



Audit of the Office of the People's Counsel Agency Fund for Fiscal Year 2011

January 14, 2014

Audit Team:

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A Report by the Office of the District of Columbia Auditor
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Acknowledgements

For their time, information, insight, and cooperation during the audit process, we want to thank the staff of the District of Columbia Office of the People's Counsel and the Office of the Chief Financial Officer's Economic Development and Regulation Cluster (EDRC) Shared Service Center staff.

Introduction

As required by law, ¹ the Office of the District of Columbia Auditor conducted an audit of the fiscal year 2011 financial activities of the Office of the People's Counsel (OPC) Agency Fund.

¹ D.C. Code, Section 34-912(a)(6).

Background

On January 2, 1975, the Office of the People's Counsel (OPC) was established as an independent agency of the District of Columbia government. By law, it is the advocate for consumers of natural gas, electric and telephone services in the District. District of Columbia law designates the Office as a party to all utility-related proceedings before the Public Service Commission (PSC). The Office of the People's Counsel also represents the interests of District ratepayers before federal regulatory agencies. OPC is authorized to investigate the operation and valuation of utility companies independently of any pending proceeding.

OPC's mandate is to advocate the provision of quality utility service and equitable treatment at rates that are just, reasonable, and non-discriminatory to assist individual consumers in disputes with utility companies about billing or services; and to provide technical assistance and consumer education to the Consumer Utility Board (CUB) and other community groups.

OPC functions with two budgets: the agency's annual operating budget and the Miscellaneous Trust Fund budget (OPC Agency Fund) for expenses related to specific utility cases. The annual budget covers the cost of OPC staff salaries, fringe benefits, rent, utilities, supplies, printing, equipment and maintenance, training, and professional publications. In carrying out its mission, OPC may award contracts for legal, accounting, economic, engineering, court reporting, courier, and advertising services for its formal case proceedings.

Like other agencies, OPC participates in the District's annual budget process; however, none of the monies expended by OPC comes from the District's general fund revenues. Instead, each public utility provider doing business in the District pays a pro rata share of the OPC's annual operating budget based on a reimbursement formula prescribed by law. OPC assesses each public utility provider on an annual basis for reimbursement of the OPC's operating expenses.

Utility companies must apply to the PSC for changes in rates or regulatory treatment. The PSC sets public utility rates and otherwise regulates utility services through a formal legal process in which the affected provider, OPC, and other interested parties have an opportunity to present their positions. Each public utility is authorized to charge rates that will allow (not guarantee) the utility an

opportunity to earn a fair rate of return (or profit) on its capital, in exchange for the right to conduct business in the District of Columbia.

D.C. Code § 34-912(a)(1) established the OPC Agency Fund as a fiduciary fund in the District of Columbia Treasury. D.C. Code § 34-912(a)(2) requires any public utility applying to the PSC for a rate or regulatory change to deposit sufficient dollars, as determined by the OPC and approved by PSC, into the OPC Agency Fund to cover OPC's reasonable and necessary expenses pertaining to an application. These deposits must be used exclusively for the payment of expenses arising from any investigation, valuation, re-valuation, or proceeding and all expenses of any litigation, including appeals arising from decisions, orders, or other actions.

D.C. Code § 34-912(a)(7) requires the OPC to issue an annual report to the Mayor and Council of the District of Columbia. The Commission shall provide full disclosure of all hired contractors, their qualifications, a brief description of their work, the number of persons employed by each contractor, the hourly rate charged by each person employed by the contractor, and the estimated value of each contract. Each voucher for payment must include an affidavit signed by the OPC Fiscal Officer or his/her designee, stating that the voucher and supporting documentation were independently examined and the voucher was appropriate for payment in the stated amount.

D.C. Code § 34-912(a)(2) and (a)(9)(B), requires that any excess funds deposited by a public utility for a formal case that was closed shall be refunded to the utility. OPC Agency Fund financial records must adequately reflect all refunds made to a utility and identify the formal case for which revenue deposits were refunded.

As of October 1, 2010, **the beginning balance** in the OPC Agency Fund was \$1,399,300.95. Deposits of \$638,635.00 that includes a \$14,311.09 transfer less expenditures of \$551,323.81 and \$485,388.40 in refunds to the public utility companies resulted in a fiscal year 2011 OPC Agency Fund ending balance of \$1,015,534.83. The ending balance is a reserve balance to be used for authorized expenses pertaining to ongoing case activity. Unexpended funds remaining after a formal case has been properly closed or terminated must be refunded to the appropriate public utility.

Objectives, Scope and Methodology

Objectives

The objectives of the audit were to:

1. Verify public utility revenue deposits to and disbursements from the Office of the People's Counsel (OPC) Agency Fund for fiscal year (FY) 2011;
2. Examine expenses charged against the OPC Agency Fund to determine whether expense vouchers were supported by adequate documentation and whether the expenses were reasonable and necessary;
3. Determine whether expense vouchers were properly reviewed and approved by appropriate OPC officials before payment; and
4. Determine the amount of refunds to public utilities that were processed against the OPC Agency Fund.

Scope

The audit covered the OPC Agency Fund activities including receipts, disbursements and refunds for FY 2011.

Methodology

In conducting the audit, the Auditor reviewed relevant D.C. Code provisions, public utility revenue deposits to and disbursements from the OPC Agency Fund. The Auditor also reconciled the deposits to the District's System of Accounting and Reporting (SOAR) and CFOSOLVE reports. Both SOAR and CFOSOLVE reflect all financial activity processed against the OPC Agency Fund during FY 2011. The Auditor also reconciled deposits made to the OPC Agency Fund to confirm statements provided by Potomac Electric Power Company (PEPCO), Washington Gas Light (WGL) and Verizon.

Finally, the Auditor interviewed the OPC Agency Fiscal Officer and Senior Accounting and Disbursing Analyst.

The audit was conducted in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on

our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Audit Results

1. Fiscal Year 2011 Public Utility Assessments Were Properly Deposited into the OPC Agency Fund

During fiscal year (FY) 2011, the Office of the People's Counsel (OPC) issued 20 Notice of Agency Fund Requirement Orders to Potomac Electric Power Company (PEPCO). Washington Gas Light (WGL) and Verizon were not issued a Notice of Agency Fund Requirement Order in FY 2011. PEPCO responded by submitting 20 checks to OPC totaling \$638,635.00. The Auditor confirmed through CFOSOLVE/SOAR that the OPC received \$638,635 in utility assessments and deposited the funds into the OPC's Agency Fund from PEPCO.

The Auditor reconciled the \$638,635 in utility assessments to District Treasury deposit tickets, SOAR financial reports, and utilities confirmation statements. The Auditor found that the OPC's FY 2011 Trust Fund Reconciliation Report, submitted to the Mayor and Council of the District of Columbia, agreed with our finding that \$638,635 in utility assessments were deposited into the Agency Fund in FY 2011.

Figure 1 presents FY 2011 public utility assessment deposits made to the OPC Agency Fund. (See Appendix I for a brief description of each formal case).

Figure 1

Public Utility Assessments Deposited into the Office of the People's Counsel's Agency Fund During Fiscal Year 2011

Public Utility	Formal Case Number	Amount	Date OPC Received Check	Date of Deposit
PEPCO	766	\$ 14,760.00	06/20/2011	07/07/2011
	766	\$21,000.00	08/04/2011	09/14/2011
	766	\$25,000.00	09/19/2011	09/21/2011
	766	\$26,000.00	09/19/2011	09/27/2011
	945	\$32,790.00	11/23/2010	12/03/2010
	982	\$15,000.00	10/05/2010	12/03/2010

	982	\$10,000.00	11/04/2010	12/03/2010
	982	\$15,000.00	01/13/2011	01/24/2011
	982	\$87,000.00	07/19/2011	07/22/2011
	1026	\$18,000.00	11/04/2010	12/03/2010
	1026	\$14,160.00	11/19/2010	12/03/2010
	1056	\$10,600.00	03/29/2011	06/23/2011
	1056	\$25,130.00	06/20/2011	07/07/2011
	1056	\$9,000.00	06/20/2011	07/07/2011
	1062	\$15,000.00	10/05/2010	12/06/2010
	1062	\$41,375.00	11/23/2010	12/06/2010
	1062	\$54,200.00	04/14/2011	06/23/2011
	1062	\$20,000.00	09/08/2011	09/22/2011
	1082	\$112,000.00	12/07/2010	02/11/2011
	1087	\$72,620.00	08/12/2011	09/22/2011
PEPCO TOTAL		\$638,635.00		

Source: SOAR/CFOSOLVE, Office of the People's Counsel and the Office of the District of Columbia Auditor

2. Fiscal Year 2011 Expenditures Processed Against the OPC Agency Fund Were Reasonable and Necessary

During FY 2011, the OPC processed 100 expense vouchers and journal entries totaling \$551,323.81 against the OPC Agency Fund. The Auditor reconciled the \$551,323.81 in expenditures to individual expense vouchers and the SOAR.

Approximately, 99 percent or \$543,631.21, of the total expenses paid by OPC during FY 2011 were for professional services provided by attorneys, economists, engineer consultants, and certified public accountants. Approximately one percent or \$7,692.60, were for administrative costs including travel, copying, telecommunications, delivery, and transportation services. The OPC Agency Fund expenditures appeared to be reasonable and necessary expenses as required by D.C. Code, Section 34-912. Further, each expense voucher was properly signed and approved for payment by an authorized OPC official.

3. Fiscal Year 2011 Refunds of Unexpended Assessments Processed Against the OPC Agency Fund Were Supported

The Auditor found that during FY 2011, the OPC processed 16 refund vouchers and journal entries totaling \$485,388.40 in the OPC Agency Fund. The Auditor reconciled the \$485,388.40 refund of unexpended assessments to individual vouchers and the District's accounting system.

Figure 2 presents FY 2011 refunds of unexpended assessments to public utilities

Figure 2

Office of the People's Counsel Agency Fund: Fiscal Year 2011 Refunds to Public Utilities

Vendor	Refund Amounts
Washington Gas Light Company	\$142,062.04
Pepco Inc.	\$209,098.80
Verizon	\$109,555.90
Multi-Company	\$24,671.66
Total Refunds	\$485,388.40

Source: SOAR/CFOSOLVE Office of the People's Counsel and the Office of the District of Columbia Auditor

4. The Economic Development and Regulation Cluster Shared Service Center Did Not Deposit Fiscal Year 2011 Public Utility Assessment Checks in a Timely Manner

The Office of the District of Columbia Chief Financial Officer's (OCFO) Financial Policies and Procedures require that all financial transactions, including the receipt and disbursement of funds, must be recorded in a timely manner. Additionally, the policy requires that all cash receipts must be promptly recorded and controlled. The Economic Development and Regulation (EDRC) Shared Service Center and OPC Finance Office were not in compliance with the District OCFO's Financial Policies and Procedures regarding the timely deposit of the revenue receipts. Assessment checks received from utility companies were not deposited in a timely manner upon receipt. On average, it took approximately 34 days from the date OPC received the checks to the date the EDRC Shared Service Center deposited the checks. According to OPC officials, the amount of time and logistics it takes for the transfer of assessment checks from OPC offices to EDRC offices could account for some of the delays. Failure to promptly deposit funds when received results in the loss of interest that could have been earned if deposits were timely.

Recommendation:

- The Economic Development and Regulation Cluster (EDRC) CFO and OPC Agency Fiscal Officer should take steps to ensure that all assessment checks are deposited in a timely manner in compliance with the District OCFO's financial policy and procedures.

5. Fiscal Year 2011 Payments Were Not Consistently Processed in a Timely Manner Consistent With the District's Quick Pay Act

The District of Columbia's Quick Pay Act requires that agencies make payment as close as possible to, but no later than, the required payment date as detailed below:

1. If a contract specifies the date on which payment is due, the required payment date is the date specified in the contract.
2. If a contract does not specify the due date, then:
 - a. Meat and meat products - the seventh (7th) day after the date of delivery of the meat or meat product;
 - b. Perishable agricultural commodities – the tenth (10th) day after the date of delivery; or
 - c. All other goods and services – the thirtieth (30th) day after the receipt of a proper invoice by the designated payment officer.

The OPC Finance Office was not fully in compliance with the District's Quick Pay Act. Sixty (60) of the 100 FY 2011 expense vouchers reviewed by the Auditor were not paid in a timely manner as required by the District's Quick Pay Act. On average, payments for these 60 expense vouchers were made 39 days after the required 30-day payment deadline.

Additionally, thirty-one of the 100 expense vouchers were missing the invoice received date stamp or the date stamp was illegible; and we could not determine when it was received to determine the number of past due days, if any.

According to OPC officials, invoice disputes could cause delays in invoice processing as well as the fact that PSC expense vouchers are controlled and monitored by the OCFO's Office of Financial Operations and Systems (OFOS) which adds an additional processing step.

In addition to non-compliance with the Act, failing to pay invoices in a timely manner could result in additional fees for late payments.

Recommendations:

- The OPC and Economic Development and Regulation Cluster CFO should take the necessary steps to comply with the District of Columbia's Quick Pay Act and make all payments no later than the required due date.
- The designated payment officer within OPC and EDRC Agency Fiscal Officer should take steps to ensure that all invoices are

stamped with the date the invoice was received in order to accurately calculate when invoices are due.

Conclusion

The Office of the People's Counsel's (OPC) mandate is to advocate the provision of quality utility service and equitable treatment at rates that are just, reasonable, and non-discriminatory to assist individual consumers in disputes with utility companies about billing or services; and to provide technical assistance and consumer education to the Consumer Utility Board (CUB) and other community groups.

The OPC Agency Fund is a fiduciary fund in the District of Columbia Treasury. Any public utility applying to the Public Service Commission (PSC) for a rate or regulatory change to deposit sufficient dollars, as determined by the OPC and approved by PSC, into the OPC Agency Fund to cover OPC's reasonable and necessary expenses pertaining to an application. These deposits must be used exclusively for the payment of expenses arising from any investigation, valuation, re-valuation, or proceeding and all expenses of any litigation, including appeals arising from decisions, orders, or other actions of the OPC.

Our audit of the OPC Fund found that assessments to public utility companies were deposited into the OPC Agency Fund and all expenditures processed against the Fund were reasonable and necessary. Our review found, however, that assessment funds were not always deposited into the District's treasury in a timely manner and payments to vendors were not consistently processed in a timely manner.

We are pleased to note that the OPC and the Office of the Chief Financial Officer's Economic Development and Regulation (EDRC) Shared Service Center have taken significant steps towards improving their processes and implementing the recommendations presented in this report. We are hopeful that PSC and EDRC will continue to implement all of the audit recommendations.

Sincerely,


Yolanda Branche
District of Columbia Auditor

Agency Comments

On October 15, 2013, the Office of the District of Columbia Auditor submitted the draft report titled, “Audit of the Office of the People’s Counsel Agency Fund For Fiscal Year 2009” for review and comment to the Office of the People’s Counsel (OPC).

The Auditor held an exit conference with the Office of the People’s Counsel and the Office of the Chief Financial Officer (OCFO) on October 29, 2013, and received written comments to the draft report on November 5, 2013. No substantive changes were made to the draft report as a result of the exit conference or OPC and OCFO written comments. We are pleased to learn that OPC concurred with our findings and recommendations.



Office of the People's Counsel District of Columbia

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Sandra Mattavous-Frye, Esq.
People's Counsel

October 29, 2013

Ms. Yolanda Branche
Office of the District of Columbia Auditor
717 14th Street, NW Suite 900
Washington DC 20005

Dear Ms. Branche:

We have reviewed the four (4) draft reports of the D. C. Auditor entitled, (1) "Audit of the Office of the People's Counsel Agency Fund for Fiscal Year 2009," (2) Audit of the Office of the People's Counsel Agency Fund for Fiscal Year 2010," (3) Audit of the Office of the People's Counsel Agency Fund for Fiscal Year 2011," (4) Audit of the Office of the People's Counsel Agency Fund for Fiscal Year 2012,"

We are pleased to know that your office has determined that the FY 2009 through FY 2012 expenditures and refunds processed against the OPC's Agency Fund were reasonable and necessary.

With this letter, we are submitting a joint response from the Office of the Chief Financial Officer and the Office of the People's Counsel of the District of Columbia ("OPC") to four (4) recommendations from the Audit Reports. We provided additional documentation to the Deputy Auditor in reference to recommendation # 5 and upon review he has determined that the finding should be removed from the FY 2010 audit report.

Thank you for the opportunity to respond to the findings and recommendations in your draft report. Please do not hesitate to contact me on (202)-261-1401 or Cyril Byron, Esq. on (202)-442-9540 if you have any further questions or need additional information.

Sincerely,


Sandra Mattavous-Frye


Natwar Gandhi, CFO

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OCFO & ACCOUNTS PAYABLE
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Attachments

cc: Karen Sistrunk, Deputy People's Counsel

Office of the District of Columbia Auditor
Audit of the Office of the People's Counsel Agency Fund
Fiscal Year (FY) 2009 to FY 2012
Audit Report Recommendations Summary

Recommendation	Agency Agrees Date Agency will Implement Recommendation	Agency Disagrees Alternative Recommendation
1. Although we found Fiscal Year 2009 expenditures processed against the OPC Agency Fund were reasonable and necessary, the OPC Agency Fiscal Officer should however review invoice number 210186888A dated May 13, 2009 and make necessary adjustments to ensure that the vendor is correctly paid.	The Office of the People's Counsel will process needed adjustment (\$1,279.00) to correct the technical error in processing the payment.	
2. The Economic Development and Regulation Cluster (EDRC) CFO and OPC Agency Fiscal Officer should take steps to ensure that all assessment checks are deposited in a timely manner in compliance with the District OCFO's financial policy and procedures.	The EDRC OCFO and OPC Agency Fiscal Officer have already initiated steps to ensure that all assessments checks are deposited in a timely manner. We are in the process of implementing the iNovah remote cashiering system, where checks are processed and journal entries regarding the checks are automatically interfaced with SOAR. Checks are also imaged and copies maintained. Implementation of the remote depositing system is to be completed within the first quarter of FY 2014. This will result in a more timely deposit and recording process in compliance with the District OCFO's financial policy and procedures. The OCFO anticipates that replacing the currently used manual process with the electronic system will bring the agency in compliance.	

3. The OPC and Economic Development and Regulation Cluster CFO should take the necessary steps to comply with the District of Columbia's Quick Pay Act and make all payments no later than the required due date.	The Office of the People's Counsel has made progress in the last two years to comply with the Quick Payment Act (QPA). Payments are being processed in more efficient and timely manner to enforce QPA requirements that mandate the agency to make payments within 30 days of the receipt of the invoice. The agency submits monthly QPA reports to the Office of Financial Operations and Systems in efforts to observe progress and address any issues arising on a monthly basis. The Shared Services Center (Accounts Payable Division) has initiated the circulation of daily Voucher Payable and Purchase Order reports to aid the OPC in their daily monitoring and tracking of invoices and obligation. The OPC has written policies and procedures for processing invoices from the time they are received in the agency to the time they are forwarded to the Office of the Agency Fiscal Officer (OAFO) for ultimate payment. The OPC OAFO adheres to District-wide Policies and Procedures while complying with QPA requirements. In light of the finding, the OPC is reexamining its procedures in order to streamline the process. The OAFO reminds OPC program staff of delays in processing invoices and monitors the processing of invoices in a timely fashion at the Shared Services Center.	
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4. The designated payment officer within OPC and EDRC (Agency Fiscal Officer) should take steps to ensure that all invoices are stamped with the date the invoice was received in order to accurately calculate when invoices are due.	In response to the audit finding regarding the lack of stamping invoices, the Office of the People's Counsel recently issued Administrative Order No. 102-02-13 - Date/Time Stamp Requirement and Guidelines for all incoming office mail. The purpose of this Administrative Order is to enforce the requirement to date/time stamp all incoming mail in the Office of the People's Counsel. The intent of the guideline is to underscore the significance and set a standard and guiding principal to officially document OPC mail upon receipt. The OAFO has developed a system to ensure that all incoming invoices are stamped with the dates when they are received at the agency. In light of the finding, special focus is being placed on date stamping (making sure that the invoices are stamped before they are forwarded to the Shared Services Center for processing).	
5. Although we found fiscal year 2010 public utility assessments were properly deposited into the OPC Agency Fund the OPC Agency Fiscal Officer should however review the FY 2010 annual report and make necessary adjustments to accurately report the \$4,000 discrepancy noted in our review.	The Office of the DC Auditor has agreed to remove this finding based on review of additional back up information that clarifies the \$4,000 discrepancy. No discrepancy existed in the FY 2010 Annual Report.	

Auditor's Response to Agency Comments

The Auditor appreciates the comments provided by the Office of the People's Counsel (OPC) and Office of the Chief Financial Officer (OCFO). We are pleased to learn the OPC and OCFO have taken positive steps towards implementing some of the findings and recommendations presented in the report.

Appendix I

Description of Fiscal Year 2011 Formal Cases in Which Utilities Made Deposits to the Office of the People's Counsel's Agency Fund

Formal Case Number	Description of Case
PEPCO	
766	In the Matter of the Commission's Fuel Adjustment Clause Audit and Review Program
945	In the Matter of the Investigation into Electric Service Market Competition and Regulatory Practices
982	In the Matter of the Investigation of Potomac Electric Power Company Regarding Interruption to Energy Services
1026	In the Matter of the Investigation of the Feasibility of Removing Pre-Existing Aboveground Utility lines and Cables and Relocating them Underground in the District of Columbia
1056	In the Matter of Application of Potomac Electric Power Company for Authorization to Establish a Demand Side Management Surcharge and Advance Metering Infrastructure Surcharge and to Establish a DSM Collaborative and an AMI Advisory Group
1062	In the Matter of the Investigation into the Electric Power Outage in the District of Columbia on June 13, 2008
1082	In the Matter of the Investigation into the distribution system reliability performance of the Potomac Electric Power Company in the District of Columbia
1087	In the Matter of the application of the Potomac Electric Power company for authority to increase existing retail rates and charges for electric distribution service

Source: Report of the OPC of the District of Columbia for FY 2011