

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

A BILL
22-662

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996 to require the District of Columbia Water and Sewer Authority to disclose details regarding all consumer complaints, to grant the Office of People’s Counsel authority to represent District of Columbia Water and Sewer Authority ratepayers in administrative hearings, judicial proceedings, and at public hearings to establish rates, and to advise and educate ratepayers on their rights and responsibilities, to require the Office of the People’s Counsel to prepare and submit to the Mayor and Council a study of, and recommendation on how to improve, the Authority’s billing activities, meter reading accuracy, and customer service operations, to require 45 days’ notice before hearings to set water and sewer rates, and to require the Authority to respond to any recommendations provided by the Office of People’s Counsel regarding water and sewer rate setting; and to amend An Act To provide a People’s Counsel for the Public Service Commission in the District of Columbia, and for other purposes, to authorize the Office of People’s Counsel to carry out the functions vested by this act.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “DC Water Consumer Protection Amendment Act of 2018”.

Sec. 2. The Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111; D.C. Official Code § 34-2201.01 *et seq.*), is amended as follows:

(a) Section 205 (D.C. Official Code § 34-2202.05) is amended by adding a new subsection (c-1) to read as follows:

32 “(c-1) On an annual basis, the Board shall publish on its website details about all
33 customer ~~complaints~~ inquiries received during the preceding year.”.

34 (b) A new section 205a is added to read as follows:

35 “Sec. 205a. Consumer protection, consumer education, rules.

36 “(a) The Office of People’s Counsel (“OPC”), established by section 1 of An Act To
37 provide a People’s Counsel for the Public Service Commission in the District of Columbia, and
38 for other purposes, approved January 2, 1975 (88 Stat. 1975; D.C. Official Code § 34-804), may:

39 “(1) Represent District of Columbia ratepayers at administrative hearings when
40 these hearings involve the interests of users of the products of or services furnished by the
41 Authority;

42 “(2) Represent the interests of and advocate for District of Columbia ratepayers at
43 public hearings held by the Authority, pursuant to section 216(b), to establish and adjust water
44 and sewer rates;

45 “(3) Represent and advocate for District of Columbia ratepayers at proceedings
46 before local and federal regulatory agencies and courts when those proceedings involve the
47 interests of users of the products of or services furnished by the Authority;

48 “(4) Investigate the services given by, and the rates charged by, the Authority, in
49 response to complaints received by the OPC. This may include complaints regarding the
50 Authority as pertain to:

51 “(A) Billing practices and payment plans;
52 “(B) Service connection and disconnection;
53 “(C) Customer service; and
54 “(D) Notice of construction schedules; and
55 “(5) Advise and educate Authority customers about their legal rights and
56 responsibilities pursuant to the rules governing service by the Authority.

57 “(b) Within one year after the effective date of the DC Water Consumer Protection
58 Amendment Act of 2018, as approved by the Committee on Transportation and the Environment
59 on DATE, 2018 (Committee print of Bill 22-662), the OPC, or a contractor selected by the OPC,
60 shall prepare and submit to the Mayor and Council a study of, and recommendations on how to
61 improve, the Authority’s billing activities, meter reading accuracy, and customer service
62 operations.

63 “(c)(1) The Authority shall provide the OPC, or, for the purposes of subsection (b) of this
64 section, a contractor selected by the OPC, access to any accounts, books, papers, and documents
65 considered necessary to carry out the functions described in subsections (a) and (b) of this
66 section.

67 “(2) Before requesting access to a customer account from the Authority, OPC
68 shall obtain permission from the customer holding the account to request such access.

69 “(d) The Authority shall, within 14 business days after receipt of such an inquiry, respond
70 on the merits to an inquiry posed by the OPC, or, for the purpose of subsection (b) of this
71 section, a contractor selected by the OPC, related to functions described in subsections (a) and
72 (b) of this section; provided, that if the inquiry is made in the course of a formal proceeding
73 before a court or agency, this subsection shall not apply and the Authority shall respond within
74 the period of time required by the rules governing the proceeding.

75 “(e) Within 3 months after the effective date of the DC Water Consumer Protection
76 Amendment Act of 2018, as approved by the Committee on Transportation and the Environment
77 on DATE, 2018 (Committee print of Bill 22-662), a working group comprised of representatives
78 from the Authority, the OPC, and the Department of Energy and Environment shall develop a
79 Consumer Bill of Rights that delineates the rights and responsibilities of the Authority and its
80 customers for consideration and enactment by the Authority.”.

81 (c) Section 216(b) (D.C. Official Code § 34-2202.16(b)) is amended as follows:

82 (1) The existing text is designated as paragraph (1).

83 (2) New paragraphs (2) and (3) are added to read as follows:

84 “(2) At a public hearing held pursuant to paragraph (1) of this subsection, the
85 public shall be given a timely opportunity to present its views, as evidence of record, with at
86 least 45 days’ notice, with notice widely and publicly distributed in a form sufficiently detailed
87 and complete to permit the public to realize its specific and affected interest.

88 “(3) If the Office of People’s Counsel submits written comments related to the
89 establishment or adjustment of water and sewer ~~rates under this subsection, the Board shall~~
90 ~~explain in its order establishing water and sewer rates~~ rates under this subsection, the Authority
91 shall respond in writing why it accepted or rejected, in whole or in part, any recommendations
92 submitted by the Office of the People’s Counsel.”.

93 Sec. 3. Section 1 of An Act To provide a People’s Counsel for the Public Service
94 Commission in the District of Columbia, and for other purposes, approved January 2, 1975 (88
95 Stat. 1975; D.C. Official Code § 34-804), is amended as follows:

96 (a) Subsection (c) is amended by striking the phrase “section, and” and insert the phrase
97 “section, section 205a of the Water and Sewer Authority Establishment and Department of
98 Public Works Reorganization Act of 1996, as approved by the Committee on Transportation and
99 the Environment on DATE, 2018 (Committee print of Bill 22-662), and” in its place.

100 (b) Subsection (d) is amended as follows:

101 (1) Paragraph (4) is amended by striking the phrase “; and” and inserting a
102 semicolon in its place.

103 (2) Paragraph (5) is amended by striking the period and inserting the phrase “;
104 and” in its place.

105 (3) A new paragraph (6) is added to read as follows:

106 “(6) May perform the functions authorized by section 205a of the Water and
107 Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, as
108 approved by the Committee on Transportation and the Environment on DATE, 2018 (Committee
109 print of Bill 22-662).”.

110 Sec. 4. Applicability.

111 (a) This act shall apply upon the date of inclusion of its fiscal effect in an approved
112 budget and financial plan.

113 (b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in
114 an approved budget and financial plan, and provide notice to the Budget Director of the Council
115 of the certification.

116 (c)(1) The Budget Director shall cause the notice of the certification to be published in
117 the District of Columbia Register.

118 (2) The date of publication of the notice of the certification shall not affect the
119 applicability of this act.

120 Sec. 5. Fiscal impact statement.

121 The Council adopts the fiscal impact statement in the committee report as the fiscal
122 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
123 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

124 Sec. 6. Effective date.

ENGROSSED ORIGINAL

125 This act shall take effect following approval by the Mayor (or in the event of veto by the
126 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
127 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
128 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
129 Columbia Register.