

Council of the District of Columbia
COMMITTEE ON BUSINESS AND ECONOMIC DEVELOPMENT
PERFORMANCE OVERSIGHT HEARING
1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004

February 8, 2023

Ms. Sandra Mattavous-Frye
Office of the People's Counsel
1133 15th Street N.W., Suite 500
Washington, DC 20005

Dear People's Counsel Mattavous-Frye:

The Committee on Business and Economic Development ("Committee") will hold performance oversight hearings on agencies under its purview between February 8, 2023, and March 1, 2023. The Office of the People's Counsel ("Office" or "OPC") hearing is scheduled for **Wednesday, March 1, 2023, at 9:30 a.m. via virtual platform**. In preparation for your hearing, the Committee is sending the following questions for your response.

Please submit your responses no later than **5:00 p.m. Wednesday, February 22, 2023**, in Word or Excel format, as applicable, and please minimize the use of attachments. Should you need to discuss any of the questions, please contact Derron Parks, Interim Committee Director, at dparks@dccouncil.gov.

Note: For all answers, please consider the impact of the COVID-19 Pandemic when drafting responses. If applicable, please describe what impact, if any, the Pandemic has had on the respective question's subject matter.

Racial Equity

- 1. Please discuss the Office’s engagement with the District’s Chief Equity Officer, including how often the Department engages with the Chief Equity Officer, topics of discussion, and any Department action that has resulted from that engagement.**

In November 2021, OPC’s staff met with the Office of Racial Equity (ORE) to discuss the type of demographic information that OPC should collect on an annual basis which will be aligned with budget submissions. Since that meeting, we have incorporated Diversity, Equity, and Inclusion (DEI) information into the intake process for our new OPC Consumer Management System (CMS). We also continue our stellar efforts with Limited/Non-English Proficiency (LEP/NEP) programs and capture data on the amount of those consumers we assist. The demographic information we capture from our consumers helps guide financial assistance options that are available within other government agencies or with social service providers.

OPC was successful in getting the Office of Cable Television, Film, Music, and Entertainment to tape a segment in April 2022 in which People’s Counsel Sandra Mattavous-Frye explained OPC’s role in fostering racial equity. The District’s Chief Equity Officer closed out the segment referencing the work of the Mayor’s Office of Racial Equity. The segment, which aired numerous times on DC Cable TV channels, also can be viewed at <https://youtu.be/DyompXe28vw>.

In June of 2022, Program Analyst Stephen Marencic presented on a panel at the National Energy & Utility Affordability Coalition (NEUAC) annual conference in New Orleans on “How Data Can Help Energy Affordability Advocates Improve Racial Equity.” The session was well attended and OPC demonstrated to fellow consumer advocates, nonprofits, and industry members how the Office uses DEI information to effectively assist and educate consumers. See [attachment 1](#) for presentation.

- 2. In response to last year’s pre-hearing questions, OPC addressed its efforts in racial inequity in the following three areas, programs, or initiatives targeting low to moderate income utility consumers: affordability, access, and education. Please provide an update on OPC’s activities in those areas.**

OPC has advocated for racial equity this past year through its advocacy in PSC, FERC, PJM, and DC Water proceedings, Council legislation, and consumer outreach. We also have advocated for climate change solutions and promoted equitable access to clean energy investment and benefits at affordable costs to communities of color and other vulnerable communities suffering from environmental injustice. For example, in March in conjunction with the Office of the Attorney General, OPC filed a complaint against Pepco for systemically mishandling community solar projects, potentially overcharging more than 6,800 District households on their monthly electric bills and undermining the District’s efforts to meet its clean energy goals. OPC took complaints from individual consumers, analyzed the causes, and is advocating for systemic solutions. Programs aimed at making clean energy technology access more equitable should not overcharge participants. In response to the OPC/OAG complaint, the PSC opened Formal Case No. 1171. OPC and other parties have filed briefs and we are

awaiting a decision from the PSC. OPC's efforts are enhanced by utilizing the data obtained through its CMS to facilitate OPC's ability to focus its service delivery to the underserved community. In addition, OPC is planning a community climate conference for April 29, 2023 to educate and empower youth and others on addressing climate change and a just energy transition. While panels and panelists are still in development, racial equity in the transition to clean energy, environmental justice, and the disproportionate impacts of climate change on communities of color will be important topics addressed.

3. Describe any programs or policies where the Office has had success in improving racial equity during Fiscal Year 2022 and Fiscal Year 2023, to date.

The Office has had success in the past year building racial equity through education on relevant PSC proceedings. This year, the Office is litigating a WGL rate case. For this case, the Office is conducting a multi-faceted education campaign to inform consumers about the policies being considered. Once informed, consumers can speak directly to the policymakers and decisionmakers about the impact of policies and potential cost decisions impacting their quality of life. OPC is targeting its outreach to residents in wards with high minority populations that frequently do not have timely access to information on issues that impact them. In addition, we utilize the Black press to inform their readers and listeners about relevant utility issues, therefore, improving minority communities' ability to participate in rate increase proceedings. Likewise, OPC's advocacy regarding the Local Solar Expansion Amendment Act of 2022 resulted in final legislation with significantly lower potential, negative electric rate impacts and provided relief for low-income consumers, who are disproportionately minority households.

4. Consider the demographic data OPC collects, tracks, and evaluates as part of its operations, performance, or strategic plan. Does the Office collect information on race and geographic area? If not, why not?

OPC currently collects demographic information including race as part of our consumer intake process. OPC uses this information to create outreach materials to these communities. The Office collects data on geographic areas and race. The data the Office collects is used:

- (i) in selection of utility consumers by ward and housing type to conduct energy survey study;*
- (ii) to identify bill arrearages among Pepco, WGL and DC Water by zip code and building type so that appropriate education, advocacy, and policy measures can be developed for consumers that are disproportionately impacted by arrearages, and*
- (iii) to assess whether or not solar (rooftop or community solar) are installed equitably across all eight wards.*
- (iv) the Office of the People's Counsel collects DEI information including geography (Ward) and race. The data recorded from the DEI information assists OPC in our outreach strategy and messaging. The consumer has the opportunity to decline the answer by stating, "I prefer not to answer."*

a. Provide specific examples of the ways in which OPC has used information from the Affordability Study it completed last year, including policies or programs that have been developed.

There were two major takeaways from the energy affordability study. The first is that there should be a change in the criteria for assigning benefits. Instead of household income being the primary factor in assigning benefits, household bill size should be the primary criteria.

The second takeaway of the energy affordability study is that the following populations need special attention when considering changes to criteria for program eligibility and outreach -- elderly single person households, households with disabled persons, households with young children and non-English speaking populations.

Although the study was effective in informing OPC what changes should be made, data driven studies are dynamic, and require updates and necessary modifications based on changed circumstances. We note that rates have increased and likely changed critical data points. Therefore, in order for the Commission and other stakeholders to have an up-to-date status of affordability and how increases in rates impact vulnerable households, a different type of affordability study needs to be in place.

Therefore, given the recommendations in the study and the increasing pace of rates, OPC has taken or will take the following steps:

- 1. OPC met with Pepco and discussed proposals to amend a number of affordability programs managed by DOEE. These proposals will be evaluated in the upcoming. Pepco rate case to be filed in April 2023 and will focus on the criteria for eligibility and assigning benefits.*
 - 2. OPC will file a proposal that establishes an affordability index. The index will reflect the most up-to-date status of affordability and be managed by the Commission. It will allow stakeholders to know the impact of increases in rates approved by the Commission or the Council and provide insights for how affordability programs should be designed to provide the maximum benefit.*
 - 3. OPC will propose new pricing plans for electric service designed to give low-income consumers more control over their energy usage. The proposed pricing plans have been tested in the District of Columbia in the PowerCents DC dynamic pricing pilot program and proved that low-income consumers were able to save money by making informed energy choices.*
 - 4. OPC hired an attorney with expertise in affordability who will take the lead on this issue in the rate case and across OPC's advocacy.*
 - 5. Data driven studies are dynamic and require updates and necessary modifications based on changed circumstances.*
- 5. Consider one operational data point and one performance data point where the Office collects or could collect information on race. How could the Office use this data to inform future programmatic decisions?**
- a. In response to this question last year, OPC stated that the Office will use the Affordability Study to inform its discussions with DOEE when examining the**

effectiveness of available affordability programs and help both agencies shape new ones going forward. OPC stated it began preliminary discussions with DOEE. Please provide an update on these programs and the progress both Agencies have made on the issue.

In the early part of 2022, OPC reached out to DOEE to set up meetings to discuss how the recommendations in OPC's energy affordability study could be implemented. Unfortunately, a number of personnel from OPC and DOEE integral to the process have left the respective agencies. However, as stated in the answer to question number 4, OPC and Pepco have met to discuss some program changes to affordability programs and will discuss them with DOEE and propose them in the upcoming rate case.

6. Describe two areas/programs where OPC has significant potential to build racial equity.

- a. *The Solar for All (“SFA”) program primarily benefits no-cost solar installation on the roofs of the homes of low-income DC residents. Through continuing SFA education, outreach, and collaboration with DOEE, information can be shared with underserved communities about community solar subscription, weatherization, and other benefits for annual energy credits and savings with high heating and cooling bills.*
- b. *The second area/program is the implementation of the Inflation Reduction Act with multiple energy efficiency and renewable energy low-income programs, including workforce development and job training opportunities. OPC, through our proven outreach programs, is poised to play an instrumental role collaborating with DOEE, DCSEU and other agencies to educate and help District low-income residents access these programs/areas for energy savings and job skills readiness for livable wages and benefits. Both the SFA and the LMI IRA section have targeted LMI areas/programs that have the capacity to level the playing field for vulnerable residents to equally participate in these critical programs for racial equity, energy savings, and positive environmental contributions.*

7. Describe what a racially equitable DC would look like and how OPC's operations would reflect that achievement.

OPC is working to build racial equity through targeted advocacy in PSC, FERC, PJM, and DC Water proceedings, Council legislation and consumer outreach, especially with respect to climate change advocacy for equitable access to clean energy investment and consumer benefits at affordable costs to communities of color and other vulnerable communities suffering from environmental injustice. The District's ambitious climate change goals will necessitate a transition to clean energy systems. OPC has provided detailed, expert analysis and input on potential clean energy regulations, tariffs, programs, and legislation. Informed by this continued advocacy and community input, the District has the potential to build a more racially equitable energy system—cleaning the air in communities overburdened by air pollution from gas vehicles, facilitating the installation of high-quality energy efficient appliances in consumers' homes, and ensuring that all District communities have access to electricity and shelter during extreme weather and in its aftermath.

The Office also has the potential to build racial equity in the areas of affordable utility services. The District’s important economic goals for black residents, including the newly-announced goal to increase Black homeownership by 20,000 homeowners by 2030, requires households, including new homeowners, to be able to reliably afford their energy and water bills. OPC’s advocacy can help secure such affordability.

The Solar for All (“SFA”) program that primarily benefits no-cost solar installation on the roofs of the homes of our low-income residents. Through continuing SFA education, information outreach and collaboration with DOEE to spread solar community solar subscription sign-up, weatherization and other benefits for annual energy credits and savings with high heating and cooling bills for our under-served communities.

Another opportunity for achievement through OPC’s operations would be the implementation of the Inflation Reduction Act with multiple energy efficiency and renewable energy low-income programs, including workforce development and job training opportunities. OPC, through our proven outreach programs, is poised to play an instrumental role collaborating with DOEE, DCSEU and other agencies to educate and help District low-income residents access these programs/areas for energy savings and job skills readiness for livable wages and benefits. Both the SFA and the LMI IRA section have targeted LMI areas/programs that have the capacity to level the playing field for vulnerable residents to equally participate in these critical programs for racial equity, energy savings, and positive environmental contributions.

COVID-19 Questions

- 8. Please discuss the impact of the ongoing COVID-19 Pandemic on OPC staffing levels and employee morale. Please note whether employee burn-out is a concern and, if so, how OPC is addressing it.**

OPC staff has been on different degrees of telework during the ongoing pandemic and have adjusted to ensure continuing service to consumers. Most employees have not been together during the period. This has disconnected staff and decreased opportunities for camaraderie. However, division managers have initiated virtual gatherings among their staff for the purpose of socializing and raising morale. Recognizing that at one time or another all may feel overwhelmed and need support to alleviate stress and remain productive, the People’s Counsel has revived the Wellness Committee. Volunteer staff on the committee are charged with coming up with activities that will support the health and wellness of staff.

- 9. Please discuss whether OPC adjusted or created programming as a result of, or in response to the COVID-19 Pandemic. Additionally, please describe:**
- a. OPC’s outreach efforts to inform the public of programs and services relating to the pandemic:**

OPC has proactively worked to assist District utility consumers throughout the COVID-19 pandemic. Following are some of the actions OPC has taken:

At the start of the public health emergency, the People's Counsel sent a letter to all utility executives, recommending the utilities institute a moratorium on disconnections for non-payment of bills and late fees and make service restorations to protect consumers' health. Each utility implemented positive relief measures.

OPC convened an internal task force to coordinate the agency's response to the COVID-19 crisis, with the goal of developing and distributing information to consumers about payment of their utility bills upon lifting of the COVID-19 public health emergency and making recommendations to the People's Counsel to assist in the areas of proposed legislation and regulatory action.

On January 27, 2021, OPC hosted a social services summit to give DC Council offices, DC government agencies, utilities, and nonprofit organizations an opportunity to collaborate on efforts and actions to assist DC residents impacted by COVID-19.

In July 2021, the Council approved legislation allowing the utilities to begin shutting off gas, electric, water, and telephone services for some residents on October 12, 2021, upon the lifting of moratoriums on utility disconnections. However, OPC worked with the Council to protect low-income consumers who had fallen behind on their bills as a result of the pandemic. Affected customers included those who owed more than \$600. But utilities were required to give at least 60 days advance notice, provide information about payment assistance programs, and turn service back on if the consumer enters a payment plan and makes a minimum \$10 payment.

OPC helped hundreds of consumers apply for programs such as STAY DC that provided financial assistance to pay utility bills. October 27, 2021 was the last day to apply for the federally funded program. Without a STAY DC application pending, a customer's utilities could be disconnected.

To address this issue, OPC worked with the Council on the passage of the "Tenant Safe Harbor Emergency Amendment Act of 2021." The measure expanded eligibility for consumers and delayed shutoffs if they provided documentation that they qualified for financial relief within 90 days of October 12. Therefore, eligible residents would not be disconnected until January 2022.

Through advocacy, OPC successfully worked with the Council and the utilities to extend the disconnection moratoriums to springtime. When they ended, OPC focused on educating consumers on the disconnection process and available financial assistance. Before the moratoriums were set to end October 2021, OPC mailed a post card to more than 330,000 households. The message advised consumers to pay as much as they could and to: "Be Prepared, Don't Be Left Without Services."

OPC continued to partner with the PSC, DCSEU, and DOEE on the #here2helpDC educational campaign to inform consumers primarily through social media about assistance programs and resources.

The People's Counsel appeared on numerous TV news programs and radio shows to raise awareness about disconnection prevention, bill payment programs, payment plan options, and conservation tips. OPC continues to work with consumers affected by the pandemic by negotiating with the utilities to help get them on payment plans, apply for financial assistance, learn about their rights as utility consumers, and we strongly encourage residents to be proactive and act now to prevent future disconnections.

b. OPC’s outreach plans for Fiscal Year 2023; and

Our outreach team will continue to participate in virtual and in-person community meetings and share information through social media, email, and neighborhood list serves. We also are hosting a series of social service discussions to keep our staff and community partners up to date on information and resources available to assist residents.

OPC is strategic in its outreach efforts. The focus is identifying available financial assistance programs that eliminate or decrease the outstanding balance accrued during the pandemic. During our outreach presentations and correspondence with consumers, we emphasize the need for consumers to act now and apply for assistance. OPC continues to utilize social media and update its website to provide valuable information and resources.

c. What Wards has OPC found that need most outreach to interact with consumers who need OPC’s help?

Through our consumer complaint system, OPC identified that 45% of our cases come from Wards 7 and 8. Wards 4 and 5 are a close second by accounting for 28% of our case load. We engage with consumers from all wards by attending community events and sharing information through social media, email, and neighborhood listservs. In FY 22, OPC hosted or participated in 424 outreach events. OPC will continue to engage consumers in all wards to ensure they are aware of available financial assistance, the disconnections process, and their rights as utility consumers.

10. Please identify any recommendations made to the Public Service Commission and DC Council regarding the response to, and recovery from the COVID-19 Pandemic. Please include any updates or recommendations regarding the lifting of the public utility shut-off moratorium.

In 2022, OPC filed comments with the DC Public Service Commission supporting Washington Gas’ proposal to amend its arrearage management program (AMP) to assist consumers who had high arrearages caused by the COVID-19 pandemic. The AMP is designed to allow consumers with an arrearage to sign up for the program and make consistent payments over a year. Once those payments are made, the remainder of the consumer’s debt will be written off allowing them to have a fresh start. The modified AMP would automatically enroll low-income customers with an arrearage of less than \$3,000 in the program but allows the participants to proactively opt-out of the program within 45 days.

General Questions

11. Please provide a current organizational chart of the Office, including the number of vacant, frozen, and filled full-time equivalents (“FTEs”) in each division or subdivision, as well as the names and titles of all senior personnel, and note the date when the information was

collected. Additionally, please provide the following:

- a. **An explanation of the roles and responsibilities of each division and subdivision, including specific programs or projects administered by each.**

Directorate Division determines policy consistent with the Agency's mission to advocate for and protect the interests of DC utility consumers.

Operations Division is responsible for agency fiscal management, procurement, human resources, staff development, benefits administration, communications, policy, and Information Technology functions.

Litigation Services Division engages diverse energy, telecommunications, technical and market monitoring functions as it litigates cases involving utility companies before the Public Service Commission, federal regulatory agencies, and the DC Court of Appeals.

Consumer Services Division provides education and outreach on utility issues to District consumers, assists in the resolution of consumer complaints, and provides technical assistance to lay advocates seeking to participate in the regulatory process.

Water Services Division serves as the statutory advocate for water consumers. WSD provides legal advocacy, education and outreach, and individual complaint resolution assistance for DC Water consumers.

- b. **A narrative explanation of any changes to the organizational chart made during the previous year.**

No changes to the narrative were made.

- c. **A description of any organizational adjustment made in response to or as a result of the COVID-19 Pandemic.**

No adjustments were made as a result of the pandemic.

See Attachment 11, "OPC Org Chart."

12. **Please provide a current Schedule A for the Office, which identifies each employee by program and activity, with the employee's title/position, salary, fringe benefits, and length of time with the agency, and note the date when the information was collected. The Schedule A should also indicate whether the position is continuing/term/temporary/contract and whether it is vacant or frozen.**

- a. For each vacant position, please state how long the position has been vacant and provide the status of the Office's efforts to fill the position. Also include the position number, title, program number, activity number, grade, salary, and fringe associated with each vacant position.

- b. Please indicate whether the position must be filled to comply with federal or local law and identify any impediments to the Office's ability to fill the vacancy.

See Attachment 12, Schedule A

- 13. **Please list all employees detailed to or from the Office, if any. For each employee identified, please provide the name of the agency from/to which the employee is detailed, the reason for the detail, the date of the detail, and the employee's projected date of return.**

Employee: Abigail Marcus-Garvie

From: Office of the People's Counsel

To: DC Department of Human Services Reason:

Personnel Matters

Date of Detail: 4/17/15

Projected Return: Undetermined

- 14. Please provide the Committee with the following:

- a. **A list of all employees who received or retained cellphones, personal digital assistants, or similar communications devices at OPC expense in Fiscal Year 2022 and Fiscal Year 2023, to date;**

See Attachment 14a Employee List

- b. **A list of all vehicles owned, leased, or otherwise used by the Office and to whom the vehicle is assigned, as well as a description of all vehicle accidents involving the Office's vehicles in Fiscal Year 2022 and Fiscal Year 2023, to date;**

All agency vehicles are assigned to the operations division. There have been no accidents.

1. *2019 Dodge Caravan; Tag: DC13082*
2. *2019 Dodge Caravan; Tag: DC13237*
3. *2019 Chevy Bolt; Tag: DC13420*

- c. **A list of travel expenses, if any, arranged by employee for Fiscal Year 2022 and Fiscal Year 2023, to date, including the justification for travel;**

See Attachment 14c

- d. A list of employee bonuses or special award pay, raises, and step increases granted in Fiscal Year 2022 and Fiscal Year 2023, to date; and**

See attachment 14d

- e. A list of the total overtime and workers' compensation payments paid in Fiscal Year 2022 and Fiscal Year 2023, to date, including the number of employees who received workers' compensation payments, in what amounts, and for what reasons.**

The agency made no overtime and workers' compensation payments in Fiscal Year 2022 and no such payments have been made in Fiscal Year 2023 to date.

15. Regarding the use of communication devices:

- a. Please describe procedures to track which individuals or units are assigned mobile devices (including, but not limited to smartphones, laptops, and tablet computers) and how the usage of these devices is monitored.**

OPC tracks agency mobile devices by requiring the employee to sign out the device by completing an IT equipment check-out form in SharePoint using an approval workflow. The steps to check out a device are as follows:

The employee completes a check-out form in SharePoint. The form is then emailed to the employee's supervisor for approval. Once the supervisor approves, the form is emailed to the manager for approval. The manager approves the form. The final step is approval by the People's Counsel. Once the People's Counsel approves, the employee is issued the device by the IT manager.

The Office laptops are monitored by software called Dell Absolute. Absolute is the standard in theft recovery and data protection, with the only Investigations team that locates your stolen device and gets it back to you.

Once activated, the Agent maintains daily contact with the Absolute Monitoring Center, providing detailed data from each device. By logging into the Absolute Customer Center, the OPC IT manager can monitor agency devices (on or off the network), knowing where they are, who's using them, and what types of software and other applications reside on them, and can take proactive or immediate measures for any devices that may be at risk.

Agent calls occur throughout the day and provide important and current data from each computer. IT administrators use this data to determine what actions are necessary. Then they implement the actions from the administrator server interface. Actions can include locating, terminating, removing, or installing applications, licenses, patches, computer images, and other management tools such as power management and asset inventory.

The Office iPads and cell phones are monitored by OCTO's solution called AirWatch. AirWatch lets staff activate devices in a straightforward step. Once enrolled in the AirWatch console, OPC's

IT manager can easily make changes, ensure compliance, and monitor the device using the Web-based console. AirWatch can provide reports on user activity and usage patterns, and the IT manager can use his remote-control capabilities to support and troubleshoot mobile devices as needed.

- c. For Fiscal Year 2022 and Fiscal Year 2023, to date, provide the total cost of mobile communications and devices, including, but not limited to, equipment and service plans. Please indicate whether the total cost has been impacted by the need for employees to work remotely due to the COVID-19 pandemic.**

See Attachment 15c

- 16. For Fiscal Year 2022 and Fiscal Year 2023, to date, please list any purchase card spending by the Office, the employee making each expenditure, and the general purpose for each expenditure. Please indicate if any spending was necessary due to the COVID-19 Pandemic.**

See Attachment 16

- 17. For Fiscal Year 2022 and Fiscal Year 2023, to date, please list all intra-District transfers to or from OPC. For each transfer, include the following details:**

- a. Buyer agency;**
- b. Seller agency;**
- c. The program and activity codes and names in the sending and receiving agencies' budgets;**
- d. Funding source (i.e. local, federal, SPR);**
- e. Description of memoranda of understanding ("MOU") services;**
- f. Total MOU amount, including any modifications;**
- g. Whether a letter of intent was executed for Fiscal Year 2022 and Fiscal Year 2023, to date, and if so, on what date,**
- h. The date of the submitted request from or to the other agency for the transfer;**
- i. The dates of signatures on the relevant MOU; and**
- j. The date funds were transferred to the receiving agency.**

- 18. Please list any additional intra-district transfers planned for Fiscal Year 2023, including the anticipated agency(ies), purposes, and dollar amounts.**

The Office of the People's Counsel is currently not anticipating any additional intra-district transfers in FY 2023.

- 19. For Fiscal Year 2022 and Fiscal Year 2023, to date, please identify any special purpose revenue funds maintained, used, or available for use by the Office. For each fund identified, provide:**

- a. The revenue source name and code;**
- b. The source of funding;**
- c. A description of the program that generates the funds;**

- d. The amount of funds generated by each source or program;**
- e. Expenditures of funds, including the purpose of each expenditure; and**
- f. The current fund balances.**

Revenues are derived from fees assessed to the three traditional utilities (electric, gas and telephone) and competitive service providers. Each company is charged a pro rata share of the Public Service Commission's total approved annual operating budget based on their percentage share of the total jurisdictional revenue generated in the District of Columbia marketplace.

Note: 1. Utilities and competitive service providers are assessed their portion of the current fiscal year assessments in the month of August. FY 2023 total revenue will not be due until August 2023.

Budgets:

FY 2022 Approved Budget = \$10,335,292

FY 2023 Budget = \$11,267,128

20. Please list all MOU executed by OPC during Fiscal Year 2022 and Fiscal Year 2023, to date, as well as any MOU currently in force. For each, indicate the date on which the MOU was entered and the termination date.

OPC has two MOU's:

- *A MOU with DCHR, in the amount of \$2,120.25, for compliance services. The MOU covers the period from October 1, 2022, though September 30, 2023.*
- *A MOU with DCHR, in the amount of \$41,490.00 for HR services. The MOU covers the period from October 1, 2022, though September 30, 2023.*

21. Please list the ways, other than MOU, in which the Office collaborated with analogous agencies in other jurisdictions, with federal agencies, or with non-governmental organizations in Fiscal Year 2022 and Fiscal Year 2023, to date.

Collaboration with Agencies in other Jurisdictions and Non-Governmental Organizations

OPC is a member of PJM Interconnection, LLC ("PJM"), the regional grid operator ("RTO"), and votes and actively participates in stakeholder meetings.

OPC is also a member of the Consumer Advocates of the PJM States, Inc. ("CAPS"), a group of state directed consumer advocate offices from states in the PJM footprint. OPC regularly collaborates with other CAPS members on issues both at PJM and the Federal Energy Regulatory Commission ("FERC"). This collaboration includes meetings, hiring consultants, developing stakeholder proposals, and filing pleadings at FERC.

OPC is a member of the National Association of State Utility Consumer Advocates. NASUCA is an umbrella organization representing utility consumer advocate agencies across the nation. OPC regularly collaborates with NASUCA members regarding utility issues and is actively involved

with NASUCA's member committees. A member of OPC staff represents NASUCA at the Federal Communications Commission's Consumer Advisory Committee.

OPC regularly collaborates with environmental organizations, public power entities, trade associations, utilities, and other market participants. This collaboration includes meetings, and as appropriate for the public interest, hiring consultants, developing stakeholders' proposals, and filing joint pleadings at the DC Public Service Commission and FERC.

Collaboration With and Appearances Before Federal Agencies and Courts

OPC maintains an active litigation practice before FERC, representing ratepayers on issues related to wholesale market design, transmission policy, and other areas that impact District ratepayers. Additionally, OPC regularly meets with FERC Commissioners and staff to discuss issues important to the District and consumers. Occasionally, FERC will hold technical conferences to discuss significant policy issues impacting the wholesale markets.

OPC is also active in other federal agencies whose work impacts utility consumers in the District of Columbia.

See response number 57 for a list of all PJM working groups, task forces of which the office is a member.

22. Please identify all recommendations identified by the Office of the Inspector General, D.C. Auditor, or other federal or local oversight entities during the previous three years. Please provide an update on actions taken to address these recommendations. If the recommendation has not been implemented, please explain why.

No recommendations have been made to the agency by the Office of the Inspector General, DC Auditor or any other oversight entities in last three years for the Office of the People's Counsel

23. Please list all capital projects in the financial plan and provide an update on all capital projects under the OPC's purview in Fiscal Year 2022 and Fiscal Year 2023, to date, including the amount budgeted, actual dollars spent, and any remaining balances. In addition, please provide the following:

OPC does not have any capital projects

- a. An update on all capital projects begun, in progress, or concluded in Fiscal Year 2021, Fiscal Year 2022, and Fiscal Year 2023, to date, including the amount budgeted, actual dollars spent, and any remaining balances;
- b. An update on all capital projects planned for Fiscal Year 2023 through Fiscal Year 2027; and

- c. Whether the capital projects begun, in progress, or concluded in Fiscal Year 2021, Fiscal Year 2022, or Fiscal Year 2023, to date, have an impact on the operating budget of the Department. If so, please provide an accounting of such impact; and
- d. Please indicate whether the COVID-19 Pandemic impacted those planned projects.

24. Please provide a table showing OPC’s Council-approved budget, revised budget (after reprogrammings, etc.), and actual spending, by program and activity, for Fiscal Years 2021, 2022, and the first quarter of 2023. For each program and activity, please include the total budget and break down the budget by funding source (federal, local, special purpose revenue, or intra-district funds).

- a. **Include any over- or under-spending and explain any variances between fiscal year appropriations and actual expenditures for Fiscal Years 2021 and 2022 for each program and activity code.**

See Attachment 25

- b. **Attach the cost allocation plans for Fiscal Year 2021 and Fiscal Year 2022.**

Agency does not submit cost allocation plans.

- c. **In Fiscal Year 2021 or Fiscal Year 2022, did the Office have any federal funds that lapsed? If so, please provide a full accounting, including amounts, fund sources (e.g., grant name), and reason the funds were not fully expended.**

No federal funds lapsed in FY 2021, FY 2022, and FY 2023

25. Please provide a list of all budget enhancement requests (including, but not limited to, capital improvement needs) for Fiscal Year 2022 and Fiscal Year 2023, to date. For each, include a description of the need and the amount of funding requested.

FY 2022 Enhancements: No enhancements were requested for the FY 2022 budget.

FY 2023 Enhancements: An enhancement of \$362,064.00 is requested in FY 2023. This enhancement will support three new FTEs and upgrade five locally funded FTEs in the Water Services Division. The new positions include two Community Outreach Specialists and one Program Specialist. The enhancement amount also includes \$75,000 for contractual services to support the outside counsel and related activities.

26. Please list, in chronological order, every reprogramming in Fiscal Year 2022 and Fiscal Year 2023, to date, which had an impact on OPC, including those which moved funds into, out of, and within the Office. For each reprogramming, please list the date, amount, rationale, and reprogramming number, and indicated whether a reprogramming impacted the Office’s ability to carry out a directive or recommendation of the Committee. Please include the

revised, final budget for the Office after the reprogramming for Fiscal Year 2022 and Fiscal Year 2023.

See Attachment 27

27. Please list each grant or sub-grant received by OPC in Fiscal Year 2022 and Fiscal Year 2023, to date. List the date, amount, and purpose of the grant or sub-grant received. Additionally, provide the following:

- a. Whether any FTEs are dependent on grant funding and, if so, how many; and**
- b. A description of the terms of this funding, and, if it is set to expire, what plans, if any, there are in place to continue funding.**

The Agency did not receive a grant or sub-grant in Fiscal Year 2022 and Fiscal Year 2023.

28. Please describe any grant the Office is, or is considering, applying for in Fiscal Year 2023.

OPC is exploring funding through the Clean Energy States Alliance and directly from the Federal Department of Energy laboratories (NREL and Lawrence Berkely).

29. Please list each contract, procurement, lease, and grant (“contract”) awarded, executed, extended, or option years exercised, by OPC during Fiscal Year 2022 and Fiscal Year 2023, to date. For each contract, please provide the following information, where applicable:

- a. The name of the contracting party;**
- b. The contract number;**
- c. The nature of the contract, including the end product or service;**
- d. The contract’s outputs and deliverables;**
- e. The status of deliverables;**
- f. The dollar amount of the contract, including amount budgeted and amount actually spent;**
- g. The term of the contract;**
- h. Whether the contract was competitively bid;**
- i. Subcontracting status (i.e. Did the Contractor sub any provision of the goods and/or services with another vendor);**
- j. The Certified Business Enterprise status;**
- k. Division and activity within OPC utilizing the goods and/or services;**
- l. The name of OPC’s contract monitor and the results of any monitoring activity; and**
- m. The funding source.**

See Attachment 30, “Contract Listing.”

30. **Please list all pending lawsuits that name OPC as a party. Identify which cases on the list are lawsuits that potentially expose the District to significant financial liability or result in a change to OPC practices, and describe the current status of the litigation. Please provide the extent of each claim, regardless of its likelihood of success. For those identified, please include an explanation about the issues involved in each case.**

There are no pending lawsuits that name the agency as a party.

31. **Please list all settlements entered into by the Office or by the District on behalf of the Office in Fiscal Year 2022 and Fiscal Year 2023, to date, and provide the parties' names, the amount of the settlement, and if related to litigation, the case name and a brief description of the case. If unrelated to litigation, please describe the underlying issue or reason for the settlement (e.g. administrative complaint, etc.).**

There were no settlements entered into by the agency or by the District on behalf of the agency in Fiscal Year 2022 or Fiscal Year 2023 to date.

32. **Please provide the total number of administrative complaints or grievances filed against OPC in Fiscal Year 2022 and Fiscal Year 2023, to date, broken down by source. Please describe the process utilized to respond to any complaints and grievances received and any changes to OPC policies or procedures that have resulted from complaints or grievances. For any complaints or grievances that resolved in Fiscal Year 2022 and Fiscal Year 2023, to date, describe the resolution.**

There were no administrative complaints or grievances filed against OPC in Fiscal Year 2022 and Fiscal Year 2023.

33. **Please describe OPC's procedures for investigating allegations of sexual harassment or misconduct committed by or against its employees. List and describe any allegations received by OPC in Fiscal Year 2022 and Fiscal Year 2023, to date, regardless of whether those allegations were resolved.**

OPC's procedure for investigating allegations of sexual harassment or misconduct is outlined in OPC Administrative Order No. 100-06-12. The OPC Order adopts DC Mayoral Order 2004-171 and establishes OPC policies and procedures to ensure the application of the Equal Employment Opportunity (EEO) practice in the workplace. The OPC Order requires, among other things, that in response to any sexual harassment or misconduct complaint: All employees who become aware of incidents of sexual harassment report the conduct to an EEO official or supervisor with whom the employee feels comfortable; All employees are expected to cooperate in the investigation of sexual harassment complaints; and the agency may unilaterally initiate and investigate if an employee who alleges or is alleged or believed to be or have been the victim of sexual harassment should decline to assist and/or participate in the investigation. The OPC Order also outlines a

prohibition against retaliation, and states that the alleged harasser is entitled to the full protections afforded them under the law, but not limited to the presumption of innocence, unless and until there is a finding of culpability. The Office is committed to the Mayor's FY 18 directive to mandate all staff persons complete the online sexual harassment tutorial. In addition, all OPC MSS employees will attend the mandatory sexual harassment course for managers in March. In FY 22 and FY 23, the Office has not received any administrative complaints or grievances to date.

- 34. Please list and describe any ongoing investigations, audits, or reports on OPC or any employee of OPC, or any investigations, studies, audits, or reports on OPC or any employee of OPC that were completed during Fiscal Year 2022 and Fiscal Year 2023, to date.**

There were no investigations, audits, or reports on any OPC employees during Fiscal Year 2022 and Fiscal Year 2023, to date.

- 35. Please describe any spending pressures the Office experienced in Fiscal Year 2022 and any anticipated spending pressures for the remainder of Fiscal Year 2023. Include a description of the pressure and the estimated amount. If the spending pressure was in Fiscal Year 2022, describe how it was resolved, and if the spending pressure is in Fiscal Year 2023, describe any proposed solutions.**

The agency experienced spending pressures in its local budget in FY 22 and it continues in FY 23. The Water Services Division was established in FY 2019. The Division's focus is advocacy, education, and protection. If not fully staffed, the complaints take longer to resolve, and our outreach efforts diminish due to limited staff. In addition, our outreach efforts will be reduced, and consumers will not receive the education and information they need in this changing utility environment. Education is vital to District residents' ability to understand their bills, the availability of consumer assistance programs, and new utility rates and charges. Our spending pressure is related to the lack of internal resources and is an impediment hampering our ability to fulfill our mandate. For example, in FY 22, there was a 70% increase in cases assigned to WSD employees that resulted in the need to rely on temporary personnel to assist with intake/case management. OPC received three additional FTEs in FY 23's budget to assist with this increase. Still, there is a need for additional funds to address the larger caseload and match the salaries of their colleagues in the Consumer Services Division who have the same job responsibilities, but the special revenue budget funds their position. From FY 22 to January 31, 2023, OPC's WSD received 932 consumer complaints. Unfortunately, the increase in complaints will continue to rise due to the lifting of the moratorium on DC Water service disconnections and the resulting sharp spike in arrearages.

Additionally, WSD does not have sufficient funding to fully perform its legal work. One attorney is assigned to the OPC Water Services Division. The attorney is responsible for legal review, analysis, advice, and representation on the following: (1) all rulemakings and agency actions of

DC Water (2) consumer complaints (3) advocacy at DC Water administrative hearings; (4) advocacy at the DC Court of Appeals; (5) advocacy at the DC Council; (6) oversight of DC Water committee meetings and Board of Director meetings, among other Water Services Division matters. Outside counsel and outside technical expert support will enhance the attorney's representation for these matters towards the fulfillment of OPC's mission to protect the interests of DC Water's consumers. Without receiving additional NPS funds these spending pressures will continue to escalate.

36. Please provide a copy of OPC's Fiscal Year 2022 performance plan. Please explain which performance plan objectives were completed in Fiscal Year 2022 and whether they were completed on time and within budget. If they were not, please provide an explanation.

See Attachment 37, "OPC Performance Plan"

37. Please provide a copy of OPC's Fiscal Year 2023 performance plan submitted to the Office of the City Administrator.

See Attachment 38, "OPC FY 22 Performance Plan."

38. Please provide the number of FOIA requests received by OPC during Fiscal Year 2022 and Fiscal Year 2023, to date. Please include the number of requests which were granted, partially granted, denied, or pending. Please also provide the average response time, estimated number of FTEs required to process requests, and the estimated number of hours spent responding to these requests.

The Office of the People's Counsel for the District of Columbia has received four FOIA requests in FY 22 and one FOIA request during the current FY 23. In FY 22, OPC granted one FOIA request in full, three denials due to not possessing requested documents, or being the wrong agency for the request. In FY 23, OPC granted one FOIA request in full.

The average response time to answer FOIA requests received by the Office of the People's Counsel is about 15 days, which is due to limited access to the office due to moving our office location and having to work remotely. The FTE required to process requests is 5.37, and the estimated number of hours to respond is 4 hours.

39. Please provide a list of all studies, research papers, reports, and analyses that the Office prepared or contracted for during Fiscal Year 2022 and Fiscal Year 2023, to date. Please state the status and purpose of each and, if complete, attach a copy.

In 2022:

1. Analysis of changes in fuel prices for comparing the cost of operating heat pumps.

Purpose of this study: To conduct empirical analysis that will help develop an empirical basis to negate or oppose WGL's false or erroneous advertising on the cost of gas heat pumps. This study is completed.

2. Graphical and GIS analysis of Arrearage for DC Water, Pepco, and WGL

Purpose of this study: To assess whether or not the moratorium that was implemented during the COVID crisis has reduced bill payment arrearage, especially in wards with a relatively large number of low-income customers. This study is completed.

3. Graphical analysis of consumer complaint & recorded WGL leaks

The purpose of this study: To gauge reliability concerns about WGL infrastructure

4. Graphical analysis of non-major Pepco outages

Purpose of this study: To gauge reliability concerns for Pepco infrastructure

5. Graphical analysis of Pepco priority feeders

This analysis is done annually to monitor the reliability of priority feeders that were part of DC PLUG or feeders on a Pepco watch list because of age and infrastructure concerns.

The above three were internal studies done by staff and they are completed.

In 2023:

1. Energy Usage and Home Improvement Measures and Energy Usage to Reduce Utility Bills and Enhance Comfort

Purpose of this study: To understand what our consumers knew about energy efficiency measures and climate change, and their willingness to change behaviors that will reduce energy usage in a manner that will not affect their lifestyle and comfort. The findings will help develop background information that will enhance OPC's education and outreach approaches and develop case study for litigation related to consumer behavior. This study will be implemented by the spring of 2023.

- 40. Please separately list each OPC employee receiving a salary of \$100,000 or more in Fiscal Year 2022 and Fiscal Year 2023, to date. Provide the employee's name, position number, position title, program, activity, salary, and fringe. In addition, state the amount of any overtime or bonus pay received by each employee on the list.**

See Attachment 40 FY 22 and FY 23

- 41. Please list, in descending order, the top 25 overtime earners at OPC in Fiscal Year 2022 and Fiscal Year 2023, to date. For each, state the employee's name, position number, position**

title, program number, activity number, salary, fringe, and the aggregate amount of overtime pay earned.

No overtime payments were made in FY 2022, and no payments have been processed in FY 2022, to date.

- 42. For Fiscal Year 2022 and Fiscal Year 2023, to date, please provide a list of employee bonuses or special pay granted, which identifies the employee receiving the bonus or special pay, the amount received, and the reason for the bonus or special pay.**

No employee received any bonuses or special pay in FY 22 and FY 23 to date.

- 43. Please provide each collective bargaining agreement that is currently in effect for OPC employees and include the bargaining unit and the duration of each agreement. Please note whether OPC is currently in bargaining and its anticipated completion.**

The agency is not a party to a collective bargaining agreement.

- 44. Please identify any boards or commissions associated with OPC and provide a chart listing the names, confirmation dates, terms, wards or residence, and attendance of each member. Include any vacancies. Please also attach agendas and minutes of each board or commission meetings in Fiscal Year 2022 or Fiscal Year 2023, to date, if minutes were prepared. Please inform the Committee if the board or commission did not convene during any month. Finally, please indicate whether the board or commission met virtually or in-person.**

OPC does not run any boards or commissions.

OPC has seats on the following boards:

- 1. DC Sustainable Energy Utility Advisory Board--The People's Counsel serves as a statutory member of the DCSEU Advisory Board.*
- 2. PowerPath DC Pilot Projects Governance Board--Pursuant to DC Public Service Commission Order No. 20316 in Formal Case No. 1130, OPC has a seat on the PowerPath DC Pilot Projects Governance Board. OPC's seat is filled by an OPC attorney who also serves as the Secretary of the Board.*
- 3. OPC is the statutory advocate for District of Columbia utility ratepayers at the following commissions:*

- Public Service Commission of the District of Columbia*
- District of Columbia Water and Sewer Authority*
- Federal Energy Regulatory Commission*

- *Federal Communications Commission*

45. Please list all reports or reporting currently required of OPC in the District of Columbia Code or Municipal Regulations. Provide a description of whether the Office is in compliance with these requirements, and if not, why not (e.g., the purpose behind the requirement is moot, etc.).

- *Quarterly Language Access Reports to the Office of Human Rights on OPC's progress in fulfilling the requirements of the Language Access Act and our Biennial Language Access Plan (BLAP), pursuant to Title 4, Section 1213 of the DCMR. OPC is in compliance with this requirement.*
- *Annual language compliance and progress report, due 60 days after the close of the fiscal year, pursuant to Title 4, Section 1214 of the DCMR. OPC is in compliance with this requirement.*
- *Biennial Language Access Plan, pursuant to Title 4, Section 1212 of the DCMR. OPC is in compliance with this requirement.*
- *The Office of the People's Counsel is required to submit annually by February 15th of the succeeding fiscal year, its Report on Agency Fund Deposits, Disbursements and Contracts, pursuant to D.C. Code Section 34-912 (a) (7) (A-E). OPC is in compliance with this requirement.*
- *The Office of the People's Counsel files its annual performance plan and quarterly performance accountability reports, pursuant to DC Code Section 1-614.12. OPC is in compliance with this reporting requirement.*
- *Pursuant to DC Code Section 2-538, the Office files an annual FOIA report. OPC is in compliance with this reporting requirement.*

46. Please provide a list of any additional training or continuing education opportunities made available to OPC employees. For each additional training or continuing education program, please provide the subject of the training, the names of the trainers, and the number of OPC employees who participated.

See response to question number 14c, at Attachment 14c, "OPC Trainings and Travel."

47. Please explain how OPC conducts annual performance evaluations of its employees, including who conducts the evaluations and what steps are taken to ensure all OPC employees meet individual job requirements.

Managers conduct performance planning sessions with each staff member. This provides a basis for evaluating performance. Each team member has 3-5 goals that they are responsible for completing before the end of each fiscal year.

Managers conduct evaluations and ensure their assigned staff member is meeting job requirements and performing their principal job functions. Managers also conduct individual monthly meetings with team members. This enables supervisors to provide feedback on individual performance.

The agency has further enhanced the performance management system in critical areas of performance planning, performance execution, performance assessment, and performance review, through its implementation and utilization of the District Government’s ePerformance Management process.

Small Business Enterprise (SBE)

48. Please attach copies of the required annual small business enterprise (“SBE”) expenditure reports for OPC for Fiscal Year 2022 and Fiscal Year 2023, to date.

- a. D.C. Official Code § 2-218.53(b) requires each District agency to submit supplemental information with their annual SBE expenditure report, including: a description of the activities the agency engaged in to achieve their fiscal year SBE expenditure goal; and a description of any changes the agency intends to make during the next fiscal year to achieve their SBE expenditure goal. Has your agency submitted the required information for fiscal year 2022? Please provide a copy as an attachment.**

DSLBD will send an email to all agencies when FY 21 Final SBE expenditures reports are available.

Please provide OPC’s SBE goals for Fiscal Year 2021, Fiscal Year 2022, and Fiscal Year 2023.

<i>OPC FY 21 SBE EXPENDITURES</i>	
<i>DSLBD APPROVED SBE GOAL</i>	<i>\$530,874.67</i>

<i>GRAND TOTAL SBE EXPENDITURE AMOUNT</i>	<i>\$626,189.13</i>
<i>SBE EXPENDITURES AS A % OF SBE GOAL</i>	<i>117.95%</i>

<i>OPC FY 22 SBE EXPENDITURES TO DATE</i>	
<i>DSLBD APPROVED SBE GOAL</i>	<i>\$685,919.13</i>
<i>GRAND TOTAL SBE EXPENDITURE AMOUNT</i>	<i>\$623,721.89</i>
<i>SBE EXPENDITURES AS A % OF SBE GOAL</i>	<i>90.93%</i>

<i>OPC FY 23 SBE EXPENDITURES TO DATE</i>	
<i>DSLBD APPROVED SBE GOAL</i>	<i>\$830,575.44</i>
<i>GRAND TOTAL SBE EXPENDITURE AMOUNT</i>	<i>TBD</i>
<i>SBE EXPENDITURES AS A % OF SBE GOAL</i>	<i>DSLBD has not released 1st Quarter Expenditures</i>

49. Please provide a list of SBE contracts awarded to minority and women owned businesses during Fiscal Year 2021, Fiscal Year 2022, and Fiscal Year 2023, to date.

	Minority	Women
FY 2021	9	2
FY 2022	9	5
FY 2023 To Date	5	2

Agency Operations

50. **Please describe any initiatives that OPC implemented in Fiscal Year 2022 and Fiscal Year 2023, to date, to improve internal operations of the Office or the Office’s interaction with outside parties. Please describe the results, or expected results, of each initiative.**

In the first quarter of FY 2022, OPC’s new website went live at opc-dc.gov. The goal of the redesign was to make the site more user friendly and state-of-the-art, and therefore spark more interaction between the agency, outside parties, and consumers needing assistance with their utilities. The website has improved internal operations as OPC staff members increasingly use the site as a vehicle to share information with consumers.

The “OPC Radio Connect Podcast” also has improved the interaction of the agency with outside parties. On March 9, 2020, OPC aired its first podcast hosted by People’s Counsel Sandra Mattavous-Frye. In a partnership with the Office of Cable Television, Film, Music, and Entertainment’s DC Radio, OPC launched the podcast to present information on a variety of utility and energy-related issues and how they relate to the daily lives of DC consumers. Media ratings indicate that more than half of Americans are podcast fans, and the predominant group of listeners are 25 to 44. OPC is pleased to expand our outreach to this audience to bolster the other vehicles we use to alert District communities that we are here to serve them.

While the pandemic shutdown DC Radio’s studios, and OPC Radio Connect had to temporarily suspend production, we were able to set up a pop-up studio in OPC offices. October 2021 to date, three new shows have aired.

All 12 segments continue to air in rotation on DCRadio.gov, DC Radio 96.3 HD 4, and the DC Radio app on smart phones, Monday – Friday, 7:00 -7:30 am; and on demand on podcast apps like Spotify, Apple and iHeartRadio. Topics include women in energy, DC Sustainability Energy Utility initiatives, and community programs to address climate change. The recorded shows also can be heard on opc-dc.gov and seen on OPC and DC Radio YouTube channels. OPC is setting up a new podcast studio in our new offices in order to continue production.

51. **Please describe OPC’s top five priorities and explain how the Office plans to address these priorities in Fiscal Year 2023. Provide an update on how OPC addressed the top priorities listed in response to this question last year?**

A. *OPC’s top five priorities for 2023*

1. *Citywide Climate Change Conference:*

OPC will develop and hold a community wide climate change conference that will further educate DC residents on the actions and accomplishments of the DC Government and other organizations to halt climate change with a focus on environmental justice, socio-economic and racial equity implications of environmental policies and actions.

2. Environmental Justice Community Education Program:

OPC will develop an interactive/participatory community education program on the meaning of environmental justice, (1) determine its impact on low-income and minority communities, (2) develop efforts to eliminate and remediate environmental injustices, and (3) engage in meaningful development and decision-making in the regulatory process and legislative actions on environmental matters that is inclusive, effective, and accessible to all DC residents.

3. Litigation of Washington Gas Rate Case:

OPC will litigate the Washington Gas rate case, advocating for (1) denial of any decoupling mechanism, (2) costs recovery for only climate change programs that have been vetted by stakeholders and approved by the PSC as advancing DC's climate goals and beneficial to ratepayers, (3) PSC consideration of the future of natural gas in DC, (4) accountability for leak remediation performance, and (5) fundamental affordability.

4. Litigation of Pepco Rate Case:

OPC will litigate the Pepco rate case, where it will advocate for (1) review and evaluation of the multi-year rate plan pilot for cost-effectiveness and impact on residential ratepayers, (2) appropriate review and approval of climate change program costs for only those programs that have been vetted by stakeholders and approved by the PSC regarding benefits to ratepayers and DC Government, (3) adequate reliability and resiliency measures, and (4) ultimately, affordability.

5. Preventing Disconnections

OPC will continue through case management and outreach to prevent utilities from disconnecting consumers' electric, gas, water, and phone services by identifying available assistance programs and negotiating payment plans. OPC will explore opportunities to collaborate with the utilities to prevent disconnections, decrease the number of delinquent utility accounts, and limit the impact the delinquent accounts may have on future ratemaking cases.

B. OPC's update on how it addressed the top priorities for 2022

1. Ratemaking – OPC fully litigated the Pepco rate case and appealed three issues to the DC Court of Appeals. The Court found in favor of OPC and remanded the case back to the Public Service Commission to adjust its order in accordance with the Court's decision.

2. District Climate Change Actions – This proceeding is for climate policy to consider whether and to what extent utility or energy companies under our purview are meeting and advancing the

District's energy and climate goals. In the past year, OPC successfully partnered with the Apartment and Office Building Association of Metropolitan Washington, Chesapeake Solar and Storage Association, DC Climate Action, the District of Columbia Government, and Sierra Club to request that the Commission clarify that Pepco is statutorily prohibited from owning generation assets. Per order, Pepco and WGL each filed 5-year climate plans, 30-year climate plans and supporting documentation. OPC filed detailed comments on each of these filings supported by expert affidavits. OPC's comments centered on developing just, equitable, resilient, and cost-effective climate solutions and argued for coordination among utilities and uniform and rigorous cost benefit analysis of utility applications through adoption of the recommendations of the working group in GD2019-04-M. In response to a Commission request for briefs, OPC also provided briefing and reply briefing on the Commission's legal basis for an order on electrification-related utility programs. We are awaiting Commission direction on next steps in this proceeding. In the coming year, OPC will continue to advocate in Formal Case 1167 for utility climate change planning that supports the District's ambitious climate change goals in a just, coordinated, and cost-effective manner that addresses environmental injustice and advances racial equity.

3. District Climate Change Actions - In this proceeding the Energy Efficiency and Demand Response (EEDR) working group is developing long-term and annual energy savings metrics, quantitative performance indicators, and cost-effective standards to be adopted by the Commission for electric company or gas company energy efficiency or demand response programs. In the past year, Pepco applied for approval of a suite of EEDR programs. OPC filed detailed comments supporting some programs and opposing others based on cost, equity, and role-of-the utility related considerations. While the Commission initially agreed in part with OPC, it has now withdrawn that order based on Pepco objections and we are awaiting further PSC action. On the gas side, WGL has completed its EEDR potential study and is developing a program application. In the coming year, OPC will continue to advocate in Formal Case 1160 for energy efficiency and demand response programs that support the District's green economy, are cost-effective, best advance the District's climate change goals and benefit consumers.

4. District Climate Change Actions – In the past year OPC has educated consumers on new federally-funded clean energy and energy efficiency incentives. OPC will increase this education and outreach in the coming year.

5. Interconnection Petition – On March 22, 2022, OPC and the Office of the Attorney General filed a joint petition requesting the DC Public Service Commission to investigate Pepco's repeated failure to comply with District law governing Community Renewable Energy Facilities.

6. Consumer Services Division & Water Services Division Education and Outreach strategy – CSD & WSD executed an outreach strategy to notify consumers of the lifting of moratoriums on disconnections and the resumption of utility services shutoffs. In FY 22, CSD and WSD participated in 424 outreach events that educated consumers on the disconnection process, the

available assistance programs, and the recommendation that the consumers act now and be proactive. The divisions also collaborated with OPC's Communication Division to share information over social media, in the monthly OPC Connection newsletter, and in consumer alerts. Staff attended events that utilities hosted to provide information about payment plans.

7. *Case Management - OPC's Consumer Services and the Water Services Divisions provided exemplary case management. Both divisions managed 3,317 cases. Because of the influx of cases, OPC hired temporary employees to assist in the intake process and case management.*

8. *Water Affordability Study: OPC's water affordability study has been completed. The purpose of the study is to define affordability as it relates to current and future DC Water consumers and propose recommendations to make water services more affordable. OPC has used the study to inform its development of advocacy policies pertaining to water service affordability for DC Water consumers. OPC has used the study in its consideration of ways to enhance customer assistance programs to address water affordability. In the DC Water CARES Customer Assistance proceeding at DC Water in 2021, OPC advocated for DC Water to consider best practices from other jurisdictions to assist consumers, as outlined by the study. OPC advocated for DC Water to consider additional mechanisms to assist consumers, such as arrearage forgiveness programs. In 2022, OPC's affordability study was discussed and considered at the National Energy and Utility Assistance Coalition (NEUAC) meeting and in the drafting of a resolution on affordability and equity by the National Association of Utility Consumer Advocates (NASUCA).*

9. *Plumbing Resources - Because of the influx of cases and outreach demand, OPC was unable to explore resources for consumers that live without running water because they lack the financial resources to pay for a plumber to fix a plumbing issue and consequently, are disconnected for nonpayment of high bills.*

52. Please list each new program implemented by OPC during Fiscal Year 2022 and Fiscal Year 2023, to date. For each initiative, please provide:

- a. A description of the initiative, including whether it is related to the COVID-19 Pandemic or recovery efforts;**
- b. The funding required to implement to the initiative and the source of such funding; and**
- c. Any documented results of the initiative.**

Climate Change and Equity Initiatives:

OPC has engaged a vendor and is in the midst of planning a youth-oriented climate change conference for April to empower youth to advocate for climate change solutions and take part in the green economy.

OPC is also in the midst of planning an interactive/participatory community education program on the meaning of environmental justice.

OPC's Climate Change Section completed a Consumer Blueprint for Deep Decarbonization in the District of Columbia to aid OPC's evaluation of consumers' interests in potential plans to achieve net zero District carbon emissions by 2050.

OPC has educated consumers about newly available federal tax credits and rebates for clean energy technology and energy efficiency and will continue this initiative in the coming year.

There was no rate case decided in FY 22.

The Court of appeal case was decided in FY 23 and even that is not finalized.

53. Describe how OPC measures programmatic success and discuss any changes to outcomes measurement in Fiscal Year 2022 and Fiscal Year 2023, to date.

Programmatic success is measured in the Consumer Services Division and Waster Services Division through the number of consumer complaints as well as the number of consumer education and outreach events. In FY 22 and FY 23 to January 31, 2023, OPC received over 4,529 consumer complaints. For FY 22, the complaints have increased dramatically, to date, which is an 88% increase over the prior year in CSD and 70% in WSD. In FY 22, CSD and WSD hosted or joined 424 community outreach events; and participated in 69 outreach events in FY 23. Our team will continue to monitor the increase in complaints and add temporary staff to assist with the influx of case management. Additionally, we are being strategic with our approach to community outreach through the remainder of the fiscal year.

54. Describe the top metrics regularly used by the Office to evaluate its operations. Please be specific about which data points are monitored by the Office.

OPC converted from the IQ platform to Service Now (CMS) case management system in FY22. In FY 22, the Office made improvements and upgrades to the IQ- consumer complaint template and fields. The upgrades allows staff to input complaint information more quickly and accurately, and includes DEI information. By improving the template and fields, staff can create new and improved

consumer reports from the CMS complaint data. The improvements with CMS allow CSD and WSD to track meetings attended by staff members, outreach event topics, community concerns, and questions asked during educational and outreach meetings.

Metrics include 1) consumers' names, 2) contact information, other demographic indicators, 3) types of utility complaints, 4) the utility company's response to OPC's inquiry, and 5) the complaint resolution. This information can be used as background for legal filings and office policy development.

OPC averages between 1,500 and 2,000 consumer complaints received and resolved each fiscal year. For FY 22, OPC received 3,317 consumer complaints. CSD and WSD staff project a similar number of consumer complaints with a focus on financial assistance requests, pending disconnections, and disconnections.

Seniors and low- and moderate-income utility consumers present the traditional types of utility complaints. However, a younger, more affluent consumer, which is redefining the District's population profile, often present different types of utility complaints. Those complaints frequently follow a pattern, concomitant with consumers' income, ward, and neighborhood. These patterns can be useful in determining baseline complaints projections for FY 23.

55. Please list any task forces and organizations of which the Office is a member.

OPC is a member of the following:

- 1. DC Sustainable Energy Utility*
- 2. Cleaner Energy States Alliance (CESA).*
- 3. PJM and Consumer Advocates of the PJM States (CAPS),*
- 4. PJM Markets and Reliability Committee*
- 5. DOE's (Lawrence Berkely) Interruption Cost Estimate (ICE) Calculator Advisory Committee,*
- 6. The Solar Energy Innovation Network (SEIN) through CESA,*
- 7. 100% clean energy collaborative (through CESA),*
- 8. Smart Electric Power Alliance (SEPA)*
- 9. Association of Climate Change Officers (ACCO)*
- 10. DC Flood Task Force (DOEE)*
- 11. Smart Energy Consumer Collaborative*

12. *National Energy and Utility Affordability Coalition (NEUAC)*
13. *National Association of State Utility Consumer Advocates (NASUCA)*
14. *National Association of Regulatory Utility Commissioners*
15. *Federal Communications Commission's Consumer Advisory Committee*
16. *Undergrounding Project Consumer Education Task Force (UPCE)*
17. *Pilot Project Governance Board*
18. *Deep Energy Retrofit Task Force*
19. *Solar for All Task Force*
20. *NASUCA Consumer Protection Committee*
21. *NASUCA Distributed Energy Resources (DER) Committee*
22. *NASUCA Gas Committee*
23. *NASUCA Telecommunications Committee*

56. Please explain the impact on OPC of any legislation passed at the federal level during Fiscal Year 2022 and Fiscal Year 2023, to date, which significantly affected OPC operations.

In November 2021, the Infrastructure Investment and Jobs Act (IIJA) was signed into law. The law proposes to provide the District of Columbia with funds that can be applied to utility infrastructure. In August 2022, the Inflation Reduction Act of 2022 (IRA) was signed into law. The IIJA and the IRA have billions of dollars available for utility infrastructure projects. In July 2022, the DC Public Service Commission established Formal Case No. 1172. In this docket, Pepco and Washington Gas Light are required to notify the Commission and OPC about:

- a. Funding for which Pepco and WGL have applied from the IIJA or IRA,*
- b. Purposes for which the funding is intended to be used and its connection to achieving the District's climate commitments and the utility's capital investment plan*
- c. Status of funding applications*
- d. Conditions that must be met to obtain the funding*
- e. Information on whether a particular planned project has funding implications with respect to future rate cases*

At this time, final decisions have not been made as to the specific programs that that will be funded from these two pieces of federal legislation. Therefore, it is unclear how those funds from either legislation will be used in existing or new utility construction projects or the impact it will have on OPC's policies.

57. Please describe any steps OPC took in Fiscal Year 2022 and Fiscal Year 2023, to date, to improve the transparency of OPC operations.

Steps taken to improve transparency of agency operations include expanded use of our communications protocols such as social media utilization; directing multilingual outreach by translating press releases, consumer advisories and other materials in seven languages; publishing the monthly OPC Connection newsletter; scheduling the People’s Counsel for radio, television, and newspaper interviews; and producing the OPC Radio Connect Podcast airing on DCradio.gov and DC Radio 96.3 HD4, and on popular podcast apps.

Even as community organizations like ANCs have returned to in-person meetings, many are still zooming in virtually or in hybrid set ups. As a result, OPC has been able to participate in an increased number of community meetings and forums and has utilized the opportunity to expand our outreach to a greater number of utility consumers. Our visibility has increased, providing a greater number of District of Columbia residents the opportunity to learn about OPC’s services.

58. Please identify all electronic databases maintained by the Office, including the following:

a. A detailed description of the information tracked within each system;

The Consumer Information Database is used for logging, tracking, and compiling District utility consumers’ inquiries and complaints about the District’s utility service providers. Inquiries and complaints are received by telephone, email, facsimile, in person at the Office, community meetings, and by referral from DC Council offices and other District government agencies. The CID also allows the Consumer Services Division to track by ward education and outreach meetings attended, the subject matter or purpose, and community concerns and questions raised during meetings. The CID tracks consumer complaints taken in various languages (per the DC Language Access Law). OPC staff use the information to develop a chronology of how OPC staff resolve individual consumer complaints. The information contained within the CID includes the individual consumer’s name, address, telephone number(s), gender, account number, type(s) of complaints, the applicable utility, and results of the staff interaction with the complainant and utility company representatives. For reporting purposes, consumer complaints data can be retrieved daily, monthly, quarterly, and yearly.

b. The age of the system and any discussion of substantial upgrades that have been made or are planned to the system; and

OPC’s Consumer Information Database has been utilized for 24 years. The CID was created in 1998 to be the repository of confidential information provided by consumers regarding disputes with utility companies. The Office has upgraded the CID to ServiceNow. ServiceNow enables OPC to be more responsive to internal and external customers on a timelier basis. ServiceNow also

provides the ability to manage information, track processes, and measure performance more effectively. ServiceNow will log, track, and compile District utility consumers' inquiries and complaints about utility service providers. ServiceNow also allows staff to track by ward education and outreach meetings attended, the subject matter and purpose, and community concerns and questions raised during meetings. ServiceNow will track consumer complaints in various languages (per the DC Language Access Law). OPC staff use the information to develop a chronology of how they resolve individual consumer complaints. The information contained within ServiceNow includes the individual consumer's name, address, telephone number(s), gender, account number, type(s) of complaints, the applicable utility, and results of the staff interaction with the complainant and utility company representatives. For reporting purposes, consumer complaints data can be retrieved on a daily, monthly, quarterly, and yearly basis.

c. Whether the public can access all or part of each system.

The public cannot have access to the database.

- 59. Please provide a detailed description of any new technology acquired in Fiscal Year 2022 and Fiscal Year 2023, to date, including the cost, where it is used, and what it does. Please explain whether there have there been any issues with implementation.**

The Office of the People's Counsel did not have any new technology in the Fiscal Year 2022 and Fiscal Year 2023 to date.

- 60. How many in-person training programs took place in Fiscal Year 2022 and Fiscal Year 2023, to date?**

The Agency conducted one in-person training in FY 2022 for Consumer Services Division and Water Services Division (Retreat) provided by training firm. No in-person trainings in FY 2023 to date.

- 61. What training deficiencies, if any, did OPC identify during Fiscal Year 2022 and Fiscal Year 2023, to date?**

OPC did not have any training deficiencies during Fiscal Year 2022 and Fiscal Year 2023 to date.

Legislative and Regulatory Requirements

- 62. Please identify any legislative requirements that OPC lacks sufficient resources to properly implement.**

Pursuant to the "DC Water Consumer Protection Amendment Act of 2018" (D.C. Code §34-2201.01), OPC's Water Services Division was established in FY 2019. The act requires OPC to

prepare and submit to the Mayor and DC Council a study of, and recommendations on how to improve, DC Water’s billing activities, meter reading accuracy, and customer service complaints. When OPC received the FY 2020 local budget on Oct 1, 2019, the one-time funds to conduct the audit had been removed. These funds have not been replaced.

- 63. Please list all regulations for which OPC is responsible for oversight or implementation. Please list by chapter and subject heading, including the date of the most recent revision.**

OPC does not have direct oversight or implementation authority for any rules. However, as the advocate for utility consumers, OPC vigorously seeks to protect ratepayers’ rights by using, among other things, the rules contained in Title 15 of the District of Columbia Municipal Regulations (the rules of the District of Columbia Public Service Commission), Title 21 of the District of Columbia Municipal Regulations (the rules of the District of Columbia Water and Sewer Authority), and Title 18 of the Code of Federal Regulations (the rules of the Federal Energy Regulatory Commission).

- 64. Please identify any legislation and regulations OPC plans to introduce during the remainder of Fiscal Year 2023.**

OPC has no plans to introduce any proposed legislation or rule changes during the remainder of Fiscal Year 2023.

- 65. The “DC Water Consumer Protection Amendment Act of 2018” requires OPC, or a contractor selected by the OPC, to 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. Last year, OPC stated that the Office is unable to complete the study due to lack of funding. Has funding for this study been restored?**

No.

Consumer Issues

- 66. To the extent permissible, please provide an explanation of the role the OPC is playing in the following:**

- a. Formal cases before the Public Service Commission;**

As the statutory advocate for District ratepayers, OPC is a party of right and an active participant in every formal case before the Commission. They includes:

Rate cases e.g.: Formal Case No. 1169 WGL rate case; Formal Case No. 1156 Pepco’s Multi-year Rate Plan; Climate and Environmental cases e.g.: Formal Case No. 1148 –Energy Efficiency and Energy Conservation Task Force; Formal Case No. 1155 – the Matter of the Application of the

Potomac Electric Power Company for Approval of Its Transportation Electrification Program; Formal Case No. 1160 – In the Matter of the Development of Metrics for Electric Company and Gas Company Energy Efficiency and Demand Response Programs Pursuant to Section 201(B) of the CleanEnergy DC Omnibus Amendment Act of 2018; Formal Case No. 1163 - In the Matter of the Investigation into the Regulatory Framework of Microgrids in the District of Columbia; Formal Case No. 1167 – In the Matter of the Implementation of the Climate Business Plan; Compliance cases e.g.: Formal Case No. 1157, Removal of Mercury Service Regulators; Investigations e.g.: Formal Case No. 1171, Community Renewable Energy Facilities Petition; Infrastructure cases e.g.: Formal Case No. 1154, Project Pipes II and Advanced Leak Detection: Federal Infrastructure Funding e.g.: Formal Case No. 1172; Customer focused cases e.g.: Pilot Project Governance Board, Formal Case No. 1130, Customer Impact Working Group; Formal Case No. 1125 Utility Discount Program Working Group

In each of these cases, OPC thoroughly investigates any proposal put forth by the utility, the Commission, or stakeholders, to ensure that the results will be in the best interest of District ratepayers. OPC’s mission is to ensure that the proposals before the Commission will assist with providing safe and reliable utility service, will advance the District’s climate and environmental policy goals, will positively benefit the economy, and will provide equitable access and opportunities to ratepayers in all eight wards. Moreover, any resulting impacts must be just and reasonable. OPC often takes a leadership role in cases, and several of its staff members have been selected to chair or provide an executive role in working groups.

In addition to litigation, negotiation, and participating in working groups before the Commission, OPC also plays a role in educating the public about the issues that are being addressed in formal cases. Such education includes explanations of both the benefits and the impacts of the proposals on ratepayers. OPC has provided briefings and fact sheets to DC Council staff, ANC Commissions, and various public organizations.

b. The DC PLUG Program; and

Status of construction for DC PLUG

Formal Case No 1168 (DC PLUG program) aims to underground some of the most vulnerable feeders to increase resiliency and reliability during severe weather events. On January 27, 2022, the Commission issued Order No. 21105, approving the Joint Applicants’ Third Biennial Plan, the Underground Project Charge, the imposition of the DDOT Charge on Pepco, and the Underground Rider.

The People’s Counsel testified during the January 11, 2022, virtual public hearing prior to the adoption of the Third Biennial Plan. OPC raised objections related to technical and other aspects of system design, construction, and operation as well as certain aspects of the proposed communications plan. The Office contends that DC Plug stakeholders should fully and carefully

evaluate the costs and benefits of the solutions it evaluates and identify clear, targeted benefit(s) that District ratepayers can expect from such solutions. Further, OPC contends that DC Plug stakeholders should determine whether new technologies to improve reliability are available, the costs of new infrastructure projects unrelated to undergrounding, the costs of meeting new climate demands and the economic impact of the global pandemic. OPC staff members were present during the semi-annual meeting held on December 15, 2022.

During 2022, some progress was made towards undergrounding feeders listed in the first and second biennial plan. There are four phases of undergrounding that the Company reported on over the course of the year. Those phases are civil engineering, civil construction, electrical engineering and electrical construction. With respect to the first biennial plan, six feeders were identified. Feeder 308 was completed prior to 2022. The one with the most progress is Feeder 14900. The civil construction for Feeder 14900 (first biennial plan) was completed and the Pepco anticipates that the electrical construction will wrap up in the first quarter of 2023. Feeder 368 is in the electrical construction phase. The remaining three feeders are either in the civil engineering or construction phase. With respect to the second biennial plan, the nine feeders identified are in various stages of civil engineering with plans to have civil construction completed in 2023 or 2024. The feeders identified in the third biennial plan are all in the procurement stage of the civil engineering phase of undergrounding.

Status of outreach and education

Joint applicants Pepco and DDOT continue their engagement of District of Columbia businesses by providing a Contractor's Forum for CBEs on the DC PLUG initiative virtually on June 3, 2021. This event was attended by 57 firms. The DC PLUG Team also participated in DBE events in 2022, including the DDOT DBE Virtual Networking Event, held on May 18, 2022, and DDOT's 12th Annual DBE Summit & Networking Event, held on November 4, 2022. The Joint Applicants also regularly communicate upcoming IFB with the DC National Utility Contractors Association (NUCA) and the DC Department of Small and Local Business Development (DSLBD). The Joint Applicants planned another Contractor Forum for January 2023. To date, 99% of the contract spend has been to CBEs.

Community Outreach & Education

The DC PLUG team continues to engage Council members, ANCs and community members, virtually, and has provided stakeholder outreach in the form of emails, door hanger deliveries and/or outbound phone calls. Regular stakeholder outreach corresponds with design and construction milestones for each feeder, and touchpoints are identified in the DC PLUG Education Plan. The DC PLUG Team launched a new, interactive DC PLUG website in April 2022 and actively maintains the website and email account to address stakeholder concerns. Revised educational materials were recently developed, including FAQs, a fact sheet, and an infographic.

c. Ensuring District utility consumers benefit from the District's solar programs.

OPC continues to serve District utility consumers as a whole, with particular focus on ensuring our vulnerable residents are well informed and educated about myriad energy issues such as, solar installation, solar plus solar battery storage, electric vehicles and electric charging stations and myriad available no-cost government energy efficiency rebates and renewable energy programs; helping to keep them updated with evolving energy patterns for direct applications to their homes for energy savings.

DC Solar for All, an important program, helps to level the playing field for less fortunate residents by providing free solar installation on the roofs of their homes with energy credits being directly applied to their heating and or cooling bills. SFA is one of two areas or programs that OPC believes is making a significant difference in building parity to benefit LMI DC residents.

Specifically, through its collaboration with Groundswell (a SFA solar installer) and continuing outreach to faith-based groups, OPC was instrumental in obtaining the participation of St. Luke Baptist Church (Ward 4) in the SFA program, resulting in energy credits benefiting 15 low-income church members and other eligible communities across DC. Participants received an estimated \$6,700 annual energy bill savings. OPC regularly partners with DOEE to share SFA information about community solar programs and how participation can help underserved residents reduce high heating and cooling bills. OPC's most recent faith based SFA solar installation is a 254 Kw solar canopy on the parking lot of Sargent Memorial Baptist Church, (Ward 7) that allows 65 qualified low-income church members and other community members to each receive up to \$500 annually in energy credits on their electric bills. Further, OPC fields solar complaints about solar interconnection upgrade issues, proposed additions or "bump-ups" to existing residential solar installations, solar ownership and property sales, among other concerns raised by households, realtors and others seeking OPC assistance.

Moreover, OPC's "DC Consumer's [Guide](#) to Going Solar" is an educational tool with valuable information to help consumers decide if solar is a good energy option for their household.

67. Please provide a detail narrative of how OPC handles consumer complaints.

By District law, OPC is the advocate for District residents who use natural gas, electricity, water, and local telephone services. One element of OPC's role as utility consumer advocate is to resolve individual consumer complaints against utility companies. Consumers' complaints require negotiations between OPC staff and utility company representatives to resolve disputes. OPC receives complaints by phone, fax, in person, through the opc-dc.gov website, from other District government agencies, DC Council offices, and social services agencies. OPC staff interviews the consumer to get details about their complaint. Staff explains OPC's informal complaints resolution process with the complainant, including a timeframe when staff will provide the complainant with the investigation findings. OPC staff then initiates an investigation of the complaint through the

utility company. The company's findings are reviewed with the consumer. Depending on the utility company's response, OPC may then find it necessary to ask utility company representatives additional follow up questions. OPC's intervention can usually resolve a dispute in the informal complaint resolution phase. However, if the consumer is not satisfied with the results of the informal complaints resolution findings, staff will inform the complainant that they can request the Public Service Commission open an investigation. The PSC's findings may result in scheduling a prehearing conference. The PSC prehearing conference is mediation between the consumer and the utility company. OPC staff can attend the pre-hearing conference but does not represent the consumer. The PSC staff person will render a decision on the complaint. If dissatisfied with the decision, the consumer can request a formal hearing. At the consumer's request, an OPC attorney may review the case. Based on the merits of the case, OPC may represent the consumer at the formal hearing.

DC Water is not under the jurisdiction of the PSC. Thus, the process is different if the consumer is not satisfied with the results of the informal complaint resolution. The consumer, with the assistance of OPC's staff, will file a petition for an administrative hearing. The consumer has 15 days from the issuance of the bill investigation report to file a petition for an administrative hearing. At the consumer's request, an OPC attorney may review the case. Based on the merits of the case, OPC may represent the consumer at the administrative hearing.

a. How many consumer complaints did OPC receive during Fiscal Year 2022 and Fiscal Year 2023, to date?

OPC received a total of 4,520 consumer complaints for FY 22 and FY 23 through 1/31/23. They include 1,174 water complaints and 3,346 energy complaints.

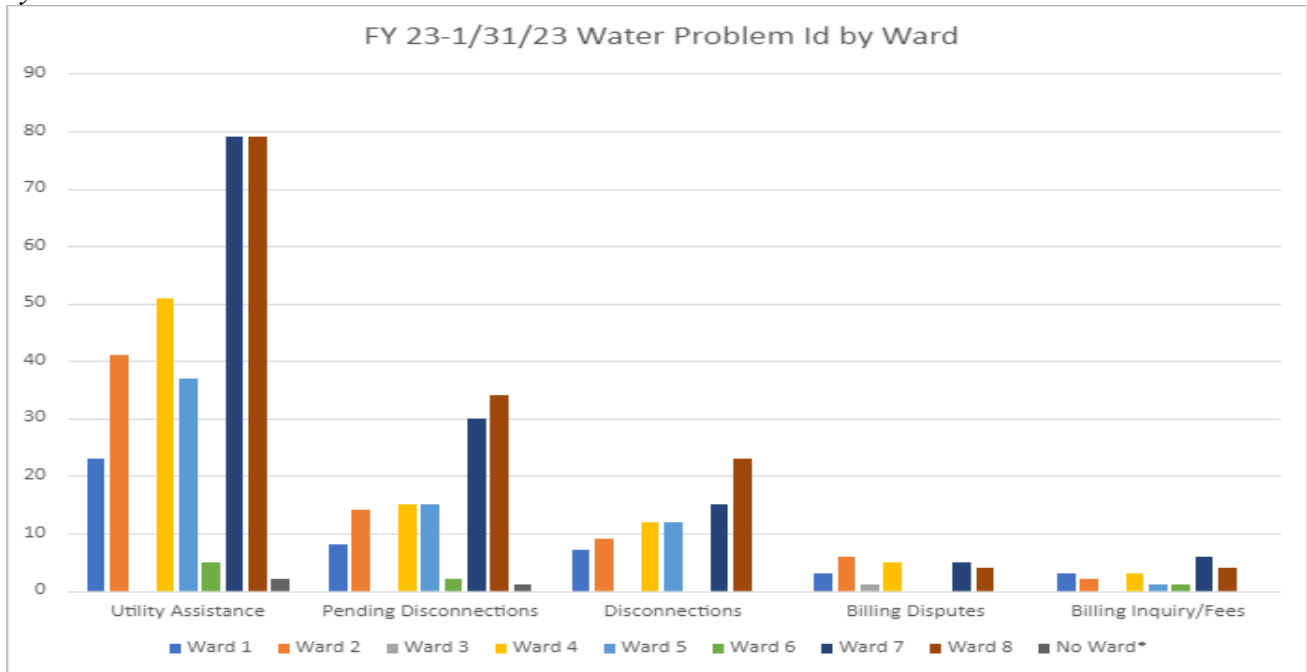
b. Has OPC identified any trends in complaints? If so, please explain.

For FY 22, the complaints have increased dramatically. We received an 83% increase in all consumer complaints over the prior year. From October 2022 to January 2023, OPC already has 1,184 cases and is on pace to reach or exceed FY 22 numbers. The expiration of the disconnection moratoriums was tied to 79% of complaints as consumers sought help with getting utilities restored, averting pending disconnections, and bill payment assistance. From FY 22 to January 31, 2023, OPC received 5,312 consumer complaints on utility assistance, pending disconnections, and disconnections. Many consumers need assistance to pay their bills, prevent disconnection, and restore services. OPC expects this trend to continue through FY 23 and the following fiscal years.

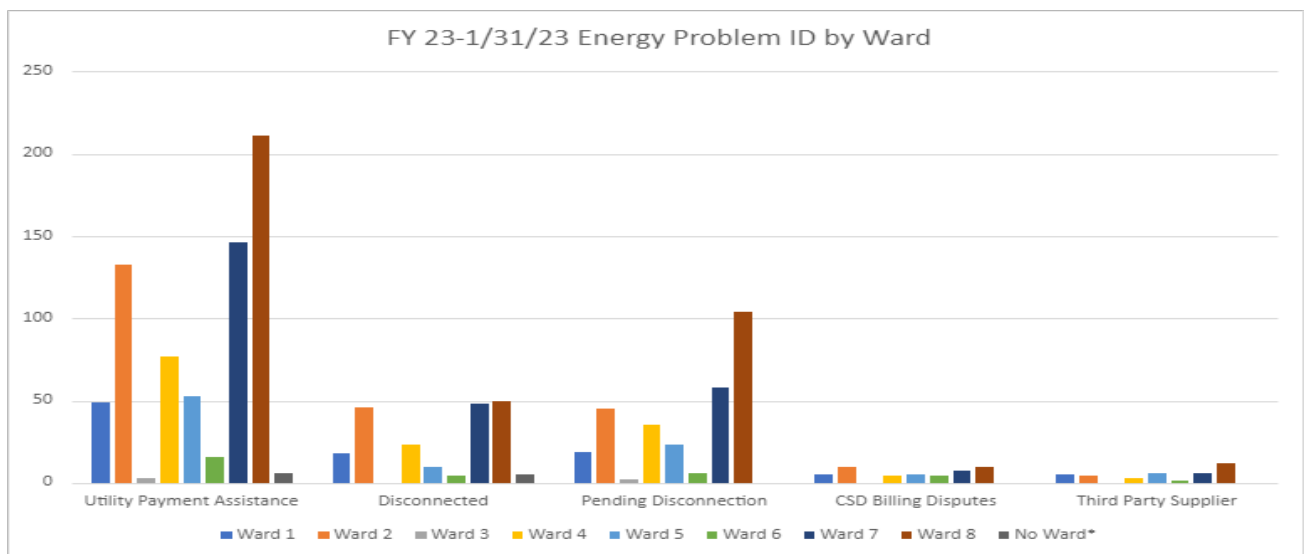
68. Please provide a list of consumer complaints OPC advocated for on behalf of District residents in Fiscal Year 2022 and Fiscal Year 2023, to date. Please provide a detailed explanation of the outcome of those complaints.

a. Please provide a Ward breakdown of consumer complaints.

With OPC’s new software system, we were able to provide a breakdown of the consumer complaints by wards for FY 23. The below graph shows the top five water consumer complaints by ward.



The graph shows that utility assistance, pending disconnections, and disconnections are the highest complaints. And Wards 7 and 8 have the highest consumer complaints for those three categories. The second graph shows the top five energy consumer complaints by ward.



Like water consumer complaints, the energy consumer complaints graph shows that payment

assistance, pending disconnections, and disconnections make up the highest number of complaints. Wards 7 and 8 have the most complaints for those three categories. OPC will continue to focus outreach efforts in Ward 7, Ward 8, and across the District to ensure consumers are aware of ways to prevent disconnections or restore their services.

PEPCO & WASHINGTON GAS

<i>Type of Complaint</i>	<i>Complaint Outcome</i> <i>“Contact utility company’s Special Investigations Team and...”</i>
<i>Utility Payment Assistance</i>	<i>Investigate case to determine the origin of the payment problem, and offer an appropriate solution (locate last payment, payment arrangement, meter test, social service assistance, etc.)</i>
<i>Billing Dispute</i>	<i>Investigate case to determine the cause of the high bill, and offer an appropriate solution (Third Party Supplier contract cancellation, payment arrangement, meter test, social service assistance, etc.)</i>
<i>Disconnection</i>	<i>Investigate case to determine the cause of the disconnection, and assess the consumer’s situation to determine the best course of action for reconnection (payment arrangement, social service assistance, etc.)</i>
<i>Smart meter kilowatt consumption accuracy</i>	<i>Request consumer bill statements (range varies) for review of usage trends and variances; request a referee meter test from the PSC.</i>
<i>Contacting a customer service representative by phone</i>	<i>Share the consumer’s original issue; file a complaint on the consumer’s behalf regarding difficulty contacting the utility company.</i>

VERIZON

<i>Type of Complaint</i>	<i>Complaint Outcome</i> <i>“Contact utility company’s Special Investigations Team and...”</i>

<i>Poor copper phone line maintenance</i>	<i>Request service repair and file a complaint on the consumer's behalf regarding difficulty having service repair scheduled through customer service.</i>
<i>High cost of phone service repairs</i>	<i>Investigate charge accuracy and discuss possible bill credits or payment arrangement.</i>
<i>Phone service outages</i>	<i>Contact utility company's special investigations team and request an investigation into the cause of the frequent service issues.</i>
<i>Removal of copper phone lines without prior notification</i>	<i>Request an investigation into the line removal and request copper line restoration.</i>

THIRD PARTY SUPPLIERS (TPS)

<i>Type of Complaint</i>	<i>Complaint Outcome</i> <i>“Contact TPS’ Compliance Team and...”</i>
<i>Failure to differentiate between fixed and variable contract terms</i>	<p><i>Request enrollment information to see whether the consumer was informed of any change in rate amount and type (fixed or variable):</i></p> <p><i>If so, confirm that the customer would like the contract to be cancelled and the customer be returned to Pepco's Standard Offer Service.</i></p> <p><i>If not, request that the contract be cancelled, and the customer be returned to Pepco's SOS; request a rate recalculation to pre-enrollment pricing; have the refund sent directly to Pepco.</i></p>

<p>High energy bills after contracting with a TPS</p>	<p><i>Request enrollment information to see whether the consumer was informed of any change in rate amount and type (fixed or variable):</i></p> <p><i>If so, confirm that the customer would like the contract to be cancelled and the customer be returned to Pepco's SOS.</i></p> <p><i>If not, request that the contract be cancelled, and the customer be returned to Pepco's SOS; request a rate recalculation to pre-enrollment pricing; have the refund sent directly to Pepco.</i></p>
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DC WATER

<p>Type of Complaint</p>	<p>Complaint Outcome</p> <p>“Contact DC Water’s Constituent Services and...”</p>
<p>Utility Payment Assistance</p>	<p><i>Investigate case to determine the origin of the payment problem, and offer an appropriate solution (payment arrangement, meter test, social service assistance etc.).</i></p>
<p>Billing Dispute</p>	<p><i>Investigate case to determine the cause of the high bill, and offer an appropriate solution (payment arrangement, meter test, social service assistance etc.).</i></p>
<p>Disconnection notice</p>	<p><i>Investigate case to determine the cause of the disconnection notice, and offer an appropriate solution (payment arrangement, resources for fixing the link, and social service assistance etc.).</i></p>
<p>Disconnection</p>	<p><i>Investigate case to determine the cause of the disconnection and assess the consumer’s situation to determine the best course of action for reconnection (payment arrangement, social service assistance etc.).</i></p>
<p>Leak</p>	<p><i>Request consumer bill statements (range varies) for review of usage trends and variances; request an inspection from DC Water or a private plumber depending on the location of the leak.</i></p>
<p>Third Party Billing</p>	<p><i>Inform the consumer OPC’s Water Service Division does not have any authority over third party billers and provide available resources to the consumer.</i></p>

69. Please provide an update on the Pepco Rate Case.

In 2022, the Office completed its litigation before the DC Public Service Commission by filing an Application for Reconsideration on two issues. The Commission denied OPC's Application for Reconsideration. The Office appealed the Commission's order denying OPC's Application for Reconsideration to the DC Court of Appeals. OPC was successful before the DC Court of Appeals in having two portions of the Commission's decision rejected. The Court's decision directed the Commission to amend its order consistent with the Court's decision.

70. Please explain how OPC helps monitor the presence of competitive energy suppliers in the District marketplace. Has OPC received complaints related to competitive energy suppliers? If so, describe the nature of those complaints.

OPC monitors Third Party Suppliers' (TPS) marketing and sales activities in the District in several ways. Through its consumer complaints intake process and consumer education program, CSD staff can identify, and track practices and trends associated with the various TPS companies. The Office's CMS database is a repository for consumer inquiries and complaints. CSD staff regularly generate reports that define consumers' inquiries and complaints based on the specific TPS company, type of inquiry or complaint (e.g., deceptive marketing practices or failure to provide contract terms and conditions), frequency of complaints, and the complainant's ward. CSD staff can track TPS marketing and sales practices, particularly their "bad business practices," utilizing this information. Trends are identified, and information shared with the Office's attorneys to determine if legal intervention is necessary. As part of OPC's consumer education and outreach program, CSD staff participate in numerous events in all eight wards. It is through community meetings and outreach events that the Office gathers "real time" information from consumers affected by TPS marketing and sales practices. Staff also subscribe to neighborhood email listservs and message platforms such as Nextdoor to explore any unusual marketing tactics. OPC staff also monitor trade publications and company social media accounts for industry trends. Additionally, staff also have set google news alerts to inform OPC of any mention of TPS activity in the District of Columbia.

Additionally, the Office created a TPS team, comprised of Litigation and Consumer Services Division staff members, to monitor TPS activity and provide consumers with the information necessary to make an informed choice about their energy supplier. The TPS team has taken the initiative to reach out to representatives of all TPS licensed to provide residential energy to District consumers. The TPS team initiated a series of meetings and conference calls with company representatives to inform them about consumer complaint trends and educate energy suppliers on the Consumer Bill of Rights regulations that regulate their business practices. The Office regularly monitors the PSC website to identify which TPS are actively marketing energy services to residential consumers. The TPS Team maps TPS complaints to overlap marketing activity and types of complaints by ward. The team is in the process of preparing the Office's comprehensive TPS Strategic Plan.

OPC created a “Consumer’s [Guide](#) to Third Party Suppliers” to present tips for considering a TPS, consumer rights and responsibilities, and understanding energy bill charges. The guide is distributed at consumer education and outreach meetings and events and is on OPC’s website.

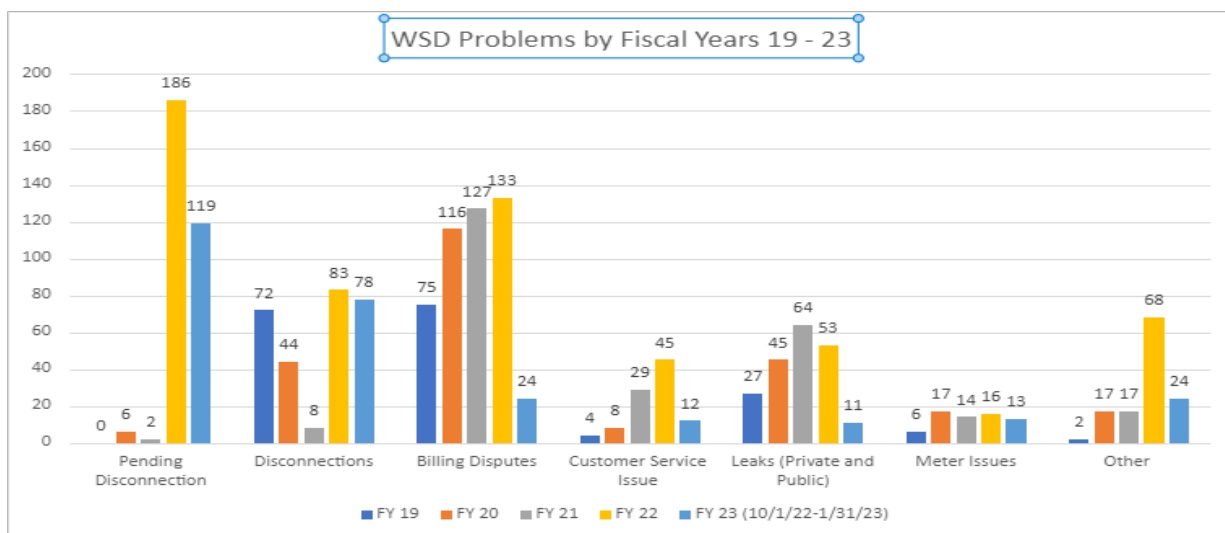
OPC’s Communications Division produced a segment on TPS issues on the OPC Radio Connect Podcast, which has been playing on DCradio.gov, DC Radio 93.3 HD4, opc-dc.gov, YouTube, and on podcast apps. OPC’s Communication Division disseminated alerts notifying consumers about questionable, deceptive, and aggressive marketing practices and scams by some third party suppliers.

OPC closely monitored TPS marketing practices during the COVID-19 pandemic as some used the crisis as an opportunity to take advantage of consumers. OPC also supported a door-to-door marketing ban during the beginning of the crisis to prevent transmission of the virus.

Through membership in the National Association of State Utility Consumer Advocates (NASUCA), the Office monitors TPS best practices in other jurisdictions.

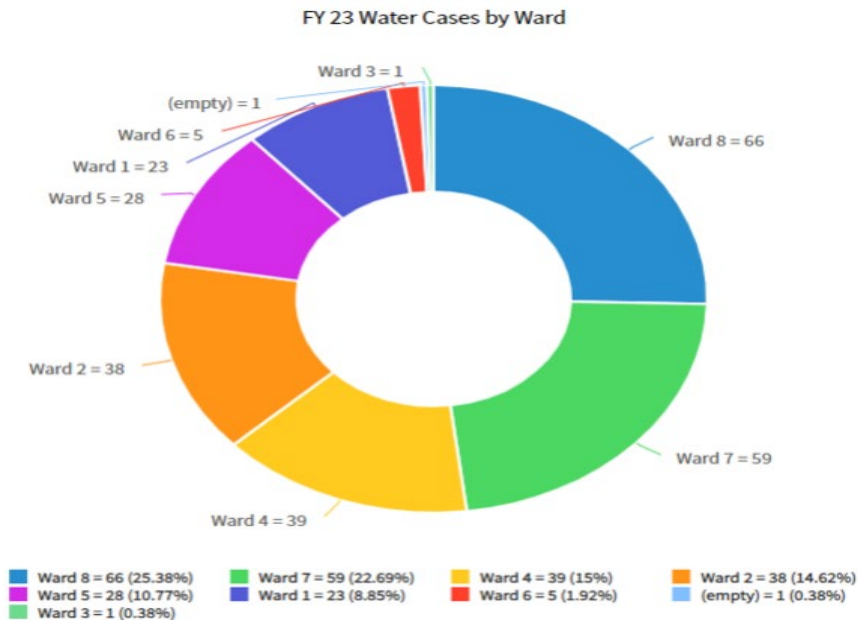
71. Please describe and provide data on the capacity and effectiveness of OPC at addressing complaints related to DC Water activities.

For FY 22, WSD received the most consumer complaints in its three years of experience. WSD received 824 consumer complaints, which was a 70% increase from FY 21. Because of the influx of cases, OPC had to hire temporary employees to assist the division with intake and case management. To see the growth of WSD, we graphed the top consumer complaints for FY 19 through FY 23.



Consumers complain about high bills, payment problems, disconnections, and inability to pay their bills. Our advocacy has halted disconnections and led to billing adjustments and restoration of water services. Our goal is to resolve consumer complaints as quickly as possible.

From FY 22 to January 31, 2023, WSD received 1,174 complaints. The complaint numbers show that water consumers need a voice with their water complaints, especially in preventing disconnections and restoring services.



For FY 23 to January 31, 2023, WSD received 350 water complaints. The chart shows that Wards 7 and 8 provide 48% of the water complaints. OPC's WSD will continue to target outreach events in Wards 7 and 8 to ensure consumers are educated and informed about their water utility rights.

In FY 2022, OPC's WSD had a limited presence onsite in the community because of the need to handle the high influx of cases in-house. WSD attended 24 events. Even with the influx of cases overwhelming the division, WSD participated in numerous virtual events. WSD staff joined ANC meetings, and nonprofit organization events, and partnered with government and non-governmental agencies, including the Department of Energy and Environment and the Office of the Tenant Advocate on consumer education initiatives. In FY 2022, WSD participated in a national campaign, "Imagine Living a Day Without Water," by interviewing consumers on the street about how they would live without water. And publicly presented four factors (lack of finances to pay for plumbing issues, climate change, access to clean water, and cost of water) contributing to DC residents living a day without water.

The Water Services Division continues to build a strong brand and provide essential services to consumers. WSD participated in monthly and quarterly meetings with DC Water and DOEE. Consumers have access to the Water Consumer Bill of Rights and DC Municipal Regulations on opc-dc.gov. WSD continues to explore this new frontier of water advocacy and identify ways to assist water consumers. We look forward to increasing our community outreach, resolving complaints more efficiently, and continuing to build upon OPC's history of consumer advocacy, protection, and education.

Additional Questions

- 72. What has the agency done in the past year to make the activities of the agency more transparent to the public? Please identify ways in which the activities of the agency and information retained by the agency could be made more transparent.**

Activities of the agency are being made more transparent through our communications protocols including expanding social media utilization; directing multilingual outreach by translating press releases, consumer advisories and other materials in seven languages; publishing the monthly OPC Connection newsletter; producing the “OPC Radio Connect” podcast airing on DC government websites, YouTube, HD radio, and podcast apps. Transparency also is achieved through setting up media interviews with the People’s Counsel and staff. They include interviews on WJLA-TV 7 on third party supplier utility scams, on WAMU-FM on problems with community solar connections to the Pepco grid, and the Street Sense Newspaper on utility bill payment programs that remain available since STAY DC ended. Our social media presence has grown with the increased use of Instagram to appeal to younger consumers. OPC will continue to use Instagram, Twitter, Facebook, and LinkedIn to be more transparent and attract new followers to raise awareness about OPC’s services and programs.

- 73. How does the agency solicit feedback from customers?**

OPC primarily solicits feedback from consumers through its consumer complaints resolution process. Complaint information provides feedback on the quality of consumers’ experiences with the District’s utility companies. Because of consumers’ feedback, OPC hosted a public meeting that focused on Verizon’s replacement of copper lines with fiber optics for landline telephones. Feedback is also solicited by staff attending ANC, civic and citizens association and faith-based organization meetings. Consumers also provide OPC staff with feedback at education and outreach events, by phone, fax, email and through social media. Traditionally, OPC provided surveys to consumers attending our forums and outreach events. The pandemic has limited in-person outreach, therefore, and we have been unable to use customer surveys for feedback purposes. We intend to resume this practice and may send out virtual surveys on our website or our monthly newsletter.

- 74. Has the agency changed any practices or procedures as a result of such feedback?**

Feedback from consumers is an essential element in developing OPC’s comprehensive education and outreach program procedures. That feedback provides staff with insights about complaint trends. For example, consumer feedback helped initiate OPC’s petition to the PSC for investigation of third party suppliers deceptive business practices. Consumer feedback, along with complaints data, was a basis for OPC initiating regular information exchange meetings with non-profit organizations and utility service providers. Also, consumers’ feedback motivated OPC to

host a community meeting that educated consumers on Verizon's replacement of copper lines with fiber optics on landline phones.

Consumer feedback and complaints trends are being used as a basis for OPC's advocacy and education policies and practices. OPC continues to build social media presence, therefore, prompting more consumers to seek help via Twitter and Facebook. Communications staff monitoring social media will subsequently refer the consumers to contact the office for assistance.

75. Please describe the personnel and funding required to continue the statutorily required activities of the DC Water Services Division.

In the FY 2024 budget, OPC requested an additional \$100,000 in the non-personal services base budget to support contractual support.

In FY 2023, the Water Services Division received an increase of approximately \$338,000 and three additional FTE positions. OPC was very appreciative of this increase, mainly in personal services funding, however, the non-personal service budget was not funded sufficiently.

The increase in personal services was justified with the increased amount of consumer complaints the office received in FY 2021 and FY 2022. Currently there are eight fulltime staff assigned to the Water Services Division.

An additional \$100,000 is needed for outside law firm and technical consultant support. OPC has one staff attorney in the Water Services Division which is currently vacant. Outside counsel and technical support will enhance the in-house staff attorney's representation towards the fulfillment of OPC's mission to protect the interests of DC Water ratepayers and consumers pursuant to the DC Water Consumer Protection Amendment Act of 2018.

As of March 16, 2021, OPC also monitors DC Water's compliance with the District of Columbia Water and Sewer Authority Omnibus Amendment Act of 2020 to ensure delivery of intended consumer benefits and protections.

The in-house attorney provides legal work, advice, and representation of the following:

- 1. all rulemakings and agency actions of DC Water*
- 2. DC Council proposed legislation pertaining to water issues*
- 3. advocacy at the DC Court of Appeals*
- 4. oversight of DC Water committee meetings and Board of Directors meetings and*
- 5. review, analysis, and recommendation regarding legislative matters.*

The additional funds will assist OPC's performance of the above referenced work by providing legal, technical, and financial expertise in analyzing DC Water rulemakings; activities of the DC Water Board and Committees, and reports produced by DC Water. In addition, the outside counsel and technical consultants can assist with the following:

1. *better regulation and enforcement of DC Water*
2. *analysis of federal legislation, regulation and initiatives that impact District water consumers*
3. *the impacts of environmental regulation*
4. *analysis of consumer assistance programs to benefit ratepayers, among other areas. OPC's advocacy in these areas will help focus on initiatives to advance racial equity in access to safe and affordable water utility service in the District. For example, legal and economic consultants supported OPC's representation of District water consumers in its review, analysis, and recommendations regarding DC Waters rate adjustment application. In addition, technical consultants conducted a water affordability study to better inform OPC development of advocacy policy for low-and moderate-income consumers in furtherance of OPC's efforts to ensure both affordable and equitable water service.*

In summary, an additional \$100,00 in the non-personal services base budget, contractual support, will greatly enhance OPC's ability to fulfill its mission. The funds are needed in its base budget annually, not a one-time enhancement.

76. Please describe how OPC engaged with consumers to inform them of the utility shut off moratorium and availability of payment plans.

Through advocacy, OPC worked with the utilities and DC Council to extend the disconnection moratoriums to springtime. When the disconnection moratoriums ended, OPC focused educating consumers through numerous virtual and in-person presentations, social media posts, and monitoring listservs. Before the moratoriums were set to end in October 2021, OPC mailed a post card to more than 330,000 households. The message advised consumers to pay as much as they could and to: "Be Prepared, Don't Be Left Without Services."

OPC continued to partner with the PSC, DCSEU, and DOEE on the #here2helpDC educational campaign to inform consumers primarily through social media about assistance programs and resources.

The People's Counsel appeared on numerous TV news programs and radio shows to raise awareness about disconnection prevention, bill payment programs, payment plan options, and conservation tips. OPC continues to work with consumers affected by the pandemic by negotiating with the utilities to help get them on payment plans, apply for financial assistance, learn about their rights as utility consumers, and we strongly encourage residents to be proactive and act now to prevent future disconnections.

77. Now that the shut-off moratorium has been lifted, how has OPC engaged with consumers to inform them that the protection is expiring.

a. How many consumers are impacted by the lifting of the moratorium?

There are many consumers impacted by the lifting of the moratorium. When the moratorium expired, OPC experienced an influx of calls from consumers seeking financial assistance to prevent disconnection or restore services. As of December 2022, and November 2022 for DC Water, these are the numbers of delinquent (in arrears) account:

<i>Washington Gas</i>	<i>PEPCO</i>	<i>DC WATER</i>
<i>22,838</i>	<i>79,737</i>	<i>54,917</i>

It is important to note that for DC Water 44,994 of the 54,917 are consumer accounts for residential properties.

b. What resources remain available for consumers with arrearages?

The moratoriums that was lifted primarily protected low-income consumers. OPC has been referring consumers needing financial assistance to the Low Income Heating and Energy Assistance Program (LIHEAP) and the Low Income Household Water Assistance Program (LIHWAP) administered by DOEE.

Once consumers are approved for LIHEAP or LIHWAP benefits, they become eligible for the Utility Discount Program (UDP). Eligible consumers under UDP pay lower utility rates. LIHWAP funding was exhausted in June 2022. There are other DC Water assistance programs, including the Customer Assistance Program (CAP), DC Water Cares, and DC Water Multifamily Assistance Program.

Aside from UDP, OPC refers consumers to the Salvation Army for the Washington Gas Area Fuel Fund (WAFF), Greater Washington Urban League for electric and water assistance; and notify consumers about the Pepco and Washington Gas Arrearage Management Program. OPC also sees the need for payment arrangements to be more realistic so that consumers can truly fulfill their debt obligations.

OPC consistently explores new funding options and partnerships that may benefit consumers. For example, the Latino Economic Development Center’s Homeowner Assistance Program and the East of the River and Brookland-Edgewood Collaboratives are resources.

OPC will continue to identify available assistance for consumers because there is a need for financial assistance to prevent disconnections or restore utility services.

c. Can OPC do more to create help consumers affected by the end of moratorium?

OPC's outreach team continues to participate in community engagement individually and through our partnerships with government and non-governmental agencies. Consumer services staff developed an outreach plan that increased the number of meeting participants in January 2022 and February 2022, allowing OPC to educate more consumers on the impact and resources available following the lifting the moratorium. OPC educates consumers on how to read their utility bills, consistently informs residents of available financial assistance, and gives them advise for applying for the programs that best suit their income and households. In addition, OPC may explore through legislative and legal advocacy how to reduce late fees and establish a financial assistance program that prevents disconnections. OPC already has communicated with Pepco and DC Water regarding the number of delinquent accounts, the impact of delinquent accounts, and the need for additional financial assistance programs.

Committee Recommendations

- 78. The Committee made the following policy and operating budget recommendations to the agency in its Fiscal Year 2023 Budget Report. Please provide an update on how the agency has addressed the Committee's recommendations.**
- a. The Committee recommends that OPC continue to provide support and guidance to residents regarding the lifting of the utility shut-off moratorium.**
 - b. The Committee recommends that OPC continue to engage in outreach to inform and educate District residents about Third Party Energy Suppliers, to help consumers make well-informed decisions and understand how their utility costs may be impacted.**

OPC continues its robust outreach program. From FY 22 to January 31, 2023, OPC hosted or joined 493 outreach events. OPC has focused on educating consumers through numerous virtual and in-person presentations, social media posts, neighborhood listserv messages, as well as monthly newsletters, and consumer alerts to more than 3,000 Constant Contact email subscribers. OPC continues to work with consumers affected by the pandemic by negotiating with the utilities to help get them on payment plans, apply for financial assistance, learn about their rights as utility consumers, and we strongly encourage residents to be proactive and act now to prevent future disconnections. OPC closely monitors list serv, social media and other consumer feedback on third party supplier issues and proactively informs consumers about TPS practices and provides tips for them to consider when considering switching to a TPS company. Also see response to question # 72.

The People's Counsel continues to take advantage of media opportunities to raise awareness about third party supplier practices, disconnection prevention, bill payment programs, and conservation tips.

OPC's Communications Division has teamed up with public information and public affairs officers in the DMOI Cluster to share information and best communications practices in order to support outreach staff who engage with consumers on myriad utility concerns.