

AN ACT

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 customer inquiries, 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 authorized 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:

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

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

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

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

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

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

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

“(4) Investigate the services given by, and the rates charged by, the Authority, in response to complaints received by the OPC, including complaints regarding:

“(A) Billing practices and payment plans;

“(B) Service connection and disconnection;

“(C) Customer service; and

“(D) Notice of construction schedules; and

“(5) Advise and educate Authority customers about their legal rights and responsibilities pursuant to the rules governing service by the Authority.

“(b) Within one year after the applicability date of the DC Water Consumer Protection Amendment Act of 2018, passed on 2nd reading on December 18, 2018 (Enrolled version of Bill 22-662), the OPC, or a contractor selected by the OPC, shall prepare and submit to the Mayor and Council a study of, and recommendations on how to improve, the Authority’s billing activities, meter reading accuracy, and customer service operations.

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

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

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

“(e) Within 3 months after the applicability date of the DC Water Consumer Protection Amendment Act of 2018, passed on 2nd reading on December 18, 2018 (Enrolled version of Bill 22-662), a working group comprised of representatives from the Authority, the OPC, and the Department of Energy and Environment shall develop a Consumer Bill of Rights that delineates

the rights and responsibilities of the Authority and its customers for consideration and enactment by the Authority.”.

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

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

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

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

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

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

(a) Subsection (c) is amended by striking the phrase “section, and” and inserting the phrase “section, section 205a of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, passed on 2nd reading on December 18, 2018 (Enrolled version of Bill 22-662), and” in its place.

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

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

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

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

“(6) May perform the functions authorized by section 205a of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, passed on 2nd reading on December 18, 2018 (Enrolled version of Bill 22-662).”.

Sec. 4. Applicability.

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

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

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

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

Sec. 5. Fiscal impact statement.

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

Sec. 6. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia