

## More than a Watchdog Making a Difference

Sandra Mattavous-Frye was determined to focus her career around giving voice to the voiceless, leveling the playing field and challenging powerful forces on behalf of the underserved.

*We are ever-mindful of all ratepayers, especially the people for whom an extra dollar or two in their utility rates really matter.*

A graduate of Howard University, Mattavous-Frye began her legal career as an intern at her law school, Antioch School of Law. More than 30 years and five positions later, Sandra Mattavous-Frye, the People's Counsel for the District of Columbia, remains unwavering in that value.

Her technical expertise is coupled with tenacious advocacy and "zealous representation."

"We represent the interests of all eight wards of the city," Mattavous-Frye explains. "Our representation ensures that the Public Service Commission is not just listening to the high-powered lawyers and lobbyists, but also to competent experts on the consumer side who are well-versed in utility issues."

"Our work has always been dedicated by active engagement, shared responsibility and social equity. We are ever-mindful of all ratepayers, especially the people for whom an extra dollar or two in their utility rates really matter," says Mattavous-Frye. I learned early that what some consider a trinket is meaningful to consumers trying to make ends meet. The bedrock of utility regulation is to ensure that consumers are

protected and receive services at fair and affordable rates. Our role is to make that happen and be more than a watchdog."

Our mission is carried out on multiple fronts: listening to consumers, discovering their challenges, learning the process, regulatory standards, the industries, the terminology, the technical and the legal requirements.

"Before OPC was re-established in the 1970s, you had high-powered lawyers representing powerful utilities setting rates for gas, electricity and telephone and no one argued against them," Mattavous-Frye remembers.

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## 1975-1980 National Energy Crisis

The national energy crisis leads to gas shortages and rationing. District of Columbia residents are hit hard by skyrocketing utility bills. Fueled by the recent Home Rule victory and an emerging consumer rights movement, DC residents win congressional approval to re-establish the Office of the People's Counsel.

**1975** The Office of the People's Counsel becomes an independent District of Columbia government agency. Mayor Walter Washington appoints Annice Wagner as the first People's Counsel.

**1977** Brian Lederer becomes the second People's Counsel, following Wagner's appointment to the District's Superior Court.

**1978** The Consumer Utility Board (CUB) establishes a 40-member board drawn from labor, political, faith, citizen action, government, legislative and commercial sectors.

**1979** DC adopts the Utility Consumer Bill of Rights, providing safeguards for utility consumers of natural gas, electricity and local telecommunications services in the District. The Consumer Utility Board is instrumental in garnering support for the Bill.

*\*Excerpt from "The Power of Advocacy. Office of the Peoples Counsel 1975 - 2018"*

“Without lawyers and technical experts, people were throwing up their hands in frustration because their voices were not heard.”

“OPC gave me the opportunity to start making a difference right away.” Mattavous-Frye took on litigation, representing the full panoply of constituents ranging from problem resolution for individual residents to monumental cases on behalf of District-wide ratepayers. She was guided and mentored by the People’s Counsels that preceded her.

Upon appointment as People’s Counsel, Mattavous-Frye expressly committed to focus the agency’s advocacy on four critical areas: Consumer empowerment, Affordability, Reliability, and Energy efficiency and sustainability (CARE).

She scored major victories for consumers, including an unprecedented settlement of \$100,000 for low-income consumers from an alternative energy provider; ensured Verizon honored its promise to maintain its copper wire system when it implemented Fios; successfully advocated for stringent system reliability standards for Pepco; and commissioned the first DC-based Value of Solar Study.

Mattavous-Frye has witnessed enormous changes during her tenure. Deregulation, layered with advances in technology, policy and structural changes, have upended the industries and utility landscape.

One of the biggest single battles ever taken on by OPC was its challenge to the proposed merger of Potomac Electric Power Company (Pepco) with the Chicago-based Exelon Corporation in 2014. Leading a 10-member team of litigators, Mattavous-Frye faced-off against a company with revenues of approximately \$34.5 billion and a personnel force of 34,000.

The merger proved to be a contentious,

three-year struggle. In the end, OPC succeeded in securing a five-fold increase in consumer benefits, from the initial \$15 million proposal to \$72 million, and consumer protections and enforceable commitments to mitigate consumer risks. “An ancillary positive outcome that emerged from the merger struggle,” Mattavous-Frye explained, “The Office succeeded in galvanizing the public, establishing broad consumer based liaisons as demonstrated by the more than 300 public witnesses who participated in the proceeding. OPC’s efforts to empower the consumer to be heard in the regulatory process had been realized.”

In 2013, Mattavous-Frye received the University of the District of Columbia Advocate for Justice Award in recognition of her career in public interest law, and in 2016 she received the State Regulatory Practitioner Award from the Energy Bar Association for demonstrated professional competence in energy law.

Always questioning and probing, Mattavous-Frye says: The collective commitment of each People’s Counsel has built and sustained the Office, but it is our constituents who are the lifeblood of OPC. Their issues and concerns are all that matter. “It’s a lot to balance. It’s challenging. But at the end of the day, serving the public is self-rewarding.”



*Public protest against Pepco-Exelon Merger in downtown Washington, DC*

## 1981-1990 Divestiture

A 10-year legal battle between AT&T and the Department of Justice culminates in a federal court mandate for divestiture. The AT&T breakup of the Bell operating companies (BOCs) and its manufacturing subsidiary Western Electric ensues. (BOCs are the local telephone companies owned by the seven larger regional companies left after the breakup. They offer local and regional phone services). The breakup created renewed demands on the Office of the People’s Counsel to advocate for consumer protections.

**1982** OPC wins case against the utilities which challenged assessments of the utility companies to cover OPC consumer protection expenses including litigation, technical experts and other costs incurred in advocating for District ratepayers. *Washington Gas v. Public Service Commission* (1982).

**1984** Frederick D. Dorsey is appointed the third People’s Counsel by Mayor Marion Barry. He would advance the mandate by expanding the infrastructure and operations of the agency, increasing the staff exponentially. He served from 1984 to 1990.

**1985-1995** Continuing its energy conservation efforts, OPC endorses integrated least cost planning, a policy involving reducing energy usage to postpone or prevent construction of a new power plant by offering consumers rate incentives to use electricity and gas more efficiently.

**1987** Greater institutional resources to fight for consumers are available after OPC wins budget autonomy from the Public Service Commission.

## Consumer Savings by the Numbers 1975–2018

*Affordability. Equity. Reliability.*

From day one of its operations, the Office of the People’s Counsel has been driven by a trifecta – Affordability, Reliability, and Equity – key standards on which to hold the public utilities accountable. Those elements remain a beacon lighting the way for consumer protection. The numbers over the years illustrate a study in success and savings.

### PEPCO

Formal Case #	Amount Requested	Amount Granted	Savings (Millions)	Date Granted
651	57,578	29,411	\$28,167	10/20/1976
685	44,800	5,783	\$39,017	7/18/1979
715	48,049	35,465	\$12,584	5/15/1980
748	37,100	23,389	\$13,711	12/31/1981
785	97,700	34,003	\$63,697	1983
813	85,995	29,900	\$56,095	7/2/1984
869	40,746	(14,553)	\$55,299	3/4/1989
889	38,500	9,461	\$29,039	1/18/1991
905	56,414	19,740	\$36,674	10/23/1991
912	54,090	30,380	\$23,710	6/26/1992
929	72,573	23,234	\$49,339	3/4/1994
939	66,964	27,887	\$39,077	6/30/1995
1053	50,500	28,286	\$22,214	1/30/2008
1076	51,700	19,833	\$31,867	3/2/2010
1087	42,500	24,376	\$18,124	9/27/2012
1103	44,816	23,448	\$21,368	3/26/2014
1139	77,400	36,800	\$40,600	7/25/2017
1150	66,200	*24,100	\$50,900	8/9/2018
<b>TOTAL</b>	<b>967,425</b>	<b>386,843</b>	<b>\$611,482</b>	

\*Includes \$39.4M rate reduction in Washington Gas Formal Case #1151

### VERIZON

Formal Case #	Amount Requested	Amount Granted	Savings (Millions)	Date Granted
595	21,649	8,063	\$13,586	4/5/1974
631	14,000	7,400	\$6,600	5/17/1976
729	36,196	10,916	\$25,280	5/28/1981
777	97,100	40,300	\$56,800	4/16/1982
798	82,027	41,993	\$40,034	11/10/1983
814	79,976	-	\$79,976	4/15/1985
824	27,300	22,250	\$5,050	9/9/1985
850	39,000	632	\$38,368	9/10/1985
926	39,600	15,800	\$23,800	12/21/1993
<b>TOTAL</b>	<b>436,848</b>	<b>147,354</b>	<b>\$289,494</b>	

### WASHINGTON GAS

Formal Case #	Amount Requested	Amount Granted	Savings (Millions)	Date Granted
647	7,497	6,409	\$788	10/29/1976
686	11,000	7,200	\$3,800	12/10/1977
722	17,800	11,900	\$5,900	11/2/1979
768	17,000	8,800	\$8,200	2/9/1982
787	26,300	14,300	\$12,000	2/25/1983
840	16,400	10,800	\$5,600	9/5/1986
870	24,500	10,200	\$14,300	10/28/1988
890	17,200	4,509	\$12,691	5/31/1990
922	24,500	4,685	\$19,815	10/8/1993
934*	17,300	6,400	\$10,900	8/1/1994
989	16,300	(7,500)	\$23,800	10/29/2002
1016	18,800	5,377	\$13,423	11/10/2003
1054	20,000	1,400	\$18,600	12/31/2008
1093	29,000	8,381	\$20,619	5/15/2013
1137	17,400	8,731	\$8,669	3/3/2017
<b>TOTAL</b>	<b>280,997</b>	<b>101,992</b>	<b>\$179,105</b>	

## 1991-2000 Deregulation

The decade of the 1990s presents new challenges and demands for OPC and consumers. The Energy Policy Act of 1992 is followed by two Federal Energy Regulatory Commission orders allowing state deregulation. Energy companies begin to separate the energy production and distribution arms of their businesses – transforming DC’s energy landscape.

**1991** Elizabeth Noel becomes the fourth People’s Counsel and serves in that position for over 18 years.

**1995** Washington Gas separates the production and distribution parts of their business.

**1999** Pepco is subject to a rate moratorium and cannot raise its retail rates.

**2000** Pepco sells its power plants.



**Annice M. Wagner**  
People's Counsel, 1975 – 1977



**Brian Lederer,**  
People's Counsel, 1977 – 1984



**Frederick D. Dorsey**  
People's Counsel, 1984 – 1990



**Elizabeth A. Noel**  
People's Counsel, 1991 – 2010

## 2000-2010 Outages and Sustainability

The city is plagued with unremitting power outages and recurring service disruptions curtailing the provision of reliable electric and gas services to DC consumers. Prolonged ice storms cause tree damage and massive outages across the region. Emerging policies promoting the use of non-fossil sustainable resources, such as solar and wind, require intensive advocacy and engagement by OPC on behalf of consumers.

**2003** Hurricane Isabel causes severe flooding and widespread tree damage in the DC region. Hundreds of thousands of families are without power, some for over a week. Service restoration is uneven, with the District's poorest wards suffering the longest. OPC challenges Pepco and other utilities to improve reliability and quality of service and files requests for investigations before the Public Service Commission.

**2006** Pepco marks the end of a moratorium on rate increases by filing a rate hike request that generates a vigorous challenge by OPC.

**2008** *PowerCentsDC*, a smart meter pilot program in the District of Columbia, began in July 2008, as part of a settlement agreement of a Pepco rate case. The DC Council passed the Clean and Affordable Energy Act of 2008 in October. This establishes the Sustainable Energy Utility (DCSEU), the central resource for energy efficiency and renewable energy programs and services for District residents and businesses. OPC is a statutory member of the DCSEU Advisory Board and plays an active role in shaping the structure, operations and ongoing activities.

**2009** The Utility Consumer Bill of Rights is revised to reflect technological changes and new legislative and regulatory developments leading to an evolving industry landscape for natural gas, electricity and telecommunications.

**2003-2011** Deployment of Advanced Metering Infrastructure (AMI "Smart meters") is initiated. OPC embarks on a city-wide consumer education program.

## 2011-2018 New Age of Mergers and Acquisitions

Industry mergers and reconsolidation produced an intense and massive sea change for ratepayers. OPC redoubled consumer education, outreach and partnership engagement to spark and lead public conversations about the new energy landscape, solar innovations, energy efficiency and third-party suppliers.

**2011** Sandra Mattavous-Frye is appointed the fifth People's Counsel, rising from the position of Deputy People's Counsel that she had held since 1997.

**2012** Reliability continues to be a hot-button issue for DC utility consumers. OPC files a petition with the Commission to open a formal investigation into electricity outages, impacting 18,000 customers in Wards 3, 4, and 5. The June 29 Derecho storm leaves hundreds of thousands of residents sweltering in the dark for days.

The OPC, a major party challenging Pepco to bring undergrounding to every ward, pushes for system reliability.

**2013** OPC petitions the PSC to investigate Verizon's transition from providing copper wire-based service to fiber optic service (Fios) to ensure non-discriminatory service to all telecommunications consumers. PSC issues Order requiring Verizon to maintain its copper wire service.

**2014** A victory is scored on the challenge to third-party suppliers allowing OPC to provide \$100,000 in settlement funds to the Greater Washington Urban League for energy assistance to low-income consumers. The Commission adopts new rules to monitor third-party supplier marketing practices.

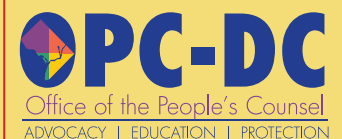
**2014** An opening salvo is fired against the announced Pepco-Exelon merger which OPC points out is devoid of tangible ratepayer benefits resulting in protracted litigation by OPC on behalf of DC ratepayers.

**2016** Intensive review, public education and legal challenges persist as OPC is tasked with monitoring Exelon compliance to ensure the spirit and letter of the merger terms are achieved.

**2017** WGL Holdings, the parent company of Washington Gas, and Canadian-owned AltaGas file an application to merge.

**2018** WGL/AltaGas merger is approved with substantial consumer benefits as result of OPC's advocacy.

**2018** Upon passage of 2017 Tax Cuts and Jobs Act, OPC successfully negotiates major rate reductions for Pepco and WGL customers.



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