


Chairman Phil Mendelson

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A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To require DC Water submit an annual report to the Council and the Mayor detailing consumer complaints, to grant the Office of People’s Counsel authority to represent District residents in matters related to DC Water and to educate District residents of their legal rights as it relates to DC Water, and to require DC Water give great weight to comments provided by the Office of People’s Counsel as relates to water and sewer rate setting.

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

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

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

“(i) On or before December 1, 2018, and by December 1 of every subsequent year, District of Columbia Water and Sewer Authority (“DC Water”) shall provide the Council and the Mayor a comprehensive annual report detailing customer inquiries and complaints received and the outcome of those matters.

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

36 “205a. Consumer protection, consumer education, rules.

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

41 “(1) Represent the interests and advocate for the people of the District of
42 Columbia at hearings before DC Water and the Board of Directors of DC Water (“Board”).

43 “(2) Represent and appear for petitioners, who are District residents, in matters in
44 judicial proceedings in the District of Columbia courts and in matters before federal regulatory
45 agencies and commissions and federal courts when those proceedings involve the users of the
46 products of or services furnished by DC Water.

47 “(3) Investigate independently complaints or disputes regarding DC Water as it
48 pertains to:

49 “(A) Billing and payments plans;

50 “(B) Service connection and disconnection;

51 “(C) Customer service;

52 “(D) Customer deposits; and

53 “(E) Construction schedules and notice.

54 “(b) DC Water shall provide the OPC access to any accounts, books, papers, and
55 documents which the OPC considers necessary to resolve a matter.

56 “(c) Within 14 days, DC Water shall respond to the OPC on the merits of any inquiry
57 posed by the OPC.

58 “(d) The OPC is authorized to advise and educate DC Water customers about their legal
59 rights and responsibilities pursuant to the rules governing service by DC Water.

60 “(e) The OPC is authorized to employ or to retain and fix the compensation of employees
61 or independent contractors, including attorneys, necessary to perform the functions vested in this
62 section.

63 “(f) The OPC is authorized to issue rules to carry out the provisions of this section.”.

64 (c) A new section 216b is added to read as follows:

65 “Sec. 216b. Notice and comments regarding rate setting.

66 “In any hearing to adjust retail water and sewer rates pursuant to section 216 the Board
67 shall:

68 “(1) Give great weight to any comments received from the OPC, a member of the
69 Council, and the Mayor; and

70 “(2) Respond directly to any comments received from the OPC.”.

71 Sec. 3. Applicability.

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

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

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

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

81 Sec. 4. Fiscal impact statement.

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

85 Sec. 5. Effective date.

86 This act shall take effect following approval by the Mayor (or in the event of veto by the
87 Mayor, action by the Council to override the veto), a 30-day period of Congressional review as
88 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
89 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
90 Columbia Register.