



DISTRICT OF COLUMBIA  
WATER AND SEWER AUTHORITY  
Board of Directors

DC Retail Water and Sewer Rates Committee

Tuesday, June 23, 2020

9:30 a.m.

**Join Microsoft Teams Meeting**

**+1 202-753-6714**

**Conference ID: 235 423 148#**

- 1. Call to Order ..... Rachna Bhatt, Chairperson
- 2. Roll Call ..... Linda Manley
- 3. **Amend Bill Challenge Regulations to be Consistent (Attachment A)..... Carolyn Mckool with Current Practice**
- 4. **Action Item (Attachment B) .....Matthew Brown**
  - Approval of Final Proposal to Amend Bill Challenge Regulations to be Consistent with Current Practice (Action Item 1)
- 5. **DC Retail Water and Sewer Rates Committee Workplan (Attachment C) .....Matthew Brown**
  - FY 2020 Proposed DC Retail Rates Committee Workplan
- 6. **Agenda for July 28, 2020 Committee Meeting (Attachment D) .....Rachna Bhatt, Chairperson**
- 7. **Other Business .....Matthew Brown**
- 8. **Executive Session\***
- 9. **Adjournment**

\*The DC Water Board of Directors may go into executive session at this meeting pursuant to the District of Columbia Open Meetings Act of 2010, if such action is approved by a majority vote of the Board members who constitute a quorum to discuss: matters prohibited from public disclosure pursuant to a court order or law under D.C. Official Code § 2-575(b)(1); contract negotiations under D.C. Official Code § 2-575(b)(2); legal, confidential or privileged matters under D.C. Official Code § 2-575(b)(4)(A); collective bargaining negotiations under D.C. Official Code § 2-575(b)(5); facility security under D.C. Official Code § 2-575(b)(8); disciplinary matters under D.C. Official Code § 2-575(b)(9); personnel matters under D.C. Official Code § 2- 575(b)(10); proprietary matters under D.C. Official Code § 2-575(b)(11); train and develop members of a public body and staff under D.C. Official Codes § 2-575(b)(12); decision in an adjudication action under D.C. Official Code § 2-575(b)(13); civil or criminal matters where disclosure to the public may harm the investigation under D.C. Official Code § 2-575(b)(14), and other matters provided in the Act.

# Proposal to Amend Bill Challenge Regulations to be Consistent with Current Practice

Presentation to the DC Retail Water and Sewer Rates Committee

June 23, 2020

**District of Columbia Water and Sewer Authority**



**Blue Plains Advanced Wastewater Treatment Plant**

## Purpose

- Request the Committee's recommendation to the Board to adopt and approve the publication of the Notice of Final Rulemaking, amending Section 402, Initiating A Challenge, consistent with DC Water's practice regarding the procedures for customers to initiate a challenge of their most recent bill

## Current Regulations

### **DC Municipal Regulations § 402, Initiating A Challenge, governs requirements for customers to initiate a challenge to their bill:**

- 402.1 An owner or occupant may challenge the most recent charges assessed by WASA for water, sewer and groundwater sewer service by either:
- (a) Paying the bill, and notifying WASA in writing that he or she believes the bill to be incorrect and is paying under protest; or
  - (b) Not paying the current charges contained in the bill and notifying WASA in writing, within ten (10) working days after receipt of the bill of the reason(s) why the bill is believed to be incorrect.
- 402.2 Challenges received after the ten-day (10) period stated in § 402.1 will be deemed to have been filed in an untimely manner and will not stop the imposition of a penalty for nonpayment of charges or the possibility of termination of service for nonpayment.



## DC Water's Practice

- 💧 DC Water routinely works with customers so that they can pay their bills:
  - Refer customers to the District Department of Energy and the Environment for the Customer Assistance Programs (CAP)
  - Refer customers to S.P.L.A.S.H. for one-time assistance, through a program administered by the Greater Washington Urban League
  - Refer customers to District of Columbia Health and Human Services programs, like Strong Families for bill payment assistance
- 💧 DC Water may make payment arrangements over time, temporarily suppress interest charges or place a customer on hold from collection activities while they seek assistance
- 💧 DC Water reviews all circumstances around receipt of the bill and may extend dispute flexibility up to 30 days after bill date

## Overview of Proposed Amendments

- 💧 **Proposed amendments codify DC Water's current practice for accepting bill disputes:**
  - 💧 Clarify the date when a customer may pay a bill under protest and notify DC Water of the reason the customer believes the bill is incorrect within 30 calendar days of the bill date
  - 💧 Modify the date when a customer must notify DC Water of a bill challenge and not making payment from "10 business days" to "within 30 calendar days after the bill date"

## Proposed Regulations

### **Proposed amendments to Section 402, Initiating A Challenge, Subsections 402.1 and 402.2 read as follows:**

- 402.1 An owner or occupant may challenge the most recent charges assessed by WASA for water, sewer and groundwater sewer service by either:
- (a) Paying the current charges in the bill and notifying WASA in writing, within thirty (30) calendar days after the bill date, the reason(s) why the bill is believed to be incorrect and that the bill is being paid under protest; or
  - (b) Not paying the current charges in the bill and notifying WASA in writing, within thirty (30) calendar days after the bill date, the reason(s) why the bill is believed to be incorrect.
- 402.2 Challenges received after the thirty-day (30) period as stated in § 402.1 will be deemed to have been filed in an untimely manner and will not stop the imposition of a penalty for nonpayment of charges or the possibility of termination of service for nonpayment.

# Publication of Rulemaking and Written Comments


- 💧 Notice of Proposed Rulemaking Published on May 22, 2020
  
- 💧 Public comment period – May 22 – June 22, 2020
  
- 💧 Received comments from one party, Office of People’s Counsel:
  - 💧 Supporting the proposal
  - 💧 Requesting DC Water to consider charges from previous bills if they mirror the disputed charges



## Recommendation

- 🔹 **No revisions to proposed rules are recommended:**
  - 🔹 **Timely dispute notifications allow DC Water to address situations as it relates to leaks and unusual usage effectively**
  - 🔹 **Public Service Commission set a standard of 20 days for regulated utilities**
  - 🔹 **High Usage Notification Alerts allows notification in advance of the bill**
  - 🔹 **Dispute period defined as beginning when the customer requests a bill investigation from DC Water, even if a formal written dispute is not received**

## Recommendation

 **Recommendation to adopt and approve the publication of final rulemaking, amending Section 402, Initiating A Challenge, consistent with DC Water's practice regarding the procedures for customers to initiate a challenge of their most recent bill to read as follows:**

402.1 An owner or occupant may challenge the most recent charges assessed by WASA for water, sewer and groundwater sewer service by either:

(a) Paying the current charges in the bill and notifying WASA in writing, within thirty (30) calendar days after the bill date, the reason(s) why the bill is believed to be incorrect and that the bill is being paid under protest; or

(b) Not paying the current charges in the bill and notifying WASA in writing, within thirty (30) calendar days after the bill date, the reason(s) why the bill is believed to be incorrect.

402.2 Challenges received after the thirty-day (30) period as stated in § 402.1 will be deemed to have been filed in an untimely manner and will not stop the imposition of a penalty for nonpayment of charges or the possibility of termination of service for nonpayment.

# Proposed Committee Workplan Timelines

<b>DC Retail Water &amp; Sewer Rates Committee Reviews, Recommendations, and Actions</b>	<b>Dates</b>
Committee Update and Recommendation on Proposed Revisions to Regulations for Customers Challenging their Bill	April 28, 2020
Board Approval of Notice of Proposed Rulemaking (NOPR) to Amend Bill Dispute Rules	May 7, 2020
Published NOPR in D.C. Register to Amend Bill Dispute Rules	May 22, 2020
Outreach and Public Comment Period	May 22 – June 22, 2020
Present to Committee Comments and Final Recommendation to Amend Proposed Revisions to Regulations for Customers Challenging their Bill	June 23, 2020
Board Approval of Final Notice of Final Rulemaking (NOFR) to Amend Bill Dispute Rules	July 2, 2020
Publish NOFR in D.C. Register	July 17, 2020
Bill Dispute Rules and Billing System Go-Live	July 17, 2020

## Attachment B

### DC Retail Water and Sewer Rates Committee

#### Action Items

1. Final Proposal to Amend Regulations Regarding Bill Challenges to Current Practice

## Action Item 1

### Amend Regulations Regarding Bill Challenges to Current Practice

Final Proposal to revise regulations for customer challenging the current charges in a bill to be consistent with the current practice that is more customer friendly:

- a) Clarifying the date when a customer may pay their bill under protest and notify DC Water of the reasons they believe the bill is incorrect by the bill due date
- b) Modifying the date when a customer must notify DC Water that they are challenging and not paying their bill from 10 business days to the bill due date

**Section 402, Initiating A Challenge, Subsections 402.1 and 402.2, are amended to read as follows:**

- 402.1 An owner or occupant may challenge the most recent charges assessed by WASA for water, sewer and groundwater sewer service by either:
- (a) Paying the current charges in the bill and notifying WASA in writing, within thirty (30) calendar days after the bill date, the reason(s) why the bill is believed to be incorrect and that the bill is being paid under protest; or
  - (b) Not paying the current charges in the bill and notifying WASA in writing, within thirty (30) calendar days after the bill date, the reason(s) why the bill is believed to be incorrect.
- 402.2 Challenges received after the thirty-day (30) period as stated in § 402.1 will be deemed to have been filed in an untimely manner and will not stop the imposition of a penalty for nonpayment of charges or the possibility of termination of service for nonpayment.

**Attachment C**

**FY 2020 Proposed RRC Committee Workplan**

Objective/Activities/Task	Date of Activity	Completed	Responsible Department
---------------------------	------------------	-----------	------------------------

<b>1. Propose and Establish Retail Rates for FY 2021 &amp; FY 2022</b>			
a. <i>Present FY 21 &amp; FY 22 Budget to Board</i>	January 2, 2020	√	EVP F&P
b. <i>Present FY 21 &amp; FY 22 Proposed Rates, Charges &amp; Fees to RRC</i>	January 28, 2020	√	Rates and Revenue
c. <i>RRC recommendation on Proposed FY 21 &amp; FY 22 Rates, etc.</i>	February 25, 2020	√	Rates and Revenue
d. <i>Board approves Notice of Proposed Rulemaking (NOPR) for Proposed FY 21 &amp; FY 22 Rates, etc.</i>	March 5, 2020	√	Board of Directors
e. <i>Publish NOPR in D.C. Register for Proposed Rates, etc.</i>	March 20, 2020	√	Legal Affairs
f. <i>Outreach and Public Comment Period</i>	March 20 - August 10, 2020	√	Marketing & Comm.
g. <i>RRC recommendation to extend public comment period to 8/10/20 and change Public Hearing date to 8/05/20</i>	April 28, 2020	√	Rates and Revenue
h. <i>Board approves extension of public comment period to 8/10/20 and changing Public Hearing date to 8/5/20</i>	May 7, 2020	√	Board of Directors
i. <i>Publish Notice extending public comment period and Notice of Public Hearing changing date to 8/5/20</i>	May 22, 2020	√	Legal Affairs
j. <i>Public Hearing</i>	August 5, 2020		Board of Directors
k. <i>Public Hearing Record Closes</i>	August 10, 2020		Board Secretary
l. <i>Present final FY 21 &amp; FY 22 Rates, etc. to RRC for recommendation to Board</i>	August 25, 2020		Rates and Revenue
m. <i>Board approves Notice of Final Rulemaking (NOFR) for FY 21 &amp; FY 22 Rates, Charges &amp; Fees</i>	September 3, 2020		Board of Directors
n. <i>Publish NOFR in D.C. Register for Amended Rates, etc.</i>	September 18, 2020		Legal Affairs
o. <i>Amended Rates, etc. Go-Live</i>	October 1, 2020 (FY 2021) October 1, 2021 (FY 2022)		Rates and Revenue

<b>2. 2021 Cost of Service Study (COS) for Water, Sewer and CRIAC</b>			
a. <i>Present COS to RRC</i>	November 19, 2019	√	Rates and Revenue
b. <i>Post final COS on DC Water's website</i>	March 5, 2020	√	



## Attachment C

FY 2020 Proposed RRC Committee Workplan			
---	--	--	--

Objective/ <i>Activities</i> /Task	Date of Activity	Completed	Responsible Department
------------------------------------	------------------	-----------	------------------------

<b>3. Independent Review of Rate Structure and Customer Assistance Programs (CAP)</b>			
a. Presentation to RRC on Independent Review of Rate Structure <i>and Customer Assistance Programs (CAP)</i>	November 19, 2019	√	Rates and Revenue
b. <i>Post final Independent Review of Rate Structure and Customer Assistance Programs (CAP) on DC Water's website</i>	March 5, 2020	√	

<b>4. Amend Regulations for Engineering Review and Miscellaneous Fees</b>			
a. <i>Present COS Update and Recommendation on Proposed Amendment to Miscellaneous Fees &amp; Charges to RRC</i>	October 22, 2019	√	Rates & Revenue
b. <i>Board Approval of Notice of Proposed Rulemaking (NOPR) to Amend Regulations for Engineering Review and Miscellaneous Fees</i>	November 7, 2019	√	
c. <i>Publish NOPR in D.C. Register</i>	November 22, 2019	√	Legal Affairs
d. <i>Public Comment Period</i>	November 23 – December 23, 2019	√	Board Secretary
e. <i>RRC Final Recommendation to Approve Amendment of Regulations for Engineering Review and Miscellaneous Fees</i>	January 28, 2020	√	Rates & Revenue
f. <i>Board Approval of Notice of Final Rulemaking (NOFR)</i>	February 6, 2020	√	
g. <i>Publish NOFR in D.C. Register</i>	February 21, 2020	√	Legal Affairs
h. <i>Amend Regulations for Engineering Review and Miscellaneous Go-Live</i>	March 2, 2020	√	Rates and Revenue

<b>5. CAP2 Outreach Plan Update</b>			
a. <i>CAP2 Outreach Plan Update</i>	Monthly, as needed		Office of Marketing and Communications (OMAC)

<b>6. Delinquent Accounts</b>			
a. <i>Soldiers Home Negotiations</i>	Monthly, as needed		Legal Affairs

**Attachment C**

FY 2020 Proposed RRC Committee Workplan			
Objective/ <i>Activities</i> /Task	Date of Activity	Completed	Responsible Department

<b>7. Rate Stabilization Fund</b>			
a. Rate Stabilization Fund	Monthly, as needed		Rates & Revenue

<b>8. Amend Bill Dispute Rules</b>			
a. Present proposed revisions to regulations for customers challenging their bills to RRC	April 28, 2020	√	Customer Service
b. Board Approval to Publish Notice of Proposed Rulemaking (NOPR) to Amend Bill Dispute Rules	May 7, 2020	√	
c. Publish NOPR in DC Register	May 22, 2020	√	Legal Affairs
d. Outreach and Public Comment Period	May 22 – June 22, 2020		OMAC & Board Secretary
e. Present Comments and Final Proposed Rule to RRC for Final Recommendation to Approve Amendment of Regulations for Bill Disputes	June 23, 2020		Customer Service
f. Board Approval of Notice of Final Rulemaking (NOFR) to Amend Bill Dispute Rules	July 2, 2020		
g. Publish NOFR in DC Register	July 17, 2020		Legal Affairs
h. Bill Dispute Rules and Billing System – Go Live	July 17, 2020		Customer Service

\* Dates subject to change



**Attachment D**

**D.C. WATER AND SEWER AUTHORITY  
BOARD OF DIRECTORS  
SPECIAL RETAIL WATER & SEWER RATES  
COMMITTEE MEETING**

**Tuesday, July 28, 2020; 9:30 a.m.  
AGENDA**

<b>Call to Order</b>	Committee Chairman
<b>Monthly Updates</b>	Chief Financial Officer
<b>Committee Workplan</b>	Chief Financial Officer
<b>Agenda for August 25, 2020 Committee Meeting</b>	Committee Chairman
<b>Other Business</b>	Chief Financial Officer
<b>Adjournment</b>	

\*Detailed agenda can be found on DC Water's website at [www.dewater.com/about/board\\_agendas.cfm](http://www.dewater.com/about/board_agendas.cfm)