



Audit of the Public Service Commission Agency Fund for Fiscal Year 2009

September 30, 2013

Audit Team:

Dexter Monroe, Financial Auditor

A Report by the Office of the District of Columbia Auditor
Yolanda Branche, 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 Public Service Commission 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 (FY) 2009 financial activities of the Public Service Commission (PSC) Agency Fund.

¹ D.C. Code, Section 34-912(a)(6).

Objectives, Scope and Methodology

Objectives

The objectives of the audit were to:

1. Verify public utility revenue deposits to and disbursements from the Public Service Commission (PSC) Agency Fund for fiscal year (FY) 2009;
2. Examine expenses charged against the PSC 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 PSC officials before payment; and
4. Determine the amount of refunds to public utilities that were processed against the PSC Agency Fund.

Scope

The audit covered the PSC Agency Fund activities including receipts, disbursements and refunds for FY 2009.

Methodology

In conducting the audit, the Auditor reviewed relevant D.C. Code provisions, public utility revenue deposits to and disbursements from the PSC 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 PSC Agency Fund during FY 2009. We also reconciled deposits made to the PSC Agency Fund to confirm statements provided by Potomac Electric Power Company (PEPCO), Washington Gas and Verizon.

Finally, the Auditor interviewed the PSC Fiscal Officer (AFO) and relevant staff in the Office of the Chief Financial Officer's Economic Development and Regulation Cluster (EDRC) Shared Service Center.

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.

Background

The District of Columbia Public Service Commission (PSC) is an independent agency of the District government established by Congress in 1913 to regulate electric, natural gas, and telephone companies in the District by functioning as a quasi-judicial agency. The mission of the PSC is to serve the public interest by ensuring that financially sound electric, natural gas and telecommunications companies provide safe, reliable and quality utility services at reasonable rates to District of Columbia residential, business and government consumers. The PSC has rate-making and other regulatory authority over electric, natural gas and telecommunications companies. The members of the PSC include a chairman and two commissioners appointed by the Mayor with the advice and consent of the Council of the District of Columbia.

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

Like other agencies, the PSC participates in the District's annual budget process; however, none of the monies expended by the PSC come from the District's general fund revenues. Instead, each public utility provider doing business in the District pays a pro rata share of the PSC's annual operating budget based on a reimbursement formula prescribed by law. The PSC also assesses each public utility provider on an annual basis for reimbursement of the PSC's formal case related 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, the Office of the People's Counsel (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 PSC 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 PSC, into the PSC Agency Fund to cover the PSC'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 conducted by the PSC and all expenses of any litigation, including appeals arising from decisions, orders, or other actions of the PSC.

D.C. Code § 34-912(a)(7) requires the PSC to issue an annual report to the Mayor and Council of the District of Columbia fully disclosing 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. D.C. Code goes on to state that each voucher for payment for formal case related expenses must include an affidavit signed by the PSC 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), requires that any excess funds deposited by a public utility for a formal case that was closed shall be refunded to the utility. PSC 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, 2008, the beginning balance in the PSC Agency Fund was \$2,697,986.26. Deposits of \$1,403,502.53 that included a \$2,502.53 transfer less expenditures of \$759,900.92 and \$7,350.00 in refunds to the public utility companies resulted in a PSC Agency Fund ending balance of \$3,334,237.87, as of September 30, 2009. 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.

Audit Results

1. Fiscal Year 2009 Public Utility Assessments Were Properly Deposited into the PSC Agency Fund

During fiscal year (FY) 2009, we confirmed that the Public Service Commission (PSC) issued five Notice of Agency Fund Requirement Orders to PEPCO and Washington Gas Light (WGL). Verizon was not issued a Notice of Agency Fund Requirement Order in FY 2009. PEPCO and WGL responded by submitting five checks to PSC totaling \$1,401,000.00. The Auditor confirmed through CFOSOLVE/SOAR that the PSC received \$1,401,000 in utility assessments and deposited the funds into the PSC's Agency Fund as follows: \$1,296,000 from PEPCO and \$105,000 from WGL.

We reconciled the \$1,401,000 in utility assessments to District Treasury deposit tickets, SOAR financial reports, and respective utility company confirmation statements. The Auditor found that the PSC's FY 2009 Trust Fund Reconciliation Report, submitted to the Mayor and Council of the District of Columbia, agreed with our finding that \$1,401,000 in utility assessments were deposited into the Agency Fund in FY 2009.

Figure 1 presents FY 2009 public utility assessment deposits made to the PSC Agency Fund. (See Appendix I for a brief description of each formal case).

Figure 1**Public Utility Assessments Deposited Into the Public Service Commission's Agency Fund During Fiscal Year 2009**

Public Utility	Formal Case Number	Amount	Date PSC Received Check	Date of Deposit
PEPCO	1023	\$250,000.00	11/14/2008	12/11/2008
	1053	\$150,000.00	8/12/2009	9/14/2009
	1076	\$700,000.00	6/17/2009	7/9/2009
	991	\$196,000.00	7/1/2009	7/9/2009
PEPCO TOTAL		\$1,296,000.00		
WASHINGTON GAS	1027	\$105,000.00	8/12/2009	9/14/2009
WASHINGTON GAS TOTAL		\$105,000.00		
GRAND TOTAL DEPOSITS		<u>\$ 1,401,000.00</u>		

Source: SOAR/CFOSOLVE, Public Service Commission and the Office of the District Auditor

2. Fiscal Year 2009 Expenditures Processed Against the PSC Agency Fund Were Reasonable and Necessary

During FY 2009, the PSC processed 72 expense vouchers and journal entries totaling \$759,900.92 against the PSC Agency Fund. The Auditor reconciled the \$759,900.92 in expenditures to individual expense vouchers and the SOAR.

Approximately 95 percent or \$723,433.76, of the total expenses paid by PSC during FY 2009 were for professional services provided by attorneys, economists, engineer consultants, and certified public accountants. Approximately 5 percent or \$36,467.16, were for administrative costs including travel, copying, telecommunications, delivery, and transportation services. The PSC Agency Fund expenditures appeared to be reasonable and necessary expenses as required by D.C. Code, Section 34-912. We found that each expense voucher was properly signed and approved for payment by an authorized PSC official.

3. Fiscal Year 2009 Refunds of Unexpended Assessments Processed Against the PSC Agency Fund

The Auditor found that during FY 2009, the PSC processed one refund voucher and journal entry totaling \$7,350 against the PSC Agency Fund. The Auditor reconciled the \$7,350 refund of unexpended assessments to individual vouchers and the District's accounting system. The refund totaling \$7,350 was issued to Washington Gas.

Figure 2 presents FY 2009 refunds of unexpended assessments to public utilities.

Figure 2

Public Service Commission Agency Fund: Fiscal Year 2009 Refunds to Public Utilities

Vendor	Refund Amount
Washington Gas	\$7,350.00
Total Refunds	\$7,350.00

Source: SOAR/CFOSOLVE Public Service Commission and the Office of the D.C. Auditor

4. The Economic Development and Regulation Cluster Shared Service Center Did Not Deposit Fiscal Year 2009 Public Utility Assessment Checks in a Timely Manner

The Office of the District of Columbia Chief Financial Officer (OCFO) Financial Policies and Procedures require that all financial transactions, including the receipt and disbursement of funds, must be recorded in a timely manner. The OCFO's, Economic Development and Regulation Cluster (EDRC) Shared Service Center and PSC Finance Office were not in compliance with the District OCFO's Financial Policies and Procedures regarding the timely deposit of the revenue receipts.

We found that assessment checks received from utility companies were not deposited in a timely manner upon receipt. On average, it took approximately 22.5 days from the date PSC received the checks to the date the EDRC Shared Service Center deposited the checks. According to PSC officials, the amount of time and logistics it takes for the transfer of assessment checks from PSC offices to EDRC offices could account for some of the delays. Failure to promptly deposit funds when received places the agency funds at risk, in addition to the loss of interest that could have been earned if deposits were timely.

Recommendation:

1. The Economic Development and Regulation Cluster CFO and PSC 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 2009 Payments Were Not Consistently Processed in a Timely Manner

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 PSC Finance Office was not fully in compliance with the District's Quick Pay Act. Thirty-nine (39) of the 72 FY 2009 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 39 expense vouchers were made 35.23 days after the required 30 day payment deadline. It should be noted that twenty-one (21) of the expense vouchers were missing the invoice received date stamp or the stamp was illegible, and we could not determine when it was received in order to determine the number of past due days, if any.

We found that 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.

Recommendations:

2. The Economic Development and Regulation Cluster CFO and PSC Agency Fiscal Officer shall 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.
3. The Economic Development and Regulation Cluster CFO and PSC Agency Fiscal Officer should establish procedures to ensure the timely payment of invoices.
4. The PSC Agency Fiscal Officer and EDRC finance office should take steps to ensure that all invoices are stamped with the date the invoice was received.

Conclusion

The mission of the Public Service Commission (PSC) is to serve the public interest by ensuring that financially sound electric, natural gas and telecommunications companies provide safe, reliable and quality utility services at reasonable rates to District of Columbia residential, business and government consumers. The PSC Agency Fund is a fiduciary fund in the District of Columbia Treasury. Any public utility applying to the PSC for a rate or regulatory change is required to deposit sufficient dollars, as determined by the PSC, into the PSC Agency Fund to cover the PSC'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 conducted by the PSC and all expenses of any litigation, including appeals arising from decisions, orders, or other actions of the PSC.

Our audit of the PSC Fund found that assessments to public utility companies were deposited into the PSC 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 PSC and the Office of the Chief Financial Officer's Economic Development and Regulation Cluster (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,


for: Yolanda Branche, Deputy Auditor
District of Columbia Auditor

Agency's Response

On August 29, 2013, the Office of the District of Columbia Auditor submitted the draft report titled, "Audit of the Public Service Commission Agency Fund for Fiscal Year 2009" for review and comment to the Public Service Commission.

The Auditor received written comments from the Public Service Commission (PSC) and the Office of the Chief Financial Officer (OCFO) on September 30, 2013. We are pleased to learn that PSC concurred with our findings and recommendations, and provided written clarity on the position title of the PSC Agency Fiscal Officer. The joint PSC and OCFO response is included with this report.



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BETTY ANN KANE
CHAIRMAN

September 24, 2013

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 Public Service Commission Agency Fund for Fiscal Year 2009," (2) "Audit of the Public Service Commission Agency Fund for Fiscal Year 2010," (3) "Audit of the Public Service Commission Agency Fund for Fiscal Year 2011," and (4) "Audit of the Public Service Commission Agency Fund for Fiscal Year 2012."

We are pleased that your office has determined that the FY 2009 through FY 2012 expenditures and refunds processed against the PSC'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 Public Service Commission of the District of Columbia ("PSC") to four (4) recommendations from the Audit Reports. We have requested that recommendations #2 and #3 be combined to avoid repetition, so our comments cover 3 rather than 4 findings. The key issues relate to the timeliness of deposits and compliance with the Quick Payment Act ("QPA"). With respect to the latter, at the exit conference there was agreement among all of the parties that the Auditor will recalculate the QPA compliance rates using the OAFO date stamp rather than the PSC's data stamp since invoices are increasingly e-mailed directly to the OAFO rather than mailed to the PSC.

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) 626-5125 or Cyril Byron, Jr. on (202) 442-9540 if you have any further questions or need additional information.

Sincerely,

Betty Ann Kane
Attachments

Natwar Gandhi, CFO

cc: Phylicia Fauntleroy Bowman, Executive Director
Gurmeet Scoggins, Agency Fiscal Officer

Office of the District of Columbia Auditor
Audit of the Public Service Commission 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. The Economic Development and Regulation Cluster CFO and the PSC 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 Office of Agency Fiscal Officer (OAFO) have already initiated steps to ensure that all assessments checks are deposited in a timely manner. EDRC OCFO is 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.	
2. The designated payment officer within PSC and EDRC finance office should take steps to ensure that all invoices are stamped with the date the invoice was received.		There is no designated payment officer within the PSC. The designated payment officer is the OAFO. Moreover, the recommendation from the previous audit, issued in September 2011, recognized this as follows: "The Office of Agency Fiscal Officer (OAFO) shall take steps to ensure that all invoices are stamped with the date the invoice was received in the OAFO." In addition, for the record, upon receipt of this finding, the PSC reviewed all of the invoices that the

Recommendation	Agency Agrees Date Agency will Implement Recommendation	Agency Disagrees Alternative Recommendation
		Auditor indicated lacked a PSC date stamp (from the Office of the Commission Secretary - OCMS). After comparing the invoices to OCMS's log, we found none of the invoices had entered the PSC through that office. Rather, it appears they were e-mailed directly to both the OAFO and Contract Administrator (CA). This practice is consistent with the PSC's contracts that require consultants to submit their invoices to the OAFO and copy the Contract Administrator. The contract language does not require mailing the invoices. Not surprisingly, over the years, consultants are increasingly e-mailing the invoices rather than mailing them. Therefore, since OAFO also date stamps its receipt of invoices, we recommend, for all 4 years of the audit, compliance with the QPA be recalculated using the OAFO date stamp rather than an OCMS date stamp.
3. The Economic Development Regulation Cluster CFO and PSC Agency Fiscal Officer shall take the necessary steps to comply with the District of Columbia's Quick Payment Act and make all payments no later than the required due date.	The EDRC Cluster CFO and OAFO have made progress in the last two years to comply with the Quick Payment Act (QPA) as reflected in the FY 2009 through FY 2012 Audit Reports. Payments are being processed in a more efficient and timely manner to enforce QPA requirements that mandate payments of invoices are to be made within 30 days of the receipt of proper invoices. The OAFO submits monthly QPA reports to the Office of Financial Operations and Systems in an effort to observe progress and address any issues arising on a monthly basis. The Shared Services Center (Accounts Payable	

Recommendation	Agency Agrees Date Agency will Implement Recommendation	Agency Disagrees Alternative Recommendation
	Division) has initiated the circulation of daily Voucher Payable and Purchase Order reports to aid the OAFO in the monitoring and tracking of invoices and obligations. The OAFO adheres to District-wide Policies and Procedures while complying with QPA requirements. The PSC's implementation of an e-invoice system in FY 12 has been instrumental in expediting the processing of invoices and compliance with the QPA. Each invoice is e-mailed to the OAFO, with a copy e-mailed simultaneously to the Contract Administrator. The OAFO date stamps the invoice, and then gives it to the Office of the Deputy Executive Director for Administrative Matters which enters the invoice into the electronic system. The invoice goes electronically to the CA for approval or disapproval. If approved, it goes electronically to the Chairman for approval or disapproval. If approved, it goes back to the OAFO for further processing electronically. With the e-invoice system, the time between the OAFO's receipt of the invoice and the Chairman's approval can be reduced to one or two business days.	

Auditor's Response to Agency Comments

The Auditor appreciates the comments provided by the Public Service Commission and Office of the Chief Financial Officer. We are pleased to learn the PSC and OCFO have taken positive steps towards implementing some of the findings and recommendations presented in the report. Further, based on our discussions during our September 20, 2013 exit conference and PSC and OCFO's written response, we changed the position title of the PSC Agency Fiscal Officer within the respective findings. We further reassessed compliance with the Quick Payment Act and made changes were warranted.

Appendix I

Description of Fiscal Year 2009 Formal Cases in Which Utilities Made Deposits to the Public Service Commission's Agency Fund

Formal Case Number	Description of Case
PEPCO	
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 Electric Energy Service
991	In the Matter of the Investigation into Explosions Occurring in or Around the Underground Distribution Systems of the Potomac Electric Power Company
1017	In the Matter of the Development and Designation of Standard Offer Service in the District of Columbia
1023	In the Matter of the Investigation into the Effect of the Bankruptcy of Mirant Corporation on Retail Electric Service in the District of Columbia
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
1047	In the Matter of the Petition of the Office of the People's Counsel for the District of Columbia for an Investigation Into the Structure of the Procurement Process for Standard Offer Service
1050	In the Matter of the Investigation of Implementation of Interconnection Standards in the District of Columbia
1053	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
1076	In the Matter of the Application of the Potomac Electric Power Company for Authority to Increase Existing Retail Rates and Charges for Electric Distribution Services
VERIZON WASHINGTON DC, INC.	
1040	In the Matter of the Investigation into Verizon, Washington, D.C. Inc's Universal Emergency Number 911 Services Rates in the District of Columbia
1057	In the Matter of Verizon, Washington, DC. Inc's Price Cap Plan 2008 for the Provision of Local Telecommunications Services in the District of Columbia
WASHINGTON GAS LIGHT COMPANY	
874	In the Matter of the Gas Acquisition Strategies of District of Columbia Natural Gas, A Division of Washington Gas Light Company

989	In the Matter of Office of the People's Counsel Complaint for a Commission-Ordered Investigation into the Reasonableness of Washington Gas Light Company's Existing Rates
1027	In the Matter of the Emergency Petition of the Office of the People's Counsel for an Expedited Investigation of the Distribution System of Washington Gas Light Company
1054	In the Matter of the Application of the Washington Gas Light Company for Authority to Increase Existing Rates and Charges for Gas Services

Source: Report of the PSC of the District of Columbia for FY 2009