



Brian R. Greene
GreeneHurlocker, PLC
1807 Libbie Avenue., Suite 102
Richmond, Virginia 23226
(804) 672-4542 (Direct)
BGreene@GreeneHurlocker.com

September 25, 2017

By Electronic Filing

Ms. Brinda Westbrook
Commission Secretary
Public Service Commission of the District of Columbia
1333 H Street, NW, 2nd Floor, West Tower
Washington, DC 20005

Re: Formal Case 977 – Proposed amendments to Chapter 37 of Title 15 of the DCMRs (commonly referred to as the Natural Gas Quality of Service Standards)

Dear Ms. Westbrook:

On August 11, 2017, the Commission published a Notice of Proposed Rulemaking (“NOPR”) regarding proposed revisions to the Natural Gas Quality of Service Standards, codified in Chapter 37 of Title 15 of the District of Columbia Municipal Regulations. On September 11, 2017, Washington Gas Light Company (“WGL”) filed comments in response to the NOPR. The Retail Energy Supply Association (“RESA”),¹ by counsel, submits these reply comments for the Commission’s consideration.

Generally speaking, the substantive amendments to Chapter 37 in the NOPR, as they relate to retail natural gas suppliers, are minimal, but the Commission proposes to add a penalty section – § 3797 – for failing to comply with the regulatory requirements. This new provision would open retail natural gas suppliers up to penalties for non-compliance with § 3706 regarding Billing Error Notifications. Sections 3706.2 and 3706.3 require suppliers to submit an initial billing error notification to the Commission and to the Office of People’s Counsel within one business day of discovering or being notified of the error, assuming the error affects the number of customers spelled out in § 3706.1.

¹ The comments expressed in this filing represent the position of the Retail Energy Supply Association (RESA) as an organization but may not represent the views of any particular member of the Association. Founded in 1990, RESA is a broad and diverse group of more than twenty retail energy suppliers dedicated to promoting efficient, sustainable and customer-oriented competitive retail energy markets. RESA members operate throughout the United States delivering value-added electricity and natural gas service at retail to residential, commercial and industrial energy customers. More information on RESA can be found at www.resausa.org.

While the Commission does not appear to amend this notification requirement, the potential penalty for non-compliance is new.

RESA's concern is that one business day is a very tight reporting deadline. While the supplier's operations department or team might discover the error, they must then communicate that to their regulatory team, which must then send the initial billing error notification with the specific content included in §§ 3706.3 and 3706.4. Other departments and/or even vendors may need to be consulted to obtain the relevant data and to determine customer impacts to fully understand the situation that occurred. That process, and gathering those facts and details, can take longer than one business day, even for suppliers that are doing their best to adhere to the rule. Moreover, a billing error typically does not impact service reliability and there is no reason to rush the initial notification when a notice received within a few days (as opposed to one day) is sufficient. Regardless, if the penalty provisions in § 3797 are adopted, suppliers could find themselves in a penalty situation as a result of circumstances in which they did their best to comply, no customers were harmed, and stakeholders might have benefitted from allowing the supplier a longer period of time to investigate and file a more accurate and comprehensive initial notification.

With that background, WGL in its comments asks for a technical conference to discuss issues in the proposed amended rules. See, e.g. WGL Comments at 2. While WGL did not specifically ask to discuss the section on Billing Error Notifications, RESA agrees with WGL that a technical conference would be beneficial, and RESA recommends the conference's agenda include the timing of and need for billing error notifications as well as associated penalties, if any.

Thank you for the opportunity to submit these comments.

Sincerely,



Brian R. Greene

C: Service List for Formal Case 977 (by email only)