

## PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF FINAL RULEMAKINGFORMAL CASE NO. 712, IN THE MATTER OF THE INVESTIGATION OF THE PUBLIC SERVICE COMMISSION'S RULES OF PRACTICE AND PROCEDURE

1. The Public Service Commission of the District of Columbia ("Commission") pursuant to the D.C. Official Code, 2001 Ed. § 2-505 and § 34-802, hereby gives notice of final rulemaking action, repealing and adopting a new Chapter 3 of Title 15 of the District of Columbia Municipal Regulations ("DCMR"), commonly referred to as the "Consumer Bill of Rights" ("CBOR"). The Commission issued a Notice of Proposed Rulemaking ("NOPR") which was published in the *D.C. Register* on July 25, 2008, giving notice of the Commission's intent to adopt Chapter 3 of Title 15 DCMR.<sup>1</sup> Comments were filed in response to the NOPR; however, after reviewing all comments, the Commission determined that further revisions were unwarranted. On September 26, 2008, a Notice of Final Rulemaking ("NOFR") was published in the *D.C. Register* with an effective date of January 1, 2009.<sup>2</sup> As a result of this publication, the parties requested and the Commission subsequently granted an extension of the effective date of the new CBOR.<sup>3</sup> The new effective date is September 25, 2009.

2. As indicated in the NOPR, the regulations update the existing CBOR, which was developed to address the provision of utility services in a traditionally regulated environment, to reflect the competitive nature of the energy and telecommunications industries and to provide appropriate safeguards for consumers who purchase services in this new, more competitive environment. The replacement of the existing rules with the new provisions will: promote administrative efficiency; create uniformity of requirements and responsibilities for the utilities, competitive energy and telecommunications service providers, and consumers; and inform members of the public of their rights and responsibilities regarding electric, natural gas, and telecommunications services in the District of Columbia. Accordingly, the Commission hereby adopts Chapter 3 of Title 15 DCMR governing the Consumer Bill of Rights as contained in the *D.C. Register* on July 25, 2008. The rules will become effective September 25, 2009. This NOFR also appears as a general notice in this same edition of the *D.C. Register*.

<sup>1</sup> 55 *D.C. Register* 8015-8076 (July 25, 2008). In an effort to propose comprehensive rules, the Commission previously published several NOPRs. See 51 *D.C. Register* 11065-11152 (2004); 53 *D.C. Register* 7657-7716 (2006); 54 *D.C. Register* 7292-7353 (2007); and 55 *D.C. Register* 3899-3961 (2008). The Commission considered all comments received on various provisions throughout the process and now adopts final rules.

<sup>2</sup> 55 *D.C. Register* 10014 (2008).

<sup>3</sup> *Formal Case No. 712 ("F.C. 712"), In the Matter of the Investigation Into the Public Service Commission's Rules of Practice and Procedure*, Order No. 15128, issued November 26, 2008.

Copies of the rules may be obtained by contacting Dorothy Wideman, Commission Secretary, Public Service Commission of the District of Columbia, 1333 H Street, N.W., West Tower, Suite 200, Washington, D.C. 20005. Copies may also be obtained on the Commission's website at [www.dcpssc.org](http://www.dcpssc.org).

**PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA  
1333 H STREET, N.W., SUITE 200, WEST TOWER  
WASHINGTON, DC 20005**

**NOTICE OF FINAL RULEMAKING**

**FORMAL CASE NO. 712, IN THE MATTER OF THE INVESTIGATION OF  
THE PUBLIC SERVICE COMMISSION'S RULES OF PRACTICE AND  
PROCEDURE**

1. The Public Service Commission of the District of Columbia ("Commission") pursuant to the D.C. Official Code, 2001 Ed. § 2-505 and § 34-802, hereby gives notice of final rulemaking action, repealing and adopting a new Chapter 3 of Title 15 of the District of Columbia Municipal Regulations ("DCMR"), commonly referred to as the "Consumer Bill of Rights" ("CBOR"). The Commission issued a Notice of Proposed Rulemaking ("NOPR") which was published in the *D.C. Register* on July 25, 2008, giving notice of the Commission's intent to adopt Chapter 3 of Title 15 DCMR.<sup>1</sup> Comments were filed in response to the NOPR; however, after reviewing all comments, the Commission determined that further revisions were unwarranted.

2. As indicated in the NOPR, the regulations update the existing CBOR, which was developed to address the provision of utility services in a traditionally regulated environment, to reflect the competitive nature of the energy and telecommunications industries and to provide appropriate safeguards for consumers who purchase services in this new, more competitive environment. The replacement of the existing rules with the new provisions will: promote administrative efficiency; create uniformity of requirements and responsibilities for the utilities, competitive energy and telecommunications service providers, and consumers; and inform members of the public of their rights and responsibilities regarding electric, natural gas, and telecommunications services in the District of Columbia. Accordingly, the Commission hereby adopts Chapter 3 of Title 15 DCMR governing the Consumer Bill of Rights as contained in the *D.C. Register* on July 25, 2008. The rules will become effective January 1, 2009. Copies of the rules may be obtained by contacting Dorothy Wideman, Commission Secretary, Public Service Commission of the District of Columbia, 1333 H Street, N.W., West Tower, Suite 200, Washington, D.C. 20005. Copies may also be obtained on the Commission's website at [www.dcpsc.org](http://www.dcpsc.org).

<sup>1</sup> 55 D.C. Register 8015-8076 (July 25, 2008). In an effort to propose comprehensive rules, the Commission previously published several NOPRs. See 51 *D.C. Register* 11065-11152 (2004); 53 *D.C. Register* 7657-7716 (2006); 54 *D.C. Register* 7292-7353 (2007); and 55 *D.C. Register* 3899-3961 (2008). The Commission considered all comments received on various provisions throughout the process and now adopts final rules.

**PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA  
1333 H STREET, N.W., SUITE 200, WEST TOWER  
WASHINGTON, DC 20005**

**NOTICE OF PROPOSED RULEMAKING**

**FORMAL CASE NO. 712, IN THE MATTER OF THE INVESTIGATION OF  
THE PUBLIC SERVICE COMMISSION'S RULES OF PRACTICE AND  
PROCEDURE**

1. The Public Service Commission of the District of Columbia ("Commission") hereby gives notice, pursuant to § 2-505 of the District of Columbia Official Code, of its intent to adopt the following amendments to Chapter 3 of Title 15 of the District of Columbia Municipal Regulations, commonly referred to as the "Consumer Bill of Rights" ("CBOR").<sup>1</sup> The Commission will take final rulemaking action not less than forty-five (45) days after publication of this notice in the *D.C. Register*.

2. The proposed amendments update the existing CBOR, which was developed to address the provision of utility services in a traditionally regulated environment, to reflect the competitive nature of the energy and telecommunications industries and to provide appropriate safeguards for consumers who purchase services in this new, more competitive environment. When approved, these amendments will: promote administrative efficiency; create uniformity of requirements and responsibilities for the utilities, competitive energy and telecommunications service providers, and consumers; and inform members of the public of their rights and responsibilities regarding electric, natural gas, and telecommunications services in the District of Columbia.

**Proposed Amendment: The present Chapter 3 is repealed in its entirety and replaced with the following Chapter 3:**

**CHAPTER 3 CONSUMER RIGHTS AND RESPONSIBILITIES**

**Secs.**

<b>300</b>	<b>Purpose and Applicability</b>
<b>301</b>	<b>Energy Meter Locations</b>
<b>302</b>	<b>Utility Meter Reading Requirements</b>

<sup>1</sup> District of Columbia Official Code, 2001 Ed. § 2-505. The Commission previously published the first NOPR in 51 *D.C. Register* 11065-11152 (2004); an ANOPR in 53 *D.C. Register* 7657-7716 (2006); a third NOPR in 54 *D.C. Register* 7292-7353 (2007); and a fourth NOPR in 55 *D.C. Register* 3899-3961 (2008). After receiving comments on various provisions throughout the process and in an effort to propose comprehensive rules, the Commission has made a few substantive modifications to the proposed rules and is again publishing another NOPR.

303	Meter Read by Customers
304	Billing
305	Payments
306	Deferred Payment Agreements
307	Deposits
308	Use of Customer's Information
309	[Reserved]
310	Grounds for Disconnection
311	Procedures for Utility Disconnection
312	Personal Contact Before Utility Disconnection
313	Field Service Identification and Payment Procedures
314	Disconnection of Utility Service
315	Reconnection of Service
316	Customer Discontinuance of Service
317-319	[Reserved]
320	Customer Inquiries and Complaints
321	Publication of Consumer Pamphlet
322	Public Access to Rules and Rates
323	Office of Consumer Services
324	Formal Complaints
325	Formal Hearing Procedures
326	Decision and Appeals
327	Customer Protection Standards Applicable to Energy Suppliers
328	Customer Protection Standards Applicable to Telecommunications Service Providers
329-397	[Reserved]
398	Waiver
399	Definitions

**300 PURPOSE AND APPLICABILITY**

300.1 Technological changes, new federal and District of Columbia laws, and the actions of the Public Service Commission have created competitive natural gas, electricity and telecommunications service markets in the District of Columbia providing residential consumers with new choices. Consumers have access to an array of competitive Service Provider services as well as continued access to the regulated services of Utilities. The purpose of this chapter is to set forth residential consumer rights, responsibilities and rules for the initiation and acquisition of services, such as, but not limited to Meter reading, Billing, Deposits, Disconnections and Reconnections of service and the resolution of Complaints between residential consumers and a Utility, Energy Supplier or Telecommunications Service Provider.

300.2 This chapter applies to those Residential Services regulated by the Public Service Commission ("Commission") provided by Electric, Natural Gas

and Telephone Utilities, and Residential Services provided by Energy Suppliers and Telecommunications Service Providers licensed or certified by the Commission.

300.3 No residential Customer shall be discriminated against or penalized by a Utility, Energy Supplier or Telecommunications Service Provider for exercising any right granted by this chapter.

300.4 Utilities, Energy Suppliers or Telecommunications Service Providers shall not discriminate against any Customer based wholly or partly on the race, color, creed, national origin, geographic location, sex, or sexual orientation of the Customer or for any arbitrary, capricious, or unfairly discriminatory reason.

### **301 ENERGY METER LOCATIONS**

301.1 Meters shall be located outdoors whenever possible unless extraordinary circumstances prevent it.

301.2 When an indoor electric meter installation is replaced due to modifications in electric service equipment by the utility it shall be relocated outdoors at no expense to the customer. The cost of connecting the Meter to the customer's electric service panel shall remain with the customer.

301.3 Whenever a new natural gas or electric service line is installed or an existing natural gas or electric service line is replaced, the Meter shall be placed outdoors at no expense to the Customer. However, Meter relocation and house piping costs incurred for the convenience of the Customer shall be at the Customer's expense and shall be calculated in accordance with the Commission's approved Tariff for this service.

301.4 If a Meter is located where it is inaccessible for purposes of maintenance, the Customer must grant access to the Meter for maintenance or service Disconnection within the provisions of subsection 310.1. The Customer shall bear the cost of relocating the Meter if it must be moved due to the Customer's affirmative denial of access to the Meter.

### **302 UTILITY METER READING REQUIREMENTS**

302.1 Natural Gas and Electric Utilities, if applicable, shall schedule residential Meters for readings at regular monthly intervals and read within three (3) Business Days of the scheduled date unless the Meter is inaccessible, extreme weather exists, or in the event of other extraordinary conditions.

**303 METERS READ BY CUSTOMERS**

- 303.1 Whenever a Meter reader is on the premises and cannot make an actual reading, the Utility shall provide Customers with an electronic or telephonic means to report a Customer Meter reading. The Utility shall furnish a Customer a Meter reading card upon request.
- 303.2 Any Natural Gas or Electric Utility Customer may routinely read his/her own Meter and report the reading to the Utility by the means stated in subsection 303.6, so long as the usage is reported accurately and on the schedule specified by the Utility. A Customer's Bill based on a reading by the Customer is subject to increase or decrease based upon later actual reading by the Utility.
- 303.3 If a Utility determines that actual Meter readings have not been made of the Customer's Meter after two (2) consecutive Billing Cycles, the Utility shall provide the Customer with the means to read and report the meter reading to the Utility, as provided in subsection 303.6. The Customer's Meter reading shall be used for billing purposes, except in the following circumstances:
- (a) There has been an actual reading of the Meter by the Utility;
  - (b) The Meter reading has not been timely forwarded to the Utility; or
  - (c) The Customer's reported reading varies significantly from the Utility's estimate of usage; if this occurs, the Utility is required to make an actual reading within seven (7) Business Days unless the Customer does not allow access.
- 303.4 At a Utility's request, the Customer shall provide access to the Meter in order for the Utility to verify the accuracy of readings reported under this subsection. This subsection shall not prevent a Utility from reading Meters on a regular basis.
- 303.5 If a Utility's estimate is used in lieu of the reading submitted by the Customer, the Utility shall make an actual Meter reading when the Meter is accessible.
- 303.6 The Utility shall provide the Customer with instructions on proper Meter reading, the date the Meter must be read and the date the Customer must report a Meter reading to the Utility. A Customer can report a Meter reading by any of the following methods:
- (a) Telephone or telecommunications device;

- (b) Internet;
- (c) Postage prepaid Meter reading card supplied by the Utility; or
- (d) Such other technological means generally available to the Customer and approved by the Commission.

303.7 Upon a Customer initiating service, and annually thereafter, the Utility shall provide information regarding Customer meter readings, including instructions on how to read the Meter and how to obtain the date on which the Meter should be read and the date by which the Customer Meter reading must be returned to the Utility.

#### **304 BILLING**

304.1 A Customer shall be provided a Bill at least once during each Billing Cycle, unless otherwise agreed to by the Customer.

304.2 An energy Bill shall be based upon an actual Meter reading, estimated Meter reading or Customer Meter reading, except as outlined in subsections 303.3(c) and 304.3.

304.3 Each estimated energy Bill shall be clearly and conspicuously identified as such. An estimated energy Bill may be rendered only in the following circumstances:

- (a) When a Meter is not scheduled to be read, and the Customer Meter reading is not timely reported;
- (b) When a Meter has not been read due to the inaccessibility of the Meter, extreme weather, or other conditions; or
- (c) When a Customer's reading varies significantly from the estimated usage.

304.4 Whenever three (3) or more estimated energy Bills have been rendered in succession, an actual meter reading shall be rendered at the Customer's request at a mutually agreeable time.

304.5 The date of rendition of a Bill shall be the date stated on the Bill.

304.6 If a billing rendition date is changed by more than seven (7) Days, the Customer shall be provided written or electronic notice within ten (10) Days prior to the date of the change.

304.7 Each energy Bill rendered shall state clearly the following information:

- (a) The beginning and ending Meter reading of the Billing Cycle and the difference between the two Meter readings, if such data is available;
- (b) The beginning and ending dates of the Billing Cycle;
- (c) The due date by which payment must be made and the date after which the payment will be considered overdue or late;
- (d) The previous balance, if any;
- (e) Stated separately, the amount due for residential Utility services, Distribution Service Charge, Transmission service, Purchased Gas Charge, Natural Gas supply service or Generation Service Charge, as applicable;
- (f) A listing of the amount due for other tariffed Charges, as applicable;
- (g) A listing of the amount due for non-tariffed Charges, as applicable;
- (h) The total amount due;
- (i) The rate elements of the generation, transmission and Distribution Service Charges identified for basic Utility service.
- (j) Amount of all payments or other credits made to the Customer's Account during current Billing Cycle;
- (k) Any amount overdue;
- (l) The statement, "Any inquiry or complaint about this bill should be made prior to the due date, in order to avoid late charges";
- (m) The address and telephone number to which an inquiry or Complaint should be directed;
- (n) As applicable, the statement: "[This Utility] is regulated by the Public Service Commission of the District of Columbia."
- (o) The name, address and telephone number of the Public Service Commission;

- (p) Whether the Bill is based upon an actual Meter reading, a Customer Meter reading, or an estimate of usage, if such data is known;
- (q) The name, address and telephone number of The Office of the People's Counsel;
- (r) Any other information that the Public Service Commission may from time to time require;
- (s) If applicable, the energy Utility shall include an itemization of usage, payments made, and account balance; and
- (t) If applicable, the energy Utility shall include either an energy usage history or a gas usage profile.

304.8

Each telecommunications Bill rendered to a residential Customer shall state clearly the following information:

- (a) The telephone number and Account number for which the Bill is rendered.
- (b) The due date;
- (c) The previous balance, if any;
- (d) The beginning and ending dates of the Billing Cycle;
- (e) The total amount due for local service Charges, identified as the total amount due for local Charges, taxes, and other applicable surcharges, as well as toll service, except where provided as part of a Bundled Service;
- (f) An itemization of all authorized Charges for message toll calls, including the date, time, duration, type, place and telephone number called when available, and the applicable Charge, except where provided as part of a Bundle of Services;
- (g) A monthly or semi-annual itemization and amount for optional recurring charges selected by the customer;
- (h) The address and telephone number to which an inquiry or Complaint should be directed;

- (i) A statement indicating that [This Utility] and some of the services contained in the Bill are regulated by the Public Service Commission of the District of Columbia;
- (j) The name, address and telephone number of the Public Service Commission of the District of Columbia;
- (k) The name and address of the Office of the People's Counsel; and
- (l) Any other information that the Public Service Commission may from time to time require.

304.9 An unpaid balance may be transferred from a Customer's former residential Account in the District of Columbia to the Customer's next residential Account in the District of Columbia.

304.10 A Natural Gas or Electric Utility may, at the election of a Customer, bill a Customer in accordance with a level payment billing program or budget payment plan. The Utility shall inform the Customer of this option and explain how the monthly payments will be calculated. Prior to implementation of the plan, the Utility shall provide the Customer with the following information in written or electronic form:

- (a) An acknowledgement that the Customer shall be on the plan effective the next available Billing Cycle;
- (b) An estimate of the Customer's use on an annual basis and an explanation of how the equal monthly payment has been calculated;
- (c) The final Bill for the plan effective period will reflect the last level payment installment or budgeted payment installment adjusted for any difference between actual and budgeted usage. Amounts overpaid will be credited to the Customer's Account or refunded, if requested by the Customer. Amounts underpaid that are equal to or greater than the monthly payment can be paid in up to three (3) monthly installments; and
- (d) Final Bills are issued when either a Customer account is closed or in the case of Customers with third party suppliers, the supply contract is closed or changed. Any budget plan in effect will be reconciled upon rendering of the final Bill. Amounts underpaid will be due within 20 days of final Bill rendering. Amounts overpaid will be refunded to the Customer.