



Sandra Mattavous-Frye, Esq.
People's Counsel

May 4, 2020

Brinda Westbrook-Sedgwick
Commission Secretary
Public Service Commission of the
District of Columbia
1325 G Street, NW, Suite 800
Washington, DC 20005

**Re: Formal Case No. _____, In the Matter of the Office of the People's Counsel
for an Investigation into Options Available for Public Utility Consumers to
Mitigate the Negative Impacts of the COVID-19 Public Health Emergency
When the Emergency is Lifted**

Dear Ms. Westbrook-Sedgwick:

Enclosed for filing in the above-referenced proceeding, please find *In the Matter of the
Emergency Petition and Request for Expedited Treatment of the Office of the People's Counsel
for the District of Columbia Requesting an Investigation into the Comprehensive Options
Available to the District's Utility Ratepayers/Consumers in Response to the Negative Financial
Impacts of the COVID-19 Public Health Emergency.*

If there are any questions regarding this matter, please contact me at bburton@opc-
dc.gov. Thank you.

Sincerely,

/s/ Barbara L. Burton

Barbara L. Burton
Assistant People's Counsel

Enclosure

Cc: All parties of record

**BEFORE THE
PUBLIC SERVICE COMMISSION
OF THE DISTRICT OF COLUMBIA**

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| The Petition of the Office of the People’s Counsel for an Investigation into Options Available for Public Utility Consumers to Mitigate the Negative Impacts of the COVID-19 Public Health Emergency When the Emergency Is Lifted | § § § § § § | Formal Case _____ |

**IN THE MATTER OF THE EMERGENCY PETITION AND REQUEST FOR
EXPEDITED TREATMENT OF THE OFFICE OF THE PEOPLE’S COUNSEL FOR THE
DISTRICT OF COLUMBIA REQUESTING AN INVESTIGATION INTO THE
COMPREHENSIVE OPTIONS AVAILABLE TO THE DISTRICT’S UTILITY
RATEPAYERS/CONSUMERS IN RESPONSE TO THE NEGATIVE FINANCIAL
IMPACTS OF THE COVID-19 PUBLIC HEALTH EMERGENCY**

I. INTRODUCTION

Pursuant to Rule 101.1 of the Rules of Practice and Procedure of the Public Service Commission of the District of Columbia (“PSC” or “Commission”),¹ the Office of the People’s Counsel for the District of Columbia (“OPC” or “Office”), the statutory representative of District of Columbia ratepayers/consumers with respect to utility matters,² respectfully petitions the Commission to initiate a proceeding to explore the options to mitigate the negative impacts of COVID-19 that may be available to public utility ratepayers and consumers here in the District following the lifting of the current state of emergency and public health emergency. The purpose of this request is to identify and utilize as many such options as possible so as to enable the District’s public utility ratepayers/consumers to continue receiving essential public utility

¹ 15 DCMR § 101.1 (Lexis 2020).

² D.C. Code § 34-804 (Lexis 2020).

services that are critical to their continued health and safety and the health and safety of all citizens of the District of Columbia following the cessation of the public health emergency.

II. BACKGROUND

On March 11, 2020, the Mayor of the District of Columbia declared a public health emergency to control and prevent the spread of COVID-19.³ On March 17, 2020, the District of Columbia Council passed the COVID-19 response Emergency Amendment Act of 2020 (“Emergency Act”). Among other things, that law prohibits “the electric and gas companies from disconnecting customers for non-payment of bills or fees during the public health emergency or for 15 calendar days thereafter.”⁴ The Mayor has indicated that the re-opening of the District— including, re-opening government offices, non-essential businesses, schools, etc.— a may not occur on May 18, 2020, as originally estimated. Instead, the District is now scheduled to re-open after the city’s COVID-19 infection rate peaks and plateaus for 14 calendar days, per the current guidance provided by the Center for Disease Control.

III. REQUEST FOR AN INVESTIGATION

The COVID-19 pandemic is tragically affecting District citizens and devastating District households and businesses to a degree not experienced in the current century. As of April 28, 2020, 81,942 unemployment claims had been filed in the District and 41,362 (totaling \$81 million) had been paid as of that date. The District government also expanded program eligibility to self-employed 1099 workers and provided 13 weeks of additional support to persons whose benefits had expired.⁵ The tsunami-like impact of this pandemic will have far-reaching

³ *GD2020-01, In the Matter of the Establishment of Regulatory Assets for COVID-19 Related Incremental Costs (“GD2020-01”), ¶ 2, Order No. 20329, rel. April 15, 2020 (“Order No. 20329”).*

⁴ *GD2020-01, Order No. 20329, ¶ 2,*

⁵ Mayoral Briefing COVID Response, April 29, 2020.

implications on the local economy, the livelihoods, and the lives of District citizens. OPC recognizes that the cessation of the public health emergency here in the District, whether it is on or after May 18, will not bring an end to the city's economic crisis. Many utility customers are already, or inevitably will fall, behind on their utility bills, as they also struggle to pay for food, medicine, housing, and other essentials. These consumers will need continued program assistance and financial help in order to enable them to return to a semblance of the financial stability and order they enjoyed prior to the District's declaration of a state of emergency and public health emergency.

For these reasons, the 15-day grace period provided for in the Emergency Act simply will not provide immediate relief to public utility consumers who are unable to pay their bills for the first time due to COVID-19 or because they previously struggled to pay their bills prior to the pandemic. Given that public utilities are an essential service which all District citizens need now more than ever to stay healthy, OPC respectfully requests that the Commission initiate an investigation to explore how to establish a full suite of solutions that will enable District ratepayers/consumers pay their utility bills and maintain their service. These options can include, but are not limited to:

- Requesting the Commission to establish a moratorium on disconnections beyond the 15-day period specified in the Emergency Act;
- Establishing a formal payment plan process that considers the amount of the arrearage and the consumer's financial status;
- Reviewing and revising utility tariffs and other terms and conditions applicable to disconnections, reconnections, late-payment penalties, and deposits to provide consumers more time to pay past due bills;

- Requesting communications providers consider additional protections and relief programs for customers that extend beyond the terms of the FCC’s Keep Americans Connected Pledge, including, among other things, finding workable arrangements to allow customers to pay any arrearages caused by the COVID-19 crisis over a reasonable period of time after the crisis ends;

- Modifying temporarily eligibility requirements for current utility discount programs (e.g., RAD and Residential Essential Service) or forgiveness programs such as Pepco’s Arrearage Management Program to expand eligibility so more people will qualify, ;

- Reviewing and considering relief programs being implemented in other jurisdictions;

- Conducting an aggressive public information campaign so that utility consumers are aware of all utility discount programs available to them.

OPC submits in order to expedite the development of a set of comprehensive list of proposals to address the issues at hand, a task force comprised of representatives from OPC, the Commission, utility companies, and other interested stakeholders should be assembled quickly and tasked with developing a report that details proposed solutions. The report should be due to the Commission within 45 days of its inception, and an order issued thirty days thereafter.

IV. CONCLUSION

Wherefore, for the foregoing reasons, the Office respectfully requests the Commission grant this *Petition* and conduct an investigation and explore the options available for public utility consumers to mitigate the negative impacts of the COVID-19 public health emergency when the emergency is lifted.

Respectfully submitted,

/s/ Sandra Mattavous-Frye
Sandra Mattavous-Frye, Esq.
People's Counsel
D.C. Bar No. 375833

Karen R. Sistrunk, Esq.
Deputy People's Counsel
D.C. Bar No. 390153

Laurence Daniels, Esq.
Director of Litigation
D.C. Bar No. 471025

Travis R. Smith, Sr., Esq.
Trial Supervisor
D.C. Bar No. 481129

Barbara Burton, Esq.
Assistant People's Counsel
D.C. Bar No. 430524

OFFICE OF THE PEOPLE'S COUNSEL
1133 15th Street, N.W., Suite 500
Washington, D.C. 20005
(202) 727-3071

Dated: May 4, 2020

CERTIFICATE OF SERVICE

Formal Case No. _____, In the Matter of the Petition of the Office of the People’s Counsel for an Investigation into Options Available to Public Utility Consumers to Mitigate the Negative Impacts of the COVID-19 Public Health Emergency When the Emergency Is Lifted

I certify that on May 4, 2020, a copy of the Emergency Petition and Request for *Expedited Treatment of the Office of the People’s Counsel for the District of Columbia Requesting an Investigation into the Comprehensive Options Available to the District’s Utility Ratepayers/Consumers in Response to the Negative Financial Impacts of the COVID-19 Health Emergency* was served on the following parties of record by hand delivery, first class mail, postage prepaid or electronic mail:

Brinda Westbrook-Sedgwick
Commission Secretary
Public Service Commission
of the District of Columbia
1325 G Street, NW, Suite 800
Washington, DC 20005
bwestbrook@psc.dc.gov

Cathy Thurston-Seignious
Supervisor, Administrative and
Associate General Counsel
Washington Gas
1000 Maine Avenue, SW, Suite 700
Washington, DC 20024
Cthurston-seignious@washgas.com

Honorable Willie L. Phillips
Chair
Public Service Commission
of the District of Columbia
1325 G Street, NW, Suite 800
Washington, DC 20005
wphillips@psc.dc.gov

Kim F. Hassan
Associate General Counsel
Pepco
EP9628
701 Ninth Street NW
Washington, DC 20068-0001
kim.hassan@exeloncorp.com

Honorable Richard Beverly
Commissioner
Public Service Commission
of the District of Columbia
1325 G Street, NW, Suite 800
Washington, DC 20005
rbeverly@psc.dc.gov

Jennifer L. McClellan
Associate General Counsel
Verizon Communications
703 East Grace Street
7th Floor
Richmond, VA 23219
Jennifer.l.mcclellan@verizon.com

Christopher Lipscombe
General Counsel
Public Service Commission
of the District of Columbia
1325 G Street, NW, Suite 800
Washington, DC 20005
clipscombe@psc.dc.gov

Brian Caldwell, Esq.
Assistant Attorney General
Government of the District of Columbia
441 4th Street, NW, Suite 600-S
Washington, DC 20001
Brian.caldwell@dc.gov

/s/ Barbara L. Burton
Assistant People’s Counsel