OPC. In a "pay now" scam, the caller tells a consumer that a utility

## THE SHOW MUST GO ON: SOCIAL SERVICES SUMMIT ADAPTS TO A VIRTUAL WORLD (Cont.)

The summit has evolved over the years from small group discussions held at OPC, to a 2019 summit at the historic Charles Sumner School Museum with more than 50 people in attendance. The keynote speaker was Troye Bullock, Jr., Co-Founder and Chief Operating Officer for GOOD Projects, an organization that strives to move District families toward self-sufficiency. The day also included a lively “Community Action Poverty Simulation,” conducted by Dr. Elvin Ramos of the University of the District of Columbia. Attendees played the roles of utility consumers experiencing poverty to better prepare themselves to address constituents’ needs.

#Here2HelpDC is another joint agency initiative, bringing together some of the same partners involved in the Social Services Summit. Primarily using social media posts, OPC, the Department of Energy and Environment, the Public Service Commission and the DC Sustainable Energy Utility, the initiative informs consumers about energy and bill payment assistance programs.

OPC has long understood the importance of strategic partnerships, particularly as we *Empower People through the Pandemic*.

representative is on the way to their home to disconnect service due to overdue bills. The scammer threatens that, unless the consumer makes a payment over the phone immediately, their service will cut off. The scammer then instructs the consumer to get a gift card from a convenience store to pay their bill.

Other scams involve door-to-door solicitations by some third-party energy suppliers. Consumers are asked to hand over a utility bill to “check for savings,” when in reality, the unscrupulous sales representative is taking their account information to switch their service to an alternative supplier, which may increase their utility bill, without permission.

OPC responds to some scams by alerting law enforcement or the Office of the Attorney General. In addition, the Office distributes alerts to the public and the media to educate consumers about scamming trends. OPC has helped dozens of consumers with countering these deceptive practices and continues to empower consumers to protective themselves.

## CONSUMER TESTIMONIAL

“OPC’s Denise Blackson did a magnificent job speaking to my residents via UberConference due to the COVID-19 pandemic.

“The residents had questions such as, ‘What happens if your utilities are disconnected?’ Ms. Blackson answered questions thoroughly and my residents had a clear understanding.

“Ms. Blackson was so courteous and repeated information for those who arrived late to be sure everyone had the correct information. She explained exactly what the Office of the People’s Counsel does and gave all the contact information for OPC.

“I’m more than satisfied with the performance of Ms. Blackson. I plan to schedule future teleconferences and in-person meetings as soon as the pandemic has subsided. Thank you to the Office of the People’s Counsel!”

**SHONTA HIGH**

President, The Council @ Park Morton



Image courtesy of Petworth News

# CONSUMER COMPLAINTS FOR FY2019 AND FY2020

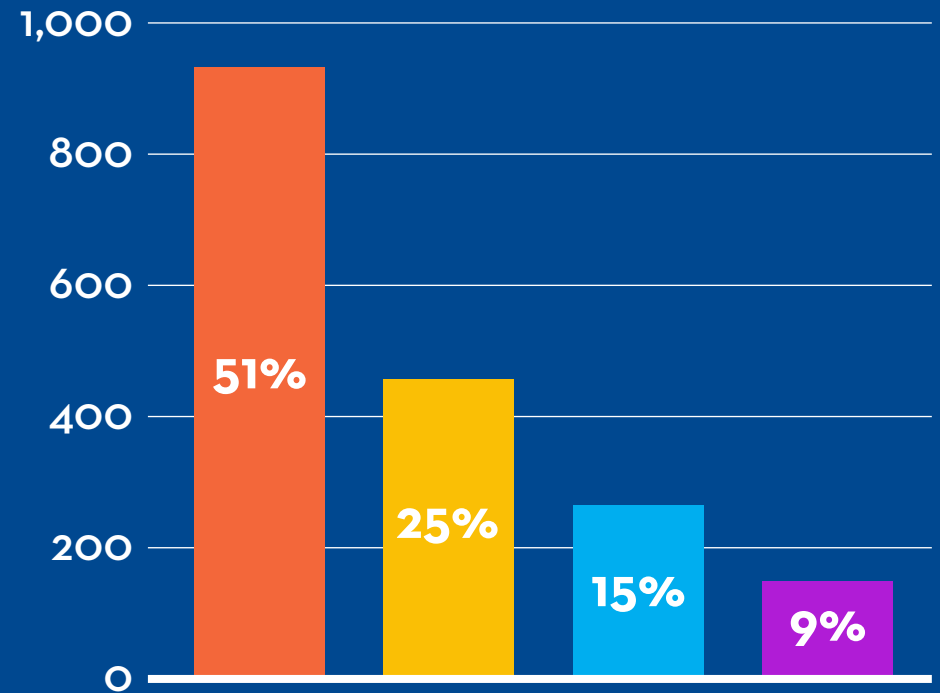
The financial fallout of the pandemic has hampered many households from keeping up with their utility bills. Fortunately, the moratoriums that prohibit disconnections during the public health emergency have kept the power and water running. However, climbing bill debt remains a significant concern. Consequently, high bills top the list of the 1,782 complaints OPC received during fiscal years 2019 and 2020. During this period OPC staff also responded to 2,730 inquiries. The percentages of complaints attributed to each utility mirror those of preceding years.

## Pepco

Pepco accounted for a combined total of 912 (51%) of the complaints. Pepco complaints presented issues most frequently related to high bills, disconnections, and notices for disconnections, billing disputes, meter accuracy, payment arrangements, and conduit replacement construction. The highest numbers of complaints were received from residents in Wards 7, 8, and 5, respectively.

## Washington Gas Light (WGL)

OPC received 444 (25%) WGL complaints. They included disconnections and notices for disconnections, billing disputes, payment arrangements, pipeline replacement, and meter accuracy.



## Number of Complaints



Pepco



Washington Gas Light (WGL)



Verizon



Third Party Suppliers (TPS)



## Verizon

OPC received 262 (15%) complaints against Verizon. The complaints involved poor copper phone line maintenance and repeated delays in repairs, high pressure marketing to get customers to switch from copper to fiber optic cable, billing, and fees.

## Third Party Suppliers (TPS)

Customer complaints have held steady over the past two years. TPS issues accounted for 164 (9%) complaints. Most common complaints have included high bills, billing disputes, slamming (when caller ID falsely shows a utility number), inability to speak with TPS representatives, and contract terminations.



## PARTNERSHIPS PAY OFF

In July of 2020, Giovanna Hunt, a Social Services Representative of the East River Family Strengthening Collaborative/KEEN Senior Program, contacted OPC for assistance with her 87-year-old client, a Ward 7 resident who had a malfunctioning HVAC system. Living with the senior in the middle of the hot summer were her daughter, who was unemployed due to COVID-19 layoffs, and her grandson, a college student. OPC Senior Consumer Outreach Specialist Linda Jefferson spoke with the senior and learned that she had limited income to keep up with home maintenance, utility bills, and family essentials.

Ms. Hunt reached out to OPC for help because of the relationship the two agencies had built over the years, as they share the goal to empower underserved District residents to thrive. OPC turned to the DC Department of Energy and Environment (DOEE) and its energy efficiency program to assist in the replacement the homeowner's HVAC system. Ms. Jefferson also referred Ms. Hunt to the DC Department of Human Services' Strong Families Program for help with the Pepco bill. In addition, the East River Collaborative connected the family with aid to pay DC Water and Washington Gas bills.

OPC, DOEE, Strong Families, and the East River Collaborative were able to get the family's HVAC system repaired and utility bills paid. This case study is just one example of how we are *Empowering People through the Pandemic*.

# WATER SERVICES DIVISION

April 11, 2020 marked the one-year anniversary of the DC Water Consumer Protection Amendment Act, the law that made the Office of the People's Counsel the advocate for DC Water consumers. Since the law passed, OPC has created its Water Services Division (WSD). Water consumers have quickly come to rely on WSD staff to resolve their concerns and complaints, from high bills to water leaks to faulty meters. The Division has also successfully advocated for consumers at DC Water rate proceedings. Water for hand-washing is an essential tool in stopping the spread of COVID-19. OPC's advocacy to ensure District residents in all eight wards have clean, affordable, and reliable water services has been a critical lifeline for many DC consumers during the pandemic.

## OPC Water Division Year One Accomplishments

- Addressed more than 534 consumer complaints, including high DC Water bills, disconnections, and payment disputes.
- Negotiated more than \$92,000 in bill credits and adjustments.
- Organized and participated in more than 50 live and virtual outreach events, engaging consumers and representatives of community organizations, nonprofits, faith-based institutions, DC government agencies, and private entities.
- Participated as a key member of the working group that developed the Water Consumer Bill of Rights.
- Created a guide to inform consumers of their rights and posted the entire Water Consumer Bill of Rights on the OPC website.
- Provided critical written comments in DC Water rulemaking and public hearing testimony, resulting in a victory for consumers as DC Water extends the Customer Assistance Program II (CAP2) bill discounts through fiscal year 2020, and proposes to make CAP2 permanent for fiscal year 2021.
- Worked with DC Council to create emergency legislation to allow low-income DC Water residential customers who have outstanding water bill balances to apply for financial assistance from the Clean Rivers Impervious Area Charge/CRIAC Assistance Fund.
- Successfully advocated in the DC Water rule-making to decrease CRIAC and increase sewer rates. Consistent with OPC's assertion that DC Water had failed to provide the detail required by law to support its proposed changes, DC Water has created website materials for public review and increased transparency.



Assistant People's Counsel Grace Soderberg outlines WSD services at a meeting of the DC Environmental Network.

**\$4,017**

Bill adjustment after a faulty water meter was detected at the home of a 92-year old Ward 7 resident

**\$4,904**

Bill adjustment after a pipe leak was identified on public space, not on the property of a Ward 5 resident, and repaired by DC Water

**\$7,974**

Bill adjustment for a Ward 3 multi-unit property owner to credit over-estimated charges

**\$8,520**

Bill adjustment due to a pipe leak that was later repaired at the home of an 82-year-old Ward 5 resident



## CONSUMER TESTIMONIAL

"Prior to talking with OPC, I thought I was helpless in questioning my excessive water bills. OPC made time to meet with me on the same day I called to ask for help. I met with OPC's Community Outreach Specialist, Rusheeda Boyd. I immediately felt like I had an advocate for me as a consumer. She was upfront with me about the time it would take, the process, and most importantly, that we would work on this together with OPC's legal counsel and present our case to a Hearing Officer if necessary. Everyone at OPC was wonderful! They let me know that I wasn't in this alone anymore."

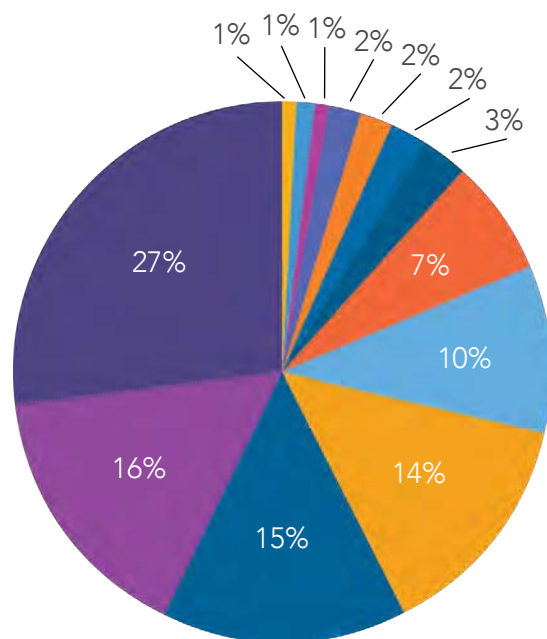
**LAURA GROSS**  
Ward 2 Property Owner



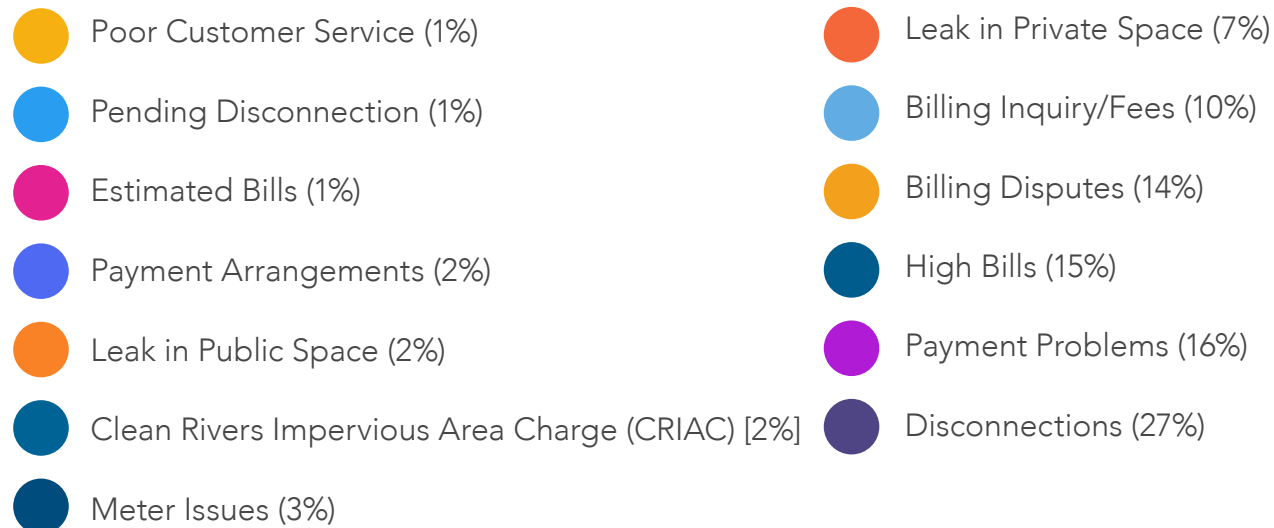
## CONSUMER TESTIMONIAL

"I'm a 94-year-old World War II veteran. When I called the People's Counsel, I had been without water for just over two weeks. When you grow old like me, there's only so much you can do ... It was psychologically damaging to be without the basics of life such as water and heat. Bottom line is that Valca Valentine and Linda Jefferson helped make me whole. Once they explained the situation to DC Water, they teamed up and came up with a solution. They helped me get this bill down. People like me need help. We're not trying to beat the system. We just need a hand."

**DR. HORATIO HARRIS**  
Ward 5 Property Owner



## COMPLAINTS BY TYPE





## LITIGATION SERVICES DIVISION

OPC's Litigation Services has maintained an intense pace before the Public Service Commission, challenging excessive rate increase requests by Pepco and Washington Gas. Before and during the pandemic, OPC's continued thorough analysis of rate case applications and aggressive advocacy has positively influenced affecting the present and future direction of utility services.

Pepco files application with the Public Service Commission (PSC) requesting a \$162 million rate increase between 2020 and 2022 and for authority to change from traditional ratemaking in which utility must ask each time it wants to raise rates to a multiyear rate plan (MRP) with three successive annual rate increases.

May 30, 2019

September 16, 2019

Pepco files a revision of its MRP to request a \$160 million rate increase over three years and \$85 million in a traditional filing.

PSC issues order setting its policy concerns and goals for establishing the framework and principles for alternative forms of regulation, and guidelines for evaluating performance incentive mechanisms.

December 20, 2019

January 2, 2020

OPC and several other parties file a joint motion for partial summary judgment and related relief because Pepco's proposal reduced the amount of relief that the company had already agreed to flow-back to customers.

PSC issues order granting OPC's joint motion and directs Pepco to revise its application to flow-back to ratepayers the full amount of agreed upon relief.

February 5, 2020

February 20, 2020

Pepco revises MRP request to \$157.9 million over three years, \$81.3 million for a traditional rate case.

OPC submits testimony recommending PSC reject MRP as not in the public interest, and a traditional increase should be no more than \$25 million.

March 6, 2020

March 11, 2020

Mayor Bowser declares public health emergency due to COVID-19.

Pepco files rebuttal testimony revising its MRP request to \$147.2 million over three years and its traditional increase to \$76.6 million.

April 8, 2020

April 13, 2020

OPC files a joint emergency motion to suspend the rate case during the pandemic.

PSC issues order denying suspension and directs parties to include in surrebuttal testimony how COVID-19 pandemic affects evaluation of MRP.

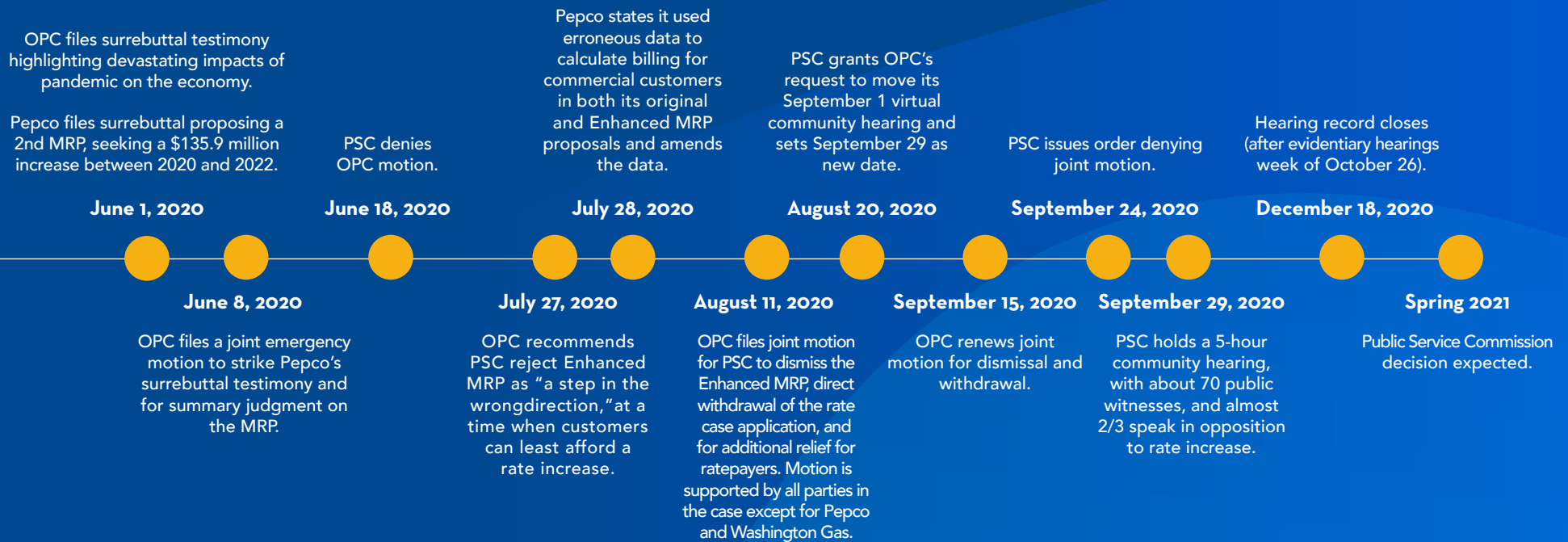
May 20, 2020

## In the Shadow of Pandemic Challenging Pepco's Plans

(Pepco Rate Increase Formal Case No. 1156)

Over a period of 18 months, OPC attorneys have pressed forward to make the case that the Commission should reject Pepco's application for an excessive rate increase and deny Pepco's request to implement a multiyear rate plan (MRP) that would dramatically change the way rate increases are determined. These proceedings have been overshadowed by the unprecedented economic impacts of the COVID-19 pandemic on consumers;

and marred by a maze of twists and turns, including major errors by Pepco. To switch to a multiyear rate plan, Pepco must demonstrate that its proposed MRP: (A) protects consumers; (B) ensures the quality, availability, and reliability of electric services; and (C) is in the interest of the public. OPC maintains Pepco has not met these requirements. Moreover, this is not the time for the Commission to approve a new ratemaking plan and an unreasonable rate increase that will harm consumers who are already suffering.





## Timeline of the Washington Gas Rate Increase

(Formal Case No. 1162)

OPC went on the record as opposed to Washington Gas Light's latest request to significantly increase rates when the company filed its application with the Public Service Commission in January 2020. "An increase of this magnitude would further exacerbate the utility energy burden consumers are coping with during the COVID-19 pandemic," said People's Counsel Sandra Mattavous-Frye. WGL's initial proposal to add on average about \$13 to monthly residential bills is excessive; improperly shifts the company's business risk to its ratepayers; seeks rate increases in connection with PROJECT pipes despite lackluster performance and uneven benefits for consumers; and shows no evidence of true support of the District's climate action goals during the test year, OPC asserts.

As is the case each and every time rates increases are on the table, OPC performs a thorough review of the utility company's proposal and acts accordingly to advocate for and protect ratepayers, including entering into settlement agreements. On December 8, OPC reached a settlement agreement with WGL that allows the utility to recover only those costs that have been reasonably incurred and includes a commitment for WGL to provide an annual report that tracks the amount of greenhouse gas emissions associated with the company's delivery of gas.

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- January 2, 2020:** WGL files petition seeking \$35.2 million rate increase (which includes \$9.1 million in PROJECT pipes costs), a 10.4% Return on Equity, and a Revenue Normalization Adjustment.
  - May 15, 2020:** WGL files supplemental testimony, including provisions OPC fought for and won to be included.
  - August 14, 2020:** OPC files direct testimony calling for a \$6.5 million modest increase to cover rising costs, an 8.5% Return on Equity, and seeking a rejection of the Rate Normalization Adjustment as not in the interests of ratepayers.
  - September 14, 2020:** WGL files rebuttal testimony making various adjustments to its own calculations in light of errors spotted by OPC, but also increases its rate request to \$39 million.
  - October 20, 2020:** Community hearing held for public participation.
  - December 8, 2020:** OPC reaches a settlement agreement with WGL.

## PowerPath DC Grid Modernization

OPC is forging ahead as MEDSIS, the Modernizing the Energy Delivery System proceeding, has been renamed PowerPath DC. The name may have changed, but the goals of OPC involvement have not shifted. OPC remains committed to ensuring that any grid modernization efforts are equitable and accessible to all District ratepayers no matter their ward of residence. In order to meet the challenges of developing a cost-effective grid that enables new and emerging technologies, OPC has focused on: (1) a better interconnection process to assist in the deployment of community and residential solar projects that will strengthen the resiliency and reliability of the District's energy delivery system, (2) optimal utilization of all viable distributed energy resource options, and (3) affordable sustainable energy options to provide more benefits to consumers.

## Committed to Climate Action

OPC has historically advanced the preservation of environmental quality, including addressing the effects of global climate change and advancing the District's public climate commitments as a core component of OPC's mission.

OPC's environmental and climate change advocacy has included advocating for Washington Gas to develop an effective Climate Business Plan to meet the District's climate commitments, and holding it accountable when it did not, and challenging a Federal Energy Regulatory Commission (FERC) decision that would blunt the impact of the District's Renewable Portfolio Standard, first before the FERC and then in the DC Circuit Court.

To build on this advocacy, the Office created a new Climate Change Division and brought on the Office's first experienced environmental and climate attorney to spearhead our climate

advocacy policy. With this additional resource, the Office has already begun to submit comments to advance appropriate expansion of microgrids in the District, meet and brief climate change stakeholders, and actively participate in a Public Service Commission proceeding to develop metrics to allow the Commission to weigh the climate change impacts of utility proposals.

The Office will continue to expand its advocacy on behalf of District ratepayers, consistent with the District's evolving climate commitments.

## Advocacy for PJM Interconnection Transmission Facilities

The pandemic has made everyone acutely aware of the need for reliable electric service and OPC has been leading the way to ensure that critical services are there when people need them at a price ratepayers can afford. This past year, OPC developed and led stakeholder processes at PJM Interconnection, the regional transmission and wholesale market operator that coordinates the movement of electricity to the District and 13 states.

OPC reviewed the planning and protection of critical transmission facilities and black start generation units designed to restore power in the event of a region-wide outage. Because these critical facilities are necessary for electricity across DC and the region, OPC contends they should be planned at a regional level where the benefits can be maximized and the costs fairly allocated. PJM already meets all national standards for reliability, and OPC believes that when enhancements are needed, they should be done in a cost-effective manner. "Gold-plating" the electric system is neither reliable nor affordable.

# INCREASING SOLAR ENERGY IN DC

## Solar in DC Study Stepping-Up the District's Solar Footprint

Across divisions, OPC continued to explore and implement initiatives and partnerships designed to widen access to solar energy in underserved communities. In May 2020, OPC released: "The Future of Solar PV in the District of Columbia." The study explores the feasibility of solar deployment in the District and examines the optimal mix of community and private solar deployment by ward. Conducted in collaboration with the National Renewable Energy Laboratory of the U.S. Department of Energy and the Clean Energy States Alliance, this latest analysis builds on OPC's "Value of Solar Study," commissioned in 2017.

The 2020 findings indicated that the District could achieve its mandated goal of generating 100% of electricity through renewable energy by 2032. The study found this goal is technically feasible to achieve and development of rooftop and parking lot solar systems is a critical element. However, generating 10% retail electricity consumption from DC-specific solar deployment by 2041 requires substantial ongoing investment and engagement by the District government, stakeholders, and developers.



## Findings from "The Future of Solar PV in the District of Columbia"



### District government-owned real estate should be prioritized for solar installations.

Shifting the cost of solar to non-solar consumers is minimal and may be outweighed by the environmental benefits to all.

Wards with greater household net worth will disproportionately benefit from solar energy unless deployment is more equitably distributed.

## 63%

Private rooftop installations make up the greatest potential for increasing deployment of solar energy at 63 percent of total potential.

### WARDS



appear to have greater potential for private rooftop installations.

## 24%

While parking lots make up 24 percent of the technical potential for solar, 8 percent of potential parking lot sites are owned by the District and, therefore, this is a promising avenue for deploying community-based solar.

### WARDS



have greater potential for shared community solar projects deployed from large building rooftops or parking lot canopy.



## Findings from “The Future of Solar PV in the District of Columbia”

### WARD



not only has the highest solar potential in the District but also leads the District in terms of solar potential in all categories.

### WARD



has relatively high private rooftop solar potential but a very small potential for private parking or community solar.

### WARDS



have the highest potential for solar followed by **Wards 3, 2, 4, 7, and 1.**

**Customers who are low-income and experience power outages (especially those in Wards 5, 6, 7, and 8) can benefit from parking lot solar.**

### WARDS



have greater potential for shared community solar projects deployed from large building rooftops or parking lot canopy.

## SOLAR FOR ALL COLLABORATION

The goal of the DC Department of Energy & Environment (DOEE) Solar for All (SFA) initiative is to provide 100,000 low-to-moderate income families with the benefits of clean energy. OPC's collaboration with Groundswell, a Solar for All grant recipient, has resulted in free solar installations on the roofs of faith-based and other nonprofit groups. Beneficiaries include St. Luke's Baptist Church, Dupont Park Seven Day Adventist, Monastery of Our Lady of Mt. Caramel, Dupont Park Adventist Apartments, and others.

Through Groundswell's unique no-cost roof space rental program, nonprofits serving low-income communities allow solar systems to be installed on their rooftops for free. The resulting energy credits from these installations are directly credited to the energy bills of our low-income residents who may be church members or from the community at-large, or a combination of both. OPC's 2020 SFA Groundswell collaboration yielded free solar installation projects for four nonprofits that are in various early stages of installation, DCRA permitting and licensing, project scope planning and implementation, and groundbreaking developments.

Groundswell and OPC's SFA collaboration, led by Pamela Nelson, OPC's Energy Efficiency and Sustainability Outreach Specialist, fully incorporate energy efficiency measures by utilizing the District of Columbia Sustainable Energy Utility (DCSEU) lighting and heating rebates for maximum energy savings benefits for the SFA solar installations.

# COMMUNICATIONS AND OUTREACH

## OPC Events and Services

OPC hosted events and provided services to engage DC consumers in FY 2019 through general community events at libraries, shopping centers, farmers' markets, housing and health fairs, and block parties. Engagements continued virtually through FY 2020.

EVENT	2019	2020
Advisory Neighborhood Commission & Civic Assoc. Mtgs	36	72
General Community Events	168	43
Faith-Based Meetings	128	73
Senior Outreaches	54	23



## OPC Radio Connect Podcast

In February 2020, OPC launched "OPC Radio Connect," a podcast hosted by People's Counsel Sandra Mattavous-Frye, to present information on a variety of utility and energy-related issues and how they relate to the daily lives of DC consumers. Recorded and broadcast from the studios of DC Radio at the Office of Cable Television, Film, Music and Entertainment, the segments featured experts and OPC staff discussing topics such as climate change, consumer rights, and solar power. The COVID-19 DC government stay-at-home order sent podcast production into hiatus; however, "OPC Radio Connect" is still airing Monday – Friday from 7 to 7:30 am on DCRadio.gov, DC Radio 96.3 HD4, and on-demand on podcast apps, including Apple and iHeart Radio.

# OFFICE OF THE PEOPLE'S COUNSEL PUBLICATIONS

## Take Command of Your Utility Rights

Take Command of Your Utility Rights outlines the role, responsibilities, and rights of utility consumers. Upon printing, the booklet unfolds into a colorful poster with tips for addressing billing disputes, service disconnections, payment arrangements, and power outages, among other common challenges.

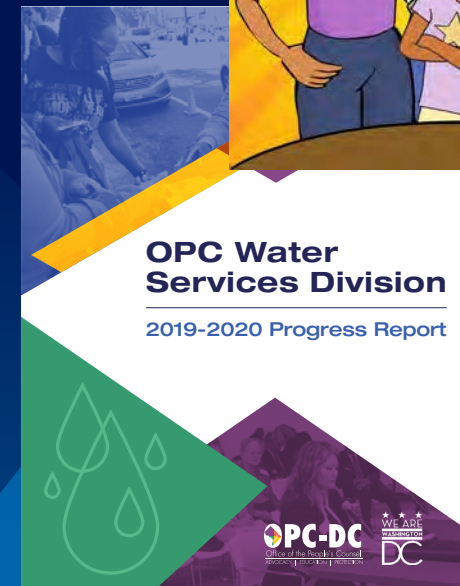
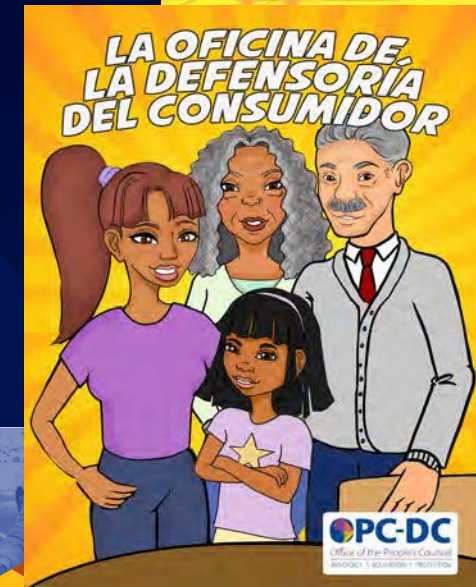
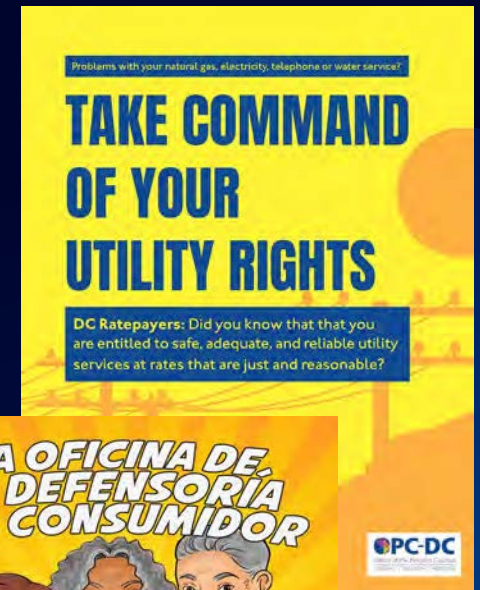
## La Oficina de, La Defensoria Del Consumidor

Styled like documents popular in Latinx communities, OPC developed *La Oficina de, La Defensoria Del Consumidor*, to reach Spanish-speaking consumers who may not choose to get utility information from traditional government documents or social media. The fotonovela narrative explains the services available to limited and non-English speaking residents.

The fotonovela is the latest in a long line of documents OPC has developed to meet the needs of utility consumers where they are—in this case, in their chosen language. In the future, we plan to create more educational materials that share stories representative of the District's diversity.

## OPC Water Services Division 2019-2020 Progress Report

The OPC Water Services Division 2019-2020 Progress Report documents the achievements of the Water Services Division since April 11, 2019, when OPC became the advocate for DC water consumers to ensure they have clean, affordable, and reliable water services.





# MAYOR MURIEL BOWSER VISITS OPC

Mayor Muriel Bowser visits OPC to swear in People's Counsel Sandra Mattavous-Frye to her 3rd term, and recognize longtime OPC employees, Linda Jefferson, Laurence Jones, Naunihal "Nick" Gumer, and Jean Gross-Bethel, for decades of DC government service. (October 2019)



# 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

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 government budget review process. OPC's FY19 appropriated budget was \$9,745,655, and it was \$10,003,994 for FY20. 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 Assessment

Assessment funds are used to pay the costs of litigation and investigations. OPC assesses the affected utility and the utility can recover those costs directly from consumers through rates 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 expert 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 the utilities no more than a total of one-quarter of one percent of a company's net investments in plant operations, which is referred to as "rate base."

With respect to all other cases or investigations (those involving the setting of rates), OPC is permitted to assess one-twentieth of one percent (five cents on \$100) on a company's rate base during a calendar year. By law, unused money is returned to the utility.





# STAFF LISTING

## DIRECTORIATE

Sandra Mattavous-Frye, Esq. | People's Counsel  
Karen R. Sistrunk, Esq. | Deputy People's Counsel  
Eric W. Coard | Chief of Staff  
Doxie A. McCoy | Public Information Officer  
Dionne Johnson Calhoun | Executive Assistant  
Quaneisha Glover | Administrative Support Specialist  
Phillip G. Harmon | Policy Analyst  
Cecilia Jones-Walker | Human Resources Specialist  
Pamela Nelson | Energy Efficiency and Sustainability Outreach Specialist  
Alya Solomon | Consumer Affairs Liaison External Affairs Officer

## OPERATIONS DIVISION

Eric B. Scott, Esq. | Chief Business Operations Officer  
Cherry Belle | Administrative Officer  
Erica C. Bright | Program Analyst, Training Coordinator  
Anthony T. Lee | Information Technology Computer Specialist  
Gurmeet K. Scoggins | Agency Fiscal Officer  
Alicia Smith | Financial Specialist

## TECHNICAL DIVISION

Naunihal Singh Gumer | Regulatory Finance Director  
Yohannes K.G. Mariam, Ph.D. | Senior Economist, Market Monitoring Specialist  
Jason Cumberbatch | Electrical Engineer  
Christopher K. Sellers | Program Analyst Resource Allocation Analyst





# STAFF LISTING

## LITIGATION SERVICES DIVISION

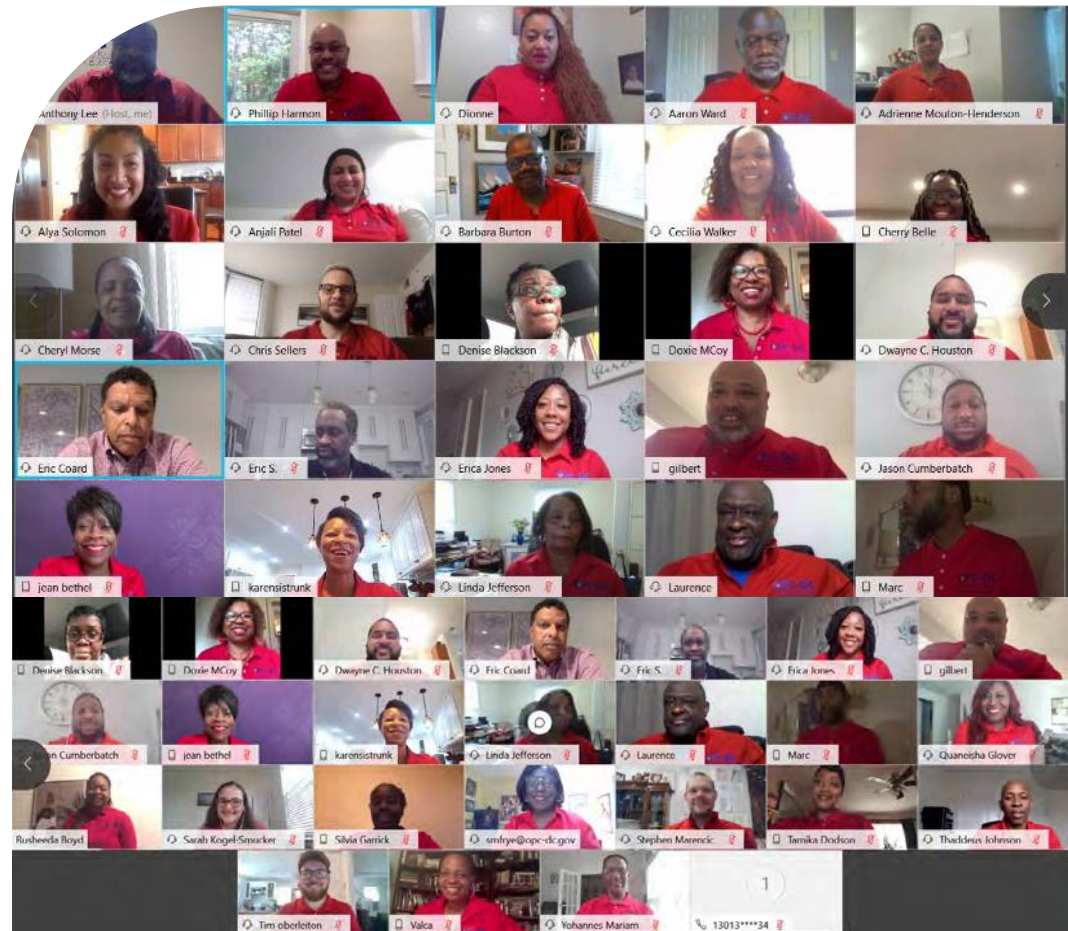
Laurence C. Daniels, Esq. | Director of Litigation  
Travis Smith, Esq. | Supervisory Attorney  
Barbara Burton, Esq. | Assistant People's Counsel, Senior Attorney  
Anjali G. Patel, Esq. | Assistant People's Counsel, Senior Attorney  
Frederick J. Heinle, III, Esq. | Assistant People's Counsel  
Thaddeus Johnson, Esq. | Assistant People's Counsel  
Sarah Kogel-Smucker | Assistant People's Counsel, Environmental & Climate Attorney  
Adrienne Mouton-Henderson, Esq. | Assistant People's Counsel  
Timothy R. Oberleiton, Esq. | Assistant People's Counsel  
Tamika Dodson | Paralegal  
Dwayne C. Houston | Litigation Assistant

## CONSUMER SERVICES DIVISION

Aaron Ward | Consumer Services Director  
Linda H. Jefferson | Senior Consumer Outreach Education Specialist  
CharQuia M. Barrington | Administrative Assistant  
Denise Blackson | Community Outreach Specialist  
Silvia Garrick | Consumer Outreach Specialist, Hispanic Coordinator  
George Gilbert | Consumer Outreach Specialist  
Jean Gross-Bethel | Consumer Outreach Specialist, Elderly Community Liaison  
Erica Jones | Consumer Outreach Specialist  
Stephen E. Marencic Jr. | Consumer Outreach Specialist  
Cheryl Morse | Consumer Outreach Specialist

## WATER SERVICES DIVISION

Grace D. Soderberg, Esq. | Assistant People's Counsel  
Chandler Crumlin | Water Services Manager  
Rusheeda Boyd | Community Outreach Specialist  
Valca Valentine | Community Outreach Specialist  
Marchim Williams | Community Outreach Specialist





# 2019 - 2020

## ANNUAL REPORT



### OFFICE OF THE PEOPLE'S COUNSEL



[www.opc-dc.gov](http://www.opc-dc.gov)



202.727.3071



[info@opc-dc.gov](mailto:info@opc-dc.gov)



202.727.2876



@DCPeoplesCounsel



@DCOPC



@DCOPC



1133 15th Street NW, Suite 500  
Washington, DC 20005