

COUNCIL OF THE DISTRICT OF COLUMBIA

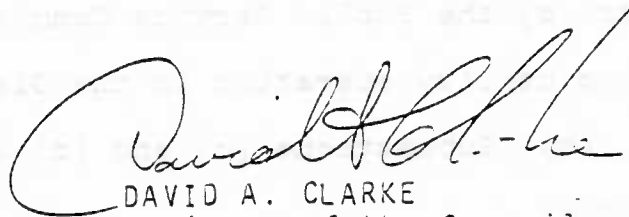
NOTICE

D.C. LAW 5-153

"Utility Regulatory Assessment Clarification  
Act of 1984".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 5-225 on first and second readings, October 23, 1984 and November 7, 1984, respectively. Subsequent to the Mayor's disapproval on November 30, 1984, the Council re-enacted Bill 5-225 on December 4, 1984 and this legislation was assigned Act No. 5-217. The act was published in the December 21, 1984 edition of the D.C. Register, (Vol. 31 page 6440) and transmitted to Congress January 8, 1985 for a 30-day review, in accordance with Section 602 (c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 5-153, effective March 14, 1985.

  
DAVID A. CLARKE  
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

January	22,23,24,25,28,29,30,31
February	1,4,5,6,7,19,20,21,22,25,26,27,28
March	1,4,5,6,7,8,11,12,13

LAW 5 - 1 5.3

EFFECTIVE DATE MAR 14 1985

AN ACT

D.C. ACT 5 - 217

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DEC 04 1984

To clarify the assessment authority of the Office of the People's Counsel; and for other purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Utility Regulatory Assessment Clarification Act of 1984".

Sec. 2. Section 1 of An Act To provide a People's Counsel for the Public Service Commission in the District of Columbia, and for other purposes, approved January 2, 1975 (88 Stat. 1975; D.C. Code, sec. 43-406), is amended as follows:

(a) Subsection (a) is amended by adding a new sentence at the end thereof to read as follows:

"The Office shall be a party, as of right, in any investigation, valuation, revaluation, or proceeding of any nature by the Public Service Commission of or concerning any public utility operating in the District of Columbia."

(b) Subsections (c) and (d) are amended to read as follows:

"(c) The People's Counsel is authorized to employ or to retain and fix the compensation of employees or independent contractors, including attorneys, necessary to perform the functions vested in the People's Counsel by this

D.C. Code  
sec. 43-  
Note,  
D.C. Code  
sec. 43-  
(1985 su

section, and paragraph 42 of section 8 of An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and fourteen, and for other purposes, approved March 4, 1913 (37 Stat. 984; D.C. Code, sec. 43-612), as amended by the Utility Regulatory Assessment Clarification Act of 1984, and prescribe their authority and duties.

"(d) The People's Counsel:

"(1) shall represent and appeal for the people of the District of Columbia at hearings of the Commission and in judicial proceedings in the District of Columbia courts when these proceedings and hearings involve the interests of users of the products of or services furnished by public utilities under the jurisdiction of the Commission;

"(2) may represent and appeal for the people of the District of Columbia at proceedings before related federal regulatory agencies and commissions and federal courts when those proceedings involve the interests of users of the products of or services furnished by public utilities under the jurisdiction of the Commission;

"(3) may represent and appear for petitioners appearing before the Commission for the purpose of complaining in matters of rates or services;

"(4) may investigate independently, or within the context of formal proceedings before the Commission, the services given by, the rates charged by, and the valuation of the properties of the public utilities under the

jurisdiction of the Commission; and

"(5) may develop means to otherwise assure that the interests of the users of the products of or services furnished by public utilities under the jurisdiction of the Commission are adequately represented in the course of proceedings before the Commission, federal or District of Columbia courts, or Federal regulatory agencies and commissions involving those interests, including public information dissemination, consultative services, and technical assistance."

Sec. 3. Section 8 of An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and fourteen, and for other purposes, approved March 4, 1913 (37 Stat. 974; D.C. Code, sec. 43-.01 et seq.), is amended as follows:

(a) Paragraph 5 (D.C. Code, sec. 43-504) is repealed.

D.C. Cod  
43-504  
repealed  
(1985 su

(b) Paragraph 19 (D.C. Code, sec. 43-518) is amended by designating the current paragraph as subparagraph (a) and by adding new subparagraphs (b) and (c) to read as follows:

D.C. Cod  
sec. 43-  
Note,  
D.C. Cod  
43-406  
(1985 su

"(b) A notice of filing of all reports, applications, petitions, tariffs, and all other documents that affect the interests of users of the products of or services furnished by public utilities under the jurisdiction of the Commission that are filed by any public utility with the Commission or with federal and District of Columbia agencies, courts, and commissions shall be concurrently served on the Office of the People's Counsel at the time of filing and shall include

the subject and purpose of the filing.

"(c) In connection with any investigation or proceeding under section 1(d)(1), (3), or (4) of An Act To provide a People's Counsel for the Public Service Commission in the District of Columbia, and for other purposes, effective January 2, 1975 (88 Stat. 1975; D.C. Code, sec. 43-406(d)(1), (3), or (4)), as amended by the Utility Regulatory Assessment Clarification Act of 1984, the Office shall have the right to obtain from the public utility investigated all information and documents reasonably relevant and material to the investigation or proceeding. Should any public utility refuse or fail to produce the reasonably relevant information or documents in a timely manner, the office may, by motion, petition the Commission to issue an order compelling its production. When necessary to protect the disclosure of trade secrets and other confidential research, development, or commercial information, the Commission may, where appropriate, issue a protective order placing conditions on the release of the information."

(c) Paragraph 29 (D.C. Code, sec. 43-528) is amended by designating the existing text as subparagraph (a) and adding a new subparagraph (b) to read as follows:

D.C. Code  
sec. 43-5  
(1985 sup

"(b) Summaries of all rate schedules, including all rates, explanations, and conditions of service, applicable as to the type of service received by a ratepayer shall be provided as of right by the public utility to any ratepayer upon request and without expense to the ratepayer."

(d) Paragraph 39 (D.C. Code, sec. 43-609) is amended to read as follows:

D.C. Code  
sec. 43  
(1985 s

"Par. 39. Notice shall be given to the public by the utility in each rate payer's billing envelope of every rate application or change in condition of service proposed and filed with the Public Service Commission. The notice shall be sent in the same billing period as the filing; no filing may be approved by the Commission without adequate time for ratepayer response. Each notice shall be sufficiently accurate and detailed for the rate payer to understand the filing, including the rate payer's specified affected interest. The notice shall provide the specific rate or service change affecting the rate payer, including the proposed percentage and dollar increase for the rate and rider category of the customer. For every proceeding in which the Commission has a public hearing, the public shall be given a timely opportunity to present its views, as evidence of record, with at least 45 days notice, with notice widely and publicly distributed in a form sufficiently detailed and complete to permit the public to realize its specific and affected interest."

(e) Paragraph 42(a) (D.C. Code, sec. 43-612(a)) is amended to read as follows:

D.C. Code  
sec. 43-  
Note,  
D.C. Code  
secs. 43-  
47-373,  
47-1813.  
(1985 su

"Par. 42. (a)(1) There are established within the District of Columbia Treasury two fiduciary funds to be known as the 'Public Service Commission Agency Fund' and the 'Office of the People's Counsel Agency Fund'. These funds shall be accounted for under procedures established pursuant

to the District of Columbia Fund Accounting Act of 1980, effective June 14, 1980 (D.C. Law 3-70; D.C. Code, sec. 47-371 et seq.), or any other applicable law. The Public Service Commission Agency Fund shall be used exclusively by the Commission for the payment of its expenses and the Office of the People's Counsel Agency Fund shall be used exclusively by the Office for the payment of its expenses arising from any investigation, valuation, revaluation, or proceeding of any nature by the Commission of or concerning any public utility operating in the District of Columbia, and all expenses of any litigation, including appeals, arising from any such investigation, valuation, revaluation, or proceeding or from any other order or action of the Commission. Expenses shall be deemed to include, but not be limited to, the cost of independent contractors, such as attorneys. Funding for both funds shall be provided through a special franchise tax which shall be paid by each public utility being investigated, valued, revalued, or otherwise affected through a proceeding of the Commission, subject to the limitations enumerated in sub-subparagraph (3). Any deposits made through this special franchise tax to each agency fund by any public utility may be amortized over whatever period the Commission shall deem proper and shall be allowed for in the rates to be charged by each utility.

"(2) When any such investigation, valuation, revaluation, or other proceeding of any nature is begun by the Commission or the Office of the People's Counsel, either the Commission or the Office of the People's Counsel shall,

according to rules issued pursuant to sub-subparagraph (5) of this paragraph, determine from time to time the reasonable and necessary expenditures required to fully carry out their respective statutory responsibilities with regard to such investigation, valuation, revaluation, or other proceeding. Once the Commission has determined its requirements, the Commission may call upon the utility in question from time to time for the prompt deposit of the special franchise tax deposit to the Public Service Commission Agency Fund determined by the Commission to be reasonable and necessary, subject to the limitations provided in sub-subparagraph (3). Once the Office of the People's Counsel has determined its requirements, the Office shall submit its determination for review by the Commission. Based on the record established by the Office's determination of its requirement for special franchise tax funds, the Commission shall review the Office's determination solely to determine whether it is consistent with the statutory authority of and rules issued by the Office, whether it is supported by findings, whether those findings are sustained by substantial evidence in the record submitted to the Commission, and whether it is within the limitations enumerated in sub-subparagraph (3). The Commission shall complete its review within 10 days (excluding Saturdays, Sundays, and holidays) of receipt of the Office's determination. After completing its review, the Commission shall either call upon the utilities for the prompt deposit of the special franchise tax deposit to the