

Relationship Between Public Advocate and Regulatory Commission

Presentation to Russian Federal Tariff Service Delegation

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Pennsylvania Office of Consumer Advocate

- Established in 1976, as an independent state office, within the Office of Attorney General.
- Represents the interests of utility consumers before the PUC, federal regulatory agencies, state and federal courts, and non-governmental entities such as the PJM Interconnection.

Consumer Education and Outreach

- OCA also assists customers who have questions and complaints regarding electric, natural gas, telephone, water and wastewater service.
- Our toll-free call center number is 1-800-684-6560, and is staffed from 8 a.m. to 5 p.m., Monday through Friday. The OCA can also be reached via email at consumer@paoca.org or visit our Website at www.oca.state.pa.us .

Receipt of Information



- PUC is required by statute to notify OCA of *every* filing.
- Utilities must provide most important filings directly to OCA.
- OCA can participate in any docket that affects the interests of consumers.

“Consumer” defined broadly

- Any person who is or may be a direct user or an ultimate recipient of a product or service supplied by any utility.
- “Consumer” can include persons, corporations or municipalities.



OCA Discretion

- OCA can decide to represent the interest of consumers by filing a “notice of intervention.”
- OCA can initiate proceedings “if in his judgment such may be necessary” by filing
 - A formal complaint for a group
 - A petition for a new or amended regulation
 - A petition for an investigation.



Federal/regional agencies or entities

- OCA may monitor or formally participate at
 - Federal Communication Commission
 - Federal Energy Regulatory Commission
 - PJM (Regional Transmission Operator)
 - in any matter affecting interests of consumers.



Public Statements

- OCA must express the specific interest of consumers to be protected, whenever initiating, intervening or otherwise participating in a case.
- Public statements must be included with whatever document initiates participation.

OCA info to PUC

- OCA communicates to PUC through:
 - Formal filings in cases
 - In uncontested cases, oral or written communications are permitted; BUT

“Ex parte” rules:

- prohibit off-the-record communications
- to or from PUC commissioners, judges, employees
- about disputed facts in contested cases.



Contested Cases

- In contested cases, the PUC is the ultimate decisionmaker (unless an appeal is taken)
- The OCA acts as the legal representative of the group of consumers.

OCA & PUC in other forums

- If a utility initiates an appeal in court, OCA and PUC are on the same side.
- If the OCA initiates an appeal in court, the utility and the PUC are on the same side.



Outreach Sessions

- The PUC and the OCA often participate in the same outreach sessions to consumers, seniors and low income groups.
- Here, the goal is to educate, so OCA and PUC are not adversarial.
- OCA & PUC can coordinate efforts.

Consumer Advisory Council

- OCA sends a representative to the PUC's Consumer Advisory Council each month.
- Purpose is to exchange information and for consumer representatives to alert PUC of emerging issues.
- Because of ex parte rules, pending cases are not discussed.

Events

- On request, OCA participates in PUC-sponsored events, such as National Drinking Water Week.
- OCA & PUC share responsibilities in various consortiums and continuing legal education in the world of public utility regulation.

Conclusion

- PUC & OCA interactions vary. Sometimes they are cooperative and sometimes adversarial.
- OCA strives to maintain a positive, solution-oriented rapport with Commissioners, Judges and other PUC employees.
- We strive to “disagree, without being disagreeable”!
- Questions?

<http://www.youtube.com/watch?v=6wCDAOYaYdk&feature=related>



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