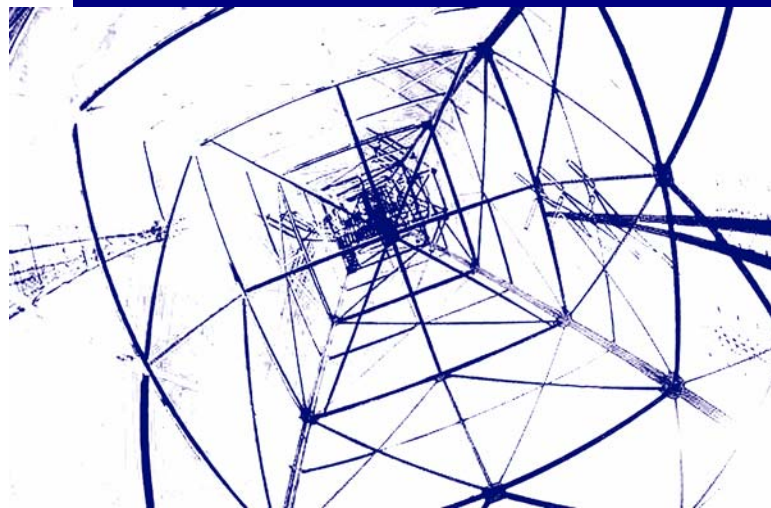




The National Regulatory Research Institute

*The Role of
Utility Consumer
Advocates in a
Restructured
Regulatory
Environment*



The Role of Utility Consumer Advocates in a Restructured Regulatory Environment

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EXECUTIVE SUMMARY

Utility regulation is changing from oversight of monopoly firms using a rate-based model to consumer protection in a competitive market. As regulation of utilities shifts away from rate-based regulation, a consumer-driven environment is developing, and consumer representation is growing in importance. Consumer affairs divisions of state public utility commissions, private consumer interest groups, independent consumer advocates, state attorneys general and others play a vital role in representing the interests of utility consumers.

Since the advent of competition, public utility commissions increasingly interact with other agencies and consumer groups. This report focuses on one of these—the independent consumer advocates. Despite some variation, consumer advocates share similar functions, including *inter alia*, rate advocacy, handling consumer complaints, consumer education, outreach and market monitoring. In this report, the primary consumer advocate—sometimes called a state proxy advocate—in each state will be compared. Other agencies, such as the consumer affairs divisions of state public utility commissions, are only peripherally considered.

Consumer advocates carry out a unique function among consumer representatives. They have the funding and expertise that many private consumer interest groups lack. They have the power to appeal public utility commission decisions. Their expertise and consumer-oriented focus also allows them to disseminate information to better inform consumers, and to monitor and investigate complaints in order to track particular issues. The consumer affairs divisions of public utility commissions are also responsible for this, so some overlap may occur. Nonetheless, such an overlap of functions and responsibilities serves as a double layer of protection for consumers.

A dedicated and independent representative to advocate for and protect the interests of consumers continues to have an appeal for state governments in a restructured regulatory environment. Working in a cooperative manner, public utility commissions and consumer advocates can most effectively represent consumers while limiting duplication of functions. Consumer advocates, like public utility commissions, strive for the ultimate goal of increasing consumer sovereignty. The objective of this report is to elucidate the role of consumer advocates in a changing regulatory environment.

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Introduction

As regulation of utilities shifts away from rate-based regulation, consumer representation is growing in importance. Independent consumer representatives differ in name: e.g. consumer advocate, public advocate, peoples' counsel, etc. They also vary in structure. Consumer advocate offices can be categorized into three different structural types:

1. Independent agencies,
2. Divisions of state attorney generals,
3. Consumer utility boards (CUBs).

Other organizations also play a role in representing and protecting the interests of consumers. These include the utility companies themselves, state attorneys general, state and federal public utility commissions, private grassroots consumer groups, and others. Since the advent of competition, state public utility commissions (PUCs) increasingly interact with other agencies and consumer groups.¹ This paper focuses on the independent consumer advocates.²

The major distinction among groups representing consumers is the location of the consumer advocate within the structure of the state's government. Despite the differences in structure, consumer representatives share similar functions, including *inter alia*, rate advocacy, handling consumer complaints, consumer education, outreach and market monitoring. In this report, the primary consumer advocate—sometimes

¹ For a related analysis, see Francine Sevel and LingBei Xu, Consumer Input to State Public Utility Commission Decisions: A Survey of PUC Executive Directors, *NRRI Journal of Applied Regulation*, Vol. 1 (June 2003).

² For an in-depth analysis of the impact of the evolving regulatory environment on the consumer affairs departments of PUCs, see Francine Sevel, *The Consumer Response to Public Utility Competition* (Columbus, Ohio: The National Regulatory Research Institute, 2000).

called a state proxy advocate—in each state is compared. This paper considers the role of the independent consumer advocate in each state. For the purposes of this paper, several significant traits serve to delineate consumer advocates:

1. Independent offices
2. Designated by statute
3. Authority to appeal commission decisions³

These attributes distinguish consumer advocates from private grassroots organizations and from consumer affairs divisions within state PUCs.

The role of consumer advocates has significantly expanded. Initially, the focus was on consumer advocacy in rate hearings. Now, although rate advocacy remains important, more attention is being given to consumer complaints, consumer education and outreach programs. Education and outreach are done by means of consumer handbooks, consumer alerts, websites, speeches and newspaper columns. One of the primary reasons for this expanding role is growing competition in the utility industry. Consumer advocates strive to raise consumer awareness of utility issues and to educate them so that they can make more informed choices.

Four interrelated themes recur throughout the following discussion of consumer advocates:⁴

1. The authority of the consumer advocate
2. The independence of the consumer advocate

³ Derived from the definition of “proxy advocate” by William T. Gormley, Jr., Policy, Politics, and Public Utility Regulation, *American Journal of Political Science*, Vol. 1 (February 1983), and the National Association of State Utility Consumer Advocates (NASUCA) criteria for a “consumer advocate” (see NASUCA’s website at www.nasuca.org). The consumer advocates considered in this paper are for the most part members of NASUCA.

⁴ Information relating to these themes can be found in the columns in Table 1.

3. Access to information

4. Funding

These themes vary and interweave, often implicitly, in practice, yet can be segregated for heuristic purposes. For example, the authority to appeal commission decisions requires some independence from the commission and entails a need for access to information held by the commission. Analyzing the interplay of factors elucidates the functions of the consumer counsel and clarifies its role in relation to state commissions.

The environment of the public utility sector has changed from the classical model of monopoly firms overseen by government regulators. Beginning in the late 1960s, rising costs, higher interest rates and other factors caused consumers to organize and begin to intervene in rate cases to oppose rate increases.⁵ Consumer groups formed, which in turn generated political awareness. Referring to the decade of the 1970s, Charles Phillips stated that “regulatory commissions were ill-equipped to deal with the new environment.”⁶ Several states responded to consumer dissatisfaction by creating government agencies with the specific mandate of representing the interests of utility consumers. In 1979, the National Association of State Utility Consumer Advocates (NASUCA) was formed with 16 state consumer advocates as members.⁷ At that time, consumer representatives focused on advocating for utility consumers in commission rate cases.

⁵ Charles F. Phillips, Jr., *The Regulation of Public Utilities* (Arlington, VA: Public Utilities Reports, Inc. 1993) p. 12.

⁶ *Id.* at p. 15.

⁷ See the NASUCA website at <http://www.nasuca.org>.

Following the changes in utility regulation of the 1970s, significant institutional changes occurred in public utility regulation. Deregulation and marketization along with vertical disintegration and unbundling have had some benefits for consumers, but have often created confusing, unexpected and sometimes detrimental effects, particularly for residential consumers, including vulnerability to market abuses. The challenges of this changing regulatory environment have led to significant changes in the role of both the consumer and consumer protection.⁸ Concurrent with the structural changes, the utility sector has in some cases shifted away from traditional rate base, rate-of-return regulation.

Deregulation of public utilities has occurred unevenly throughout different sectors and states. The following figures illustrate that. One of the challenges for consumer advocates is to guide consumers through these transitions. Figure 1 shows the status of natural gas unbundling in each state.⁹ Figure 2 shows the status of electricity restructuring, sometimes called deregulation.¹⁰ Figure 3 shows the current status of structural changes in the regulation of telecommunications providers.¹¹

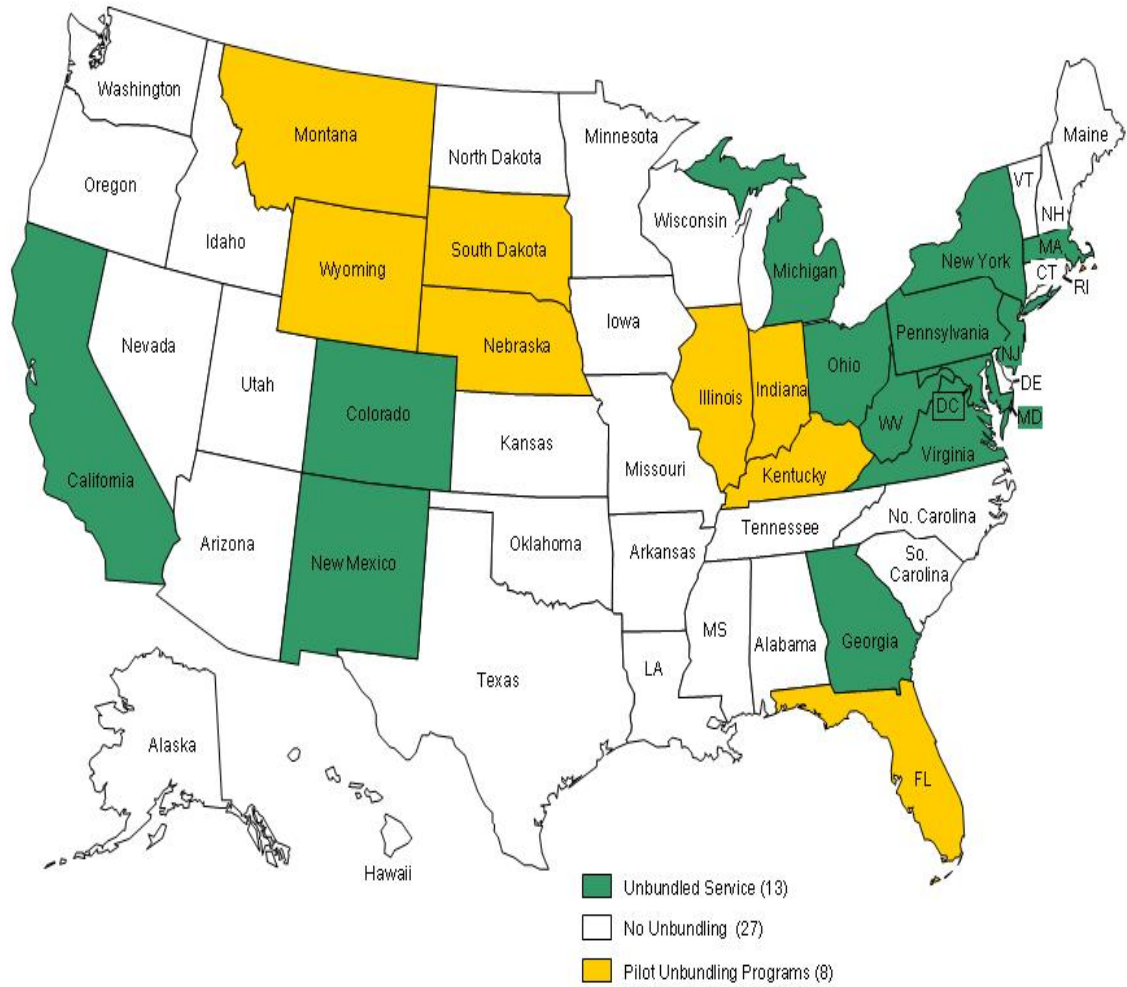
⁸ Francine Sevel, "The Evolution of the Consumer Affairs Department," in NRRI Report, *The State of Regulation: An Annual Examination of the Four Utility Sectors* (Columbus, Ohio: NRRI 01-10, August 2001) pp. 68-69. See also, Harry Trebing, "New Challenges for the Consumer Movement in an Era of Utility Deregulation," *NRRI Quarterly Bulletin*, 19, no. 4 (Winter 1999).

⁹ Unbundling is the separating of the component parts of natural gas service for the purpose of separate pricing or service offerings.

¹⁰ This is similar to unbundling of natural gas service in that electricity costs are segregated into generation, transmission, distribution and customer service.

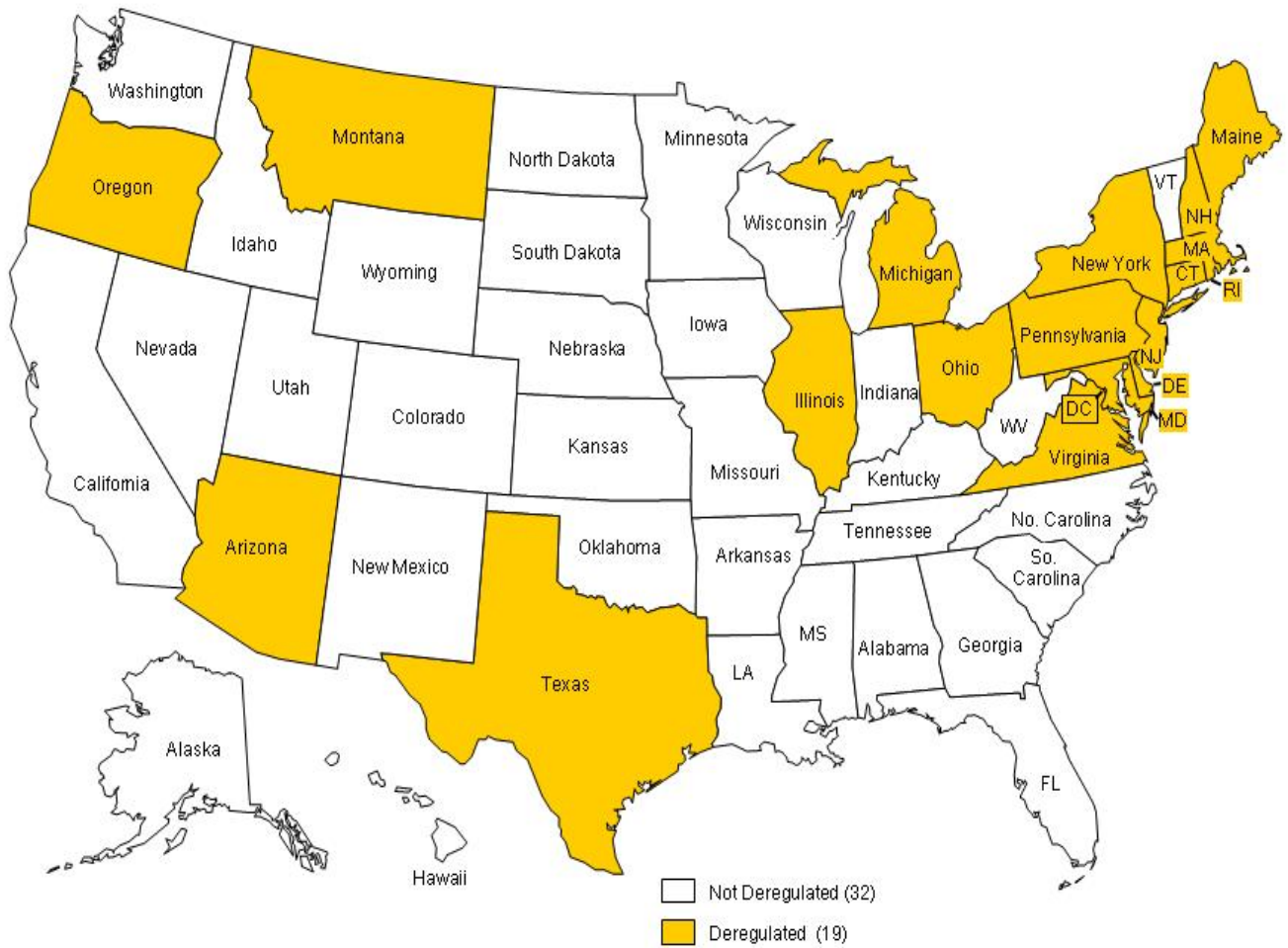
¹¹ In the figure, price caps (PC) refers to a method of utility regulation where commissions set a maximum price a service provider may charge. Rate base, rate-of-return (ROR) regulation is the traditional method of establishing rates service providers may charge consumers. Commissions calculate the cost of providing utility service and allow providers to recover these costs plus a reasonable rate of return. Incumbent local exchange carriers (ILECs) are the historic local phone service providers in a market. Competitive local exchange carriers (CLECs) are new market entrants.

FIGURE 1: STATUS OF RESIDENTIAL NATURAL GAS RESTRUCTURING



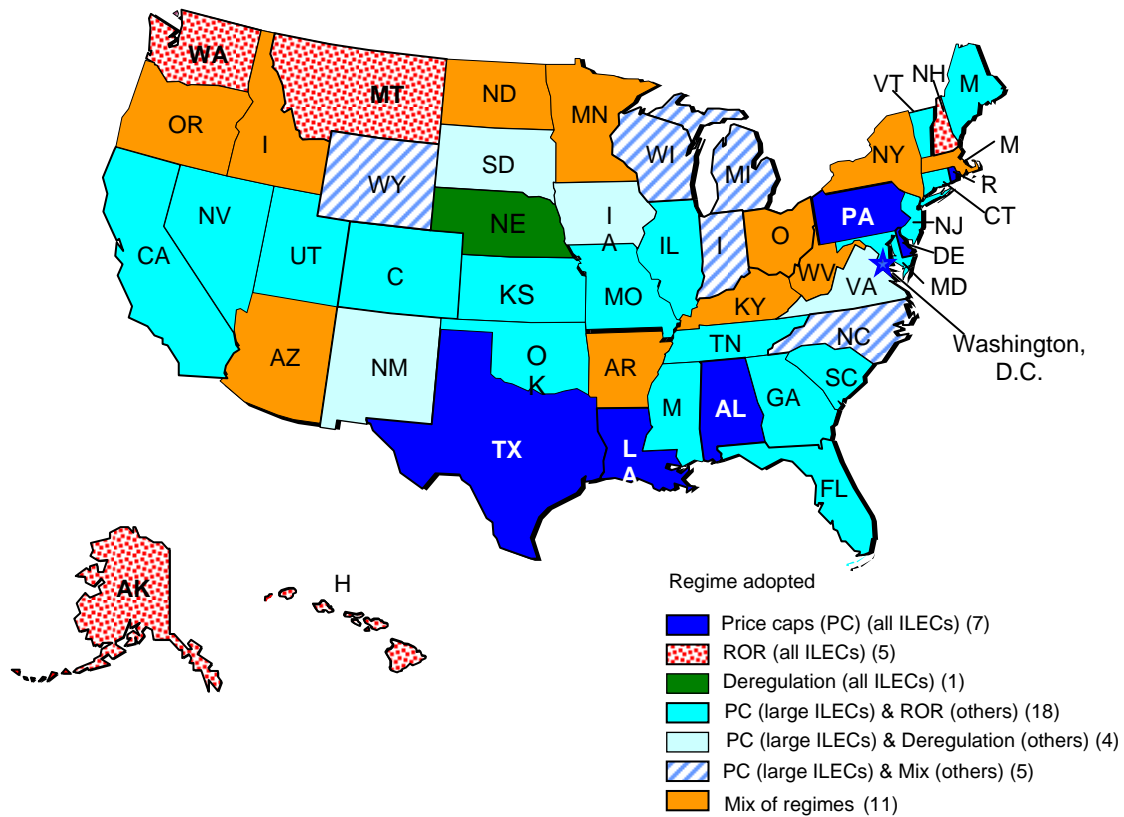
Source: Authors' construct.

FIGURE 2: STATUS OF RESIDENTIAL ELECTRICITY RESTRUCTURING
2003



Source: Authors' construct.

**FIGURE 3: RETAIL REGULATION OF INCUMBENT LOCAL EXCHANGE PROVIDERS
2003**



Source: *State Telephone Regulation Report*, May & June 2003, Vol. 21 (No.9-11) Prepared by Lilia Pérez –Chavolla, NRRI Resreach Associate, August 2003.

As a result of the restructured regulatory environment, 45 states now have an independent agency that acts as a consumer advocate. Table 2 lists these offices and provides contact information. Table 1 (at the end of the text) lists some salient features for each office.

1. The first column of Table 1 gives the title of each consumer advocate office.
2. The second column provides information on the institutional affiliation of the consumer advocate office i.e., its place within the structure of the state government.
3. The third column lists the enabling statutes that provide the consumer advocate's authority.
4. Columns 4 and 5 present two basic aspects of such authority. Column 4 shows the forums in which the consumer advocates may act.
5. Column 5 indicates the consumer interests that the consumer advocates have the power to represent.
6. Column 6 indicates whether the consumer advocate has the authority to appeal decisions of the state public utility commission.
7. Column 7 concerns the funding mechanism for the consumer advocate.
8. Column 8 shows the amount of funding for a current year
9. Column 9 lists the number of staff persons for each consumer advocate for a recent year.

Columns 2-8 are discussed below. The statutes referenced in Column 3 underlie the other facets of each consumer advocate, and are referred to indirectly. Column 1 is provided for reference. Column 9 is touched on briefly.

Position in State Government Structure

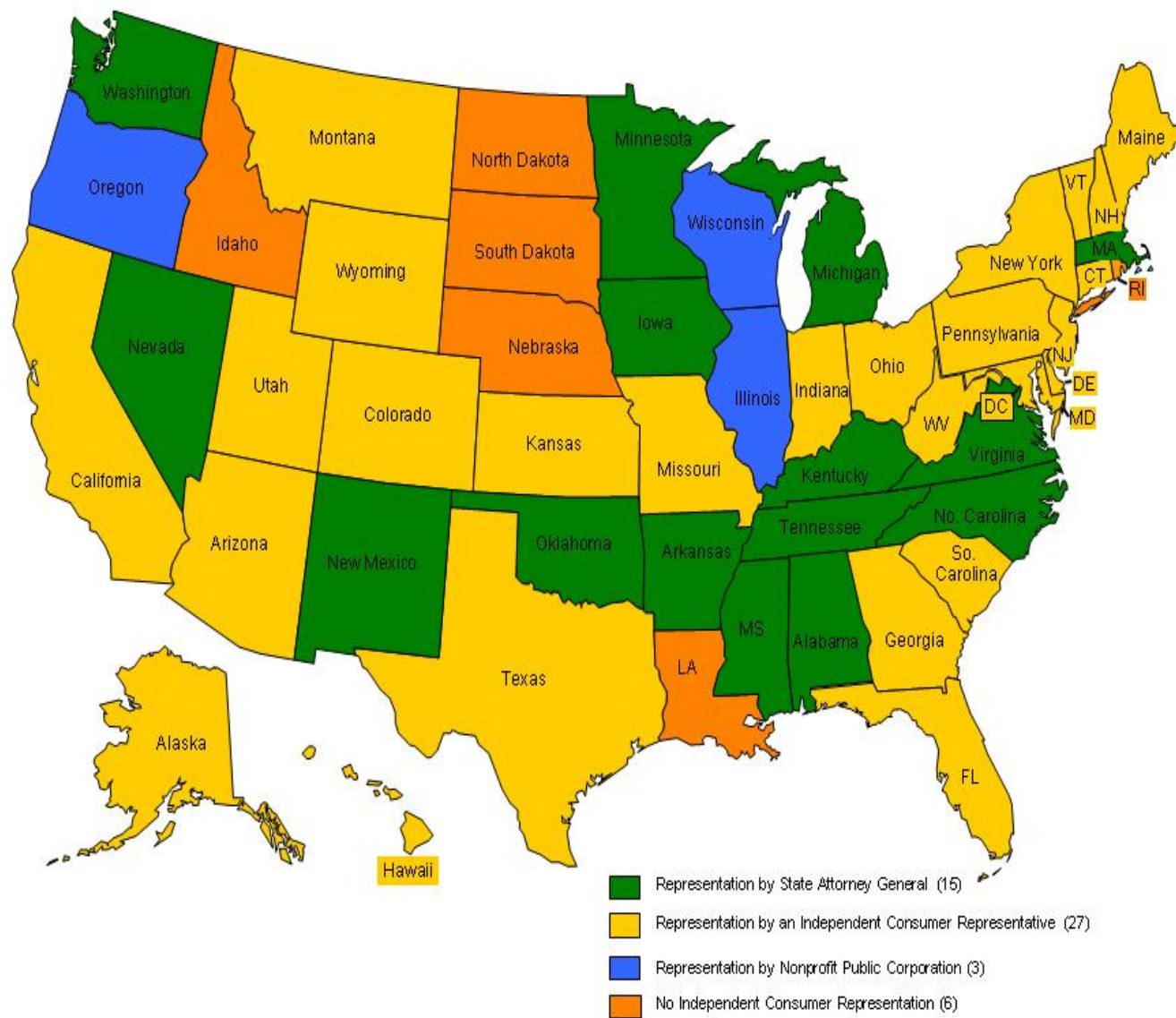
The position of the consumer advocate in the state government structure also influences authority. Table 1, Column 2, includes the position of the consumer advocate within each state government. Most states (45) have a proxy consumer advocate independent of the state PUC. Statutory provisions differ according to the consumer advocate's position in the state's organizational structure. Three main types are discernible (see Figure 4). First, more than half the states (27) have a separate and independent consumer advocate office. Of those, two are located within the legislative branch of state government (Florida and Montana), and one is found within the state governor's office (Georgia). The other 24, though independent, are affiliated to a greater or lesser extent with the PUC. Such relationships are usually based on physical proximity (sharing the same office building), and sometimes a sharing of clerical staff.

Fifteen states employ the state attorney general's office to represent utility consumers. These are also independent from PUCs, but differ from those offices that are not affiliated with the attorney general. For instance, offices of the attorney general often enforce violations of general state consumer protection laws such as fraud, misrepresentation and deceptive sales practices. The enforcement powers of consumer advocates that are separate agencies are usually focused on, and limited to, commission proceedings and appeals.

Three states (Illinois, Wisconsin and Oregon) have created nonprofit public corporations to protect consumer interests. The members of these nonprofit corporate bodies are the consumers themselves. Membership is voluntary. Any utility consumer may join by paying at least a *de minimus* annual membership fee (for example, at least \$5 annually for the Oregon CUB).¹² Members vote for a board that manages the corporation. The key distinctions from the other two types of consumer advocates are the ability of consumers to vote for at least some of the persons who will carry out the functions of the office and the public and voluntary nature of the membership.

¹² Oregon Revised Statutes §774.040(1).

Figure 4:
Consumer Representation
2003



Source: Authors' construct.

Despite the differences in structure, the stated legislative purpose for creating an independent consumer advocate appears to be the same for each of these three types. As an example from an independent consumer advocate, the Georgia General Assembly stated that “the citizens of Georgia should receive adequate utility services at the lowest reasonable cost to the consumer” and “the commission must be furnished with all available information concerning the effects of its decisions in rate cases and proceedings before it.”¹³ The public counsel section of the Washington State Attorney General’s Office states a similar mission:

Public Counsel researches utility regulation issues and decides what action should be taken on behalf of the public. In a major rate case, Public Counsel obtains information from the utility, other parties and the public, retains expert consultants to analyze the case, cross-examines expert witnesses, presents its own witnesses, and files legal briefs.¹⁴

The policy behind the creation of the Oregon Citizens’ Utility Board echoes these concerns: “Utility consumers need an effective advocate to assure that public policies affecting the quality and price of utility services reflect their needs and interests.”¹⁵

It is evident that, regardless of the administrative setting of the consumer representative’s office, the general impetus for its formation has been the same—the need for advocacy on behalf of consumers in regard to utility service and rates. Beyond the general policy rationale for creating a consumer representative’s office, there is some variation among states concerning which consumers are represented and what types of interests may be advocated.

¹³ Georgia Code §46-10-1.

¹⁴ <http://www.atg.wa.gov/utility/about.shtml>.

¹⁵ Oregon Revised Statutes §774.020.

Source of Authority

Consumer advocates, as administrative divisions of state governments, derive their authority from enabling statutes. These statutes normally set out the mission of the agency and establish some basic procedures. Though consumer advocates and other administrative agencies have a wide scope of discretion, their enabling statutes delimit the boundaries of formal authority within which they may act.¹⁶ Table 1, Column 3, lists the enabling statutes for each state consumer advocate. All of the other powers enjoyed by consumer advocates are derived from these statutory grants of authority from the state legislatures.

Forums for Advocacy

All consumer representatives have the authority to advocate for utility consumers in rate cases at the state public utility commission. This authority allows the consumer advocate to intervene in rate cases as a party. Table 1, Column 4, lists which interests may be represented by the consumer advocates and in which forums they may appear. Some consumer advocates have the authority to represent all utility consumers. Others only represent some combination of the interests of residential, farm and small business consumers. Party status allows the consumer advocate to engage in discovery of nonprivileged information and to subpoena and question witnesses. The power to represent consumers in commission proceedings is not limited to rate cases; consumer advocates may represent consumers in other cases that affect the ratepayers of their states. Consumer advocates have the authority to represent consumers in many

¹⁶ The principle that legislatures create agencies and set limits on their authority is the primary rule of administrative law. Agencies are also guided by other statutes, such as state administrative procedure acts. See William F. Fox, Jr., *Understanding Administrative Law* (Matthew Bender, 1997) pp. 5-8.

forums, including state and federal courts and administrative hearings, as well as informal negotiations and legislative lobbying.

Who Consumer Advocates Represent

A majority of consumer advocates (34) have the authority to represent all utility consumers in the state (see Table 1, Column 5). A minority (10) are limited to representing residential or residential, agricultural, and small business interests. Of the majority, however, many focus most of their efforts on protecting the interests of residential consumers, with five having explicit statutory authority to take such interests into consideration. The interest represented by the consumer advocates is an abstract one; they usually do not represent individual consumers. As noted above, outside of rate cases the interests of consumers are not always unified.

Right to Appeal Commission Decisions

Perhaps the most important power of consumer advocates is the right to appeal commission decisions or orders (see Table 1, Column 6). More specifically, consumer advocates have the authority to seek judicial review of the commission's decisions. This power distinguishes consumer advocates from consumer affairs divisions of state PUCs. The consumer advocate acts as counsel on behalf of consumers, while the commission serves as the fact-finder and decision maker. A majority of independent consumer advocates have the power to appeal commission decisions. The only exceptions are the offices in Alaska and Mississippi. The latter is distinctive in that it

does not advocate for consumers, but rather it represents consumers, public utilities and the state.

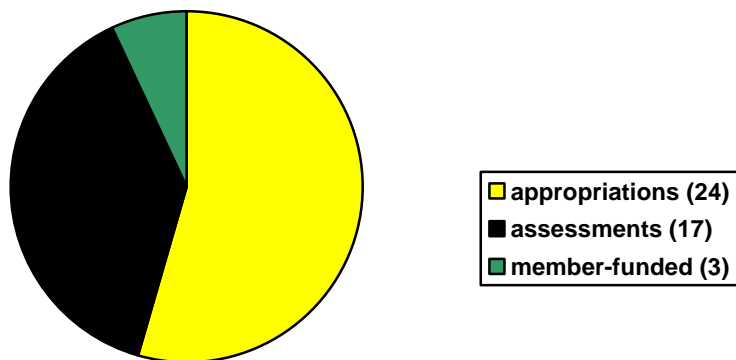
Funding Sources

The recent funding sources for consumer advocate offices are displayed in Table 1, column 7. Funding for consumer representation comes from three main sources:

1. appropriations from a state fund
2. assessments against utility companies
3. membership dues

Funding via membership dues is limited to the three states—Illinois, Oregon and Wisconsin—that represent consumers with a consumers’ utility board. The other states employ either appropriations from some part of the state budget or appropriations, fees or taxes levied on utilities. In general, where consumer representation is provided by the attorney general’s office funding is through appropriations. States with an independent office are split between assessments or appropriations (see Figure 5).

FIGURE 5: FUNDING MECHANISMS



Source: Authors’ construct.

The states with CUBs (Wisconsin, Illinois and Oregon) originally obtained membership, and thereby funds, via inserts placed into utility bills. This was made possible by state legislation authorizing utility bill inserts. Utility bill inserts proved to be an effective method for garnering membership and funds; more than 50,000 consumers joined in the first year of the Wisconsin CUB.¹⁷ The method was so effective that utility companies began to insert their own newsletters in bills. Both consumer advocacy groups and utility companies launched legal challenges to the others' use of inserts.¹⁸ The issue was ultimately decided by the United States Supreme Court. The Court held that bill inserts by consumer advocacy groups violated the utility company's right of free expression by compelling it to deliver messages (in other words, "negative free speech").¹⁹ This came as a serious setback to CUBs, which were then forced to find new methods of obtaining funding. Illinois developed a legal method of using inserts—by using state government mailings rather than those of utility companies.

Intervenor compensation programs provide an alternative source of funds for some CUBs. Five states have enacted legislation to fund intervenors in PUC hearings.²⁰ Participation in utility regulation proceedings is often quite complex and expensive. Intervenor compensation programs provide an opportunity for individuals or consumer groups to fund their representation in commission proceedings where they otherwise might not be able to afford to appear by paying for actual expenses, such as legal representation, expert testimony, technical studies and transcripts. While there is some

¹⁷ Beth Givens, *Citizens' Utility Boards: Because Utilities Bear Watching* (Center for Public Interest Law, 1991) p. 20.

¹⁸ *Id.* at p. 26.

¹⁹ *Pacific Gas & Electric Co. v. Public Utilities Commission of California, et al.*, 475 U.S. 1 (1986).

²⁰ The federal Public Utilities Regulatory Policies Act (PURPA) requires electric utilities involved in PURPA proceedings to compensate persons or groups that substantially contribute to the case. The requirement is waived in states that provide alternative means for assuring representation of consumers. 16 U.S.C. §2632.

variation in statutory provisions, each of these funding programs aims to promote advocacy on behalf of residential consumers in regulatory proceedings.²¹ Although intervenor compensation is not available to proxy consumer advocates (funded by the state), they supplement consumer advocacy by providing more consumer voices in regulatory proceedings. As an example, the Wisconsin CUB has been able to take advantage of Wisconsin's funding program to receive compensation for intervention in utility proceedings.²²

Funding Amounts

The amount of annual funding for consumer advocate offices ranges from \$188,000 to over \$13,000,000 (Table 1, column 8). The average amount of annual funding is approximately \$2,000,000. Per capita, the average amount spent each year is around 44 cents.²³

Number of Staff

The number of personnel on each consumer advocate's staff is listed in Table 1, column 9. The number varies from 3 to 165 staff per office. The average number of staff is about 18. From the available data: 22 offices have fewer than 10 staff members, 13 have between 10 and 25, 3 have between 26 and 50, 2 states have between 50 and 100 and 1 state has more than 100 staff members. This number of staff generally correlates with the amount of funding.

²¹ See Givens, note 17 *supra*, at pp. 61-68.

²² Wisconsin PSC §3.01 *et seq.*

²³ These figures are based on the U.S. Census Bureau's state resident population (2003). See www.census.gov.

Consumer Education

In addition to the attributes set forth in Table 1, consumer advocates have also begun adapting their roles to fit the current regulatory environment. The following functions are not easily put into tabular form but are nonetheless worthy of discussion. Consumer advocates, as well as PUCs, all educate consumers about the restructured utility environment. In order to take advantage of a competitive utility marketplace, consumers must be able to make informed choices. First, consumers must be educated about new market structures. Second, consumers must be able to understand and compare the services being offered. Consumer advocates educate consumers by using techniques developed by the public relations efforts of the utility industry: by disseminating information, e.g., through brochures, handbooks, hotlines, websites, and advertisements; via outreach programs, such as speeches and presentations; and by lobbying legislators and public officials.²⁴

Consumer Complaints

As the utility environment is converted from one of regulated public services into a mix of regulation and competitive markets, consumers find themselves in a vulnerable position. Even where the market offers some choice, consumers often do not have adequate information to make the best choices. For customer choice that maximizes consumer welfare, two conditions must be met: (1) there must be at least workable competition, and (2) the markets must be free from internal market failure resulting from

²⁴ For more on the public relations campaigns of utility companies, see Sharon Beder, *Power Play: The Fight to Control the World's Electricity* (New York & London: The New Press, 2003).

coercion, undue influence, deception, incomplete information, etc.²⁵ During this transitional period, competition may be limited and the opportunity for companies to exercise market power exists. As a result, consumer complaints have grown both in number and in complexity.²⁶

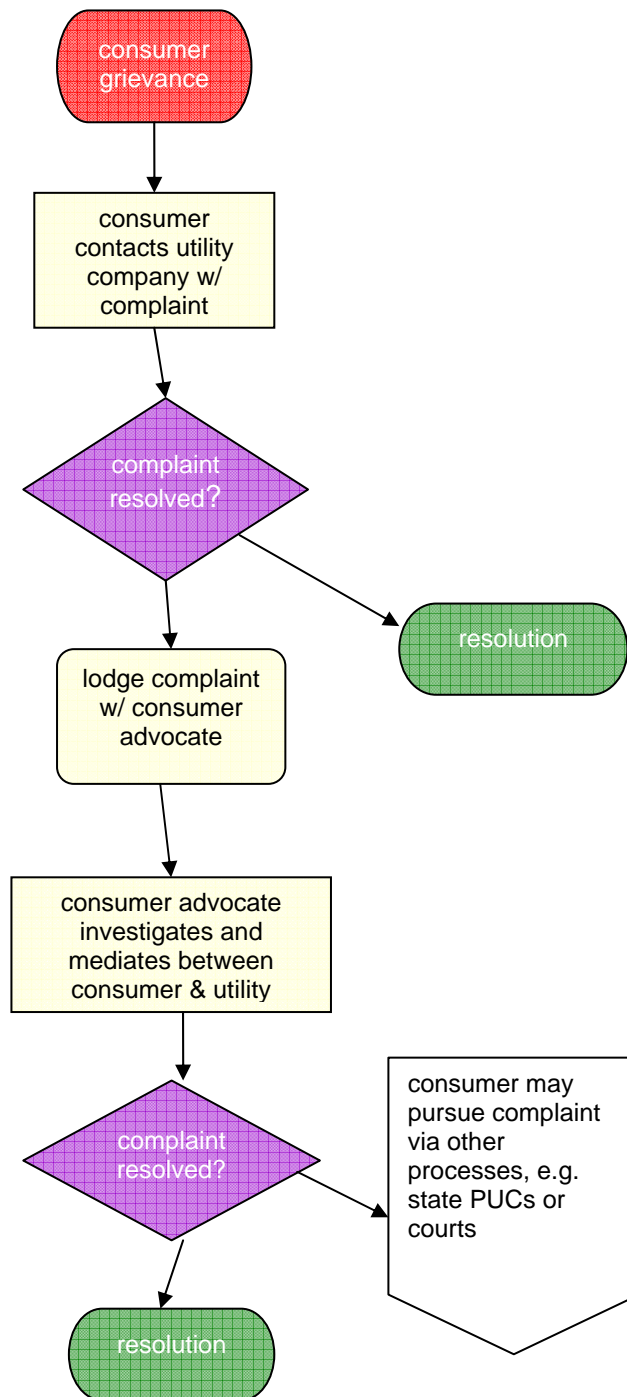
Consumer complaints are also addressed by both PUCs and consumer advocates.²⁷ All consumer advocate offices take consumer complaints. The formality of the procedures employed and the extent to which consumer advocates can intervene directly in consumer complaints varies. Figure 6 shows the complaint handling process generally used by consumer advocates. Consumers should first bring complaints directly to the utility company involved. If there is no resolution, the consumer may lodge a complaint with the consumer advocate. After being contacted with a complaint, the consumer advocate office mediates between the consumer and the utility company. Since consumer advocates generally lack the statutory authority to enforce settlements or to impose sanctions against utility companies (except for some of those in attorney generals' offices), instances where no resolution can be reached are referred to the commissions. In addition to handling individual complaints, consumer advocates monitor complaint trends, as do PUCs

²⁵ Robert E. Burns, "Transformation and Metamorphism: On Becoming a Butterfly," presented to the staff of the Public Utilities Commission of Ohio, 24 May 1999.

²⁶ See Francine Sevel, *The Consumer Response to Public Utility Competition* (Columbus, Ohio: The National Regulatory Research Institute, 2001). See also Francine Sevel and Sári Klepacz, *The Enforcement Function within the Consumer Affairs Department*, (Columbus, OH: NRRI, May 2003).

²⁷ For more on the PUC complaint handling process, see Francine Sevel and Sári Klepacz, *The Organization of the Public Utility Call Center*, (Columbus, OH: NRRI, 2003).

Figure 6: Consumer Complaint Handling Process



Source: Authors' construct.

Consumer complaints and consumer education are functions that consumer advocates, state PUCs and state attorney generals all handle. There is some collaboration between consumer advocates, state PUCs and attorney generals' offices in regard to consumer complaints.²⁸ Such collaboration includes sharing information and complaints, or referring cases to the attorney general. Mutual understanding between the commissions and consumer advocates ensures an efficient use of the resources available for consumer representation.

Independence

Generally, independence in the context of regulatory agencies refers to an agency's isolation from political influence, a high level of staff expertise, continuity of policy and impartiality.²⁹ In the case of consumer advocates, there is the additional issue of independence from state PUCs. Independence refers to a separation of functions, with the consumer advocates having a narrower mandate. Consumer advocates focus exclusively on consumer issues and advocate on behalf of consumers, while state PUCs have a broader mandate and quasi-legislative and quasi-judicial functions.

State PUCs have historically provided staff to represent consumer interests in contested cases. Many consumer advocate agencies were created directly out of the consumer affairs division of commissions. Some continue to reside in the same building as the commission, maintaining independence in regard to personnel, budget and decision-making.

²⁸ *Enforcement Function*, note 26 *supra*.

²⁹ Phillips, *supra*, note 5 at pp. 866-881.

A range of variation still exists. In Alaska for example, the public advocacy section is found within the commission, although it operates separately.³⁰ The Georgia Consumers' Utilities Counsel is in the Governor's Office of Consumer Affairs. But even there, the enabling statute provides for access to information and experts at the commission. The Ohio Consumers' Counsel exemplifies an independent office with no personnel or proximity overlap with the commission.

The independence of consumer representatives is significant in several ways. Consumers are provided with an advocate in proceedings that is separate and independent from the commission, which also acts as decision-maker. As discussed above, most have the power to appeal commission decisions (see Table 1, Column 6). These factors combined bolster advocacy on behalf of consumers. Denise Parrish, Deputy Administrator of the Wyoming Office of Consumer Advocate, which was formed in 2003 from the staff of the Wyoming Public Service Commission, explained the transition from commission consumer affairs to consumer advocate:

Under our old model, some of the Commission staff would be designated as Consumer Advocate Staff for purposes of putting on an independent case before the Commission, but had no right of appeal. There were a couple of cases we lost before the Commission that we shouldn't have, but could not appeal. The Governor took up as part of his campaign to be Governor the issue that there should be a separate entity that could appeal Commission decisions.³¹

³⁰ Alaska Statutes §42.04.150.

³¹ Denise Parrish, Deputy Administrator, Wyoming Office of Consumer Advocate, email communication, November 2003.

Access to Information

The role of an effective consumer representative entails access to information about utility companies. To represent consumers before the state utility commissions, consumer advocates need access to utility accounting and financial records. This information is usually held by the state PUCs. For that reason, consumer representatives are given the statutory authority to access the commission's records. Some state laws and regulations call for proposed tariff changes, applications and other proposed changes to be served directly upon the consumer representatives as well as commissions.

In addition to access to commission records, consumer advocates may have direct access to the information from the utility companies. In this respect, the consumer advocate has the power usually granted to a party in a legal proceeding. The Iowa consumer advocate has the power to ask the state utility board to issue subpoenas, compel the attendance and testimony of witnesses and compel the production of documents.³² Furthermore, consumer representatives typically have the authority to conduct further investigations and research. For example, the enabling statute of the Delaware Public Advocate authorizes access to all such information: the public advocate has the same access to utility information and records as the public service commission; the public advocate has full access to public service commission records; the public service commission must notify the advocate of all applications, hearings, and meetings; and the advocate may call upon the assistance of staff and experts of the commission.³³

³² Iowa Code, §475A.2(1).

³³ See 29 Del. Code §8808(d)-(e).

Access to information is essential for consumer advocates, but it can be a contentious issue. Utility companies sometimes closely guard information they deem to be confidential. The ultimate responsibility to consumers must be balanced with the service provider's desire for confidentiality. Thus, the consumer advocate's access to information may be limited by considerations of privacy, confidentiality and trade secrets. In general, such limitations on access to information are not provided by the consumer advocate's enabling statute but rather by separate state statutes or administrative or judicial construction.

Conclusion

Utility regulation is changing in many jurisdictions from oversight of monopoly firms using a rate-based model to consumer protection in a competitive market. Consumer affairs divisions of PUCs, private consumer interest groups, independent consumer advocates and others play a vital role in representing the interests of utility consumers. The independent consumer advocates established by state statutes have a distinct function among consumer representatives. They have the funding and expertise that many private consumer interest groups lack. They have the power to appeal commission decisions. The expertise and focus of consumer advocates also allows them to disseminate information to better inform consumers and to monitor and investigate complaints in order to track particular issues. The consumer affairs divisions of PUCs are also responsible for this, so some overlap may occur. Nonetheless, such an overlap of functions and responsibilities serves as a double layer of protection for consumers.

A dedicated and independent representative to advocate for and protect the interests of consumers continues to have an appeal for state governments in a restructured regulatory environment. Working in a cooperative manner, PUCs and consumer advocates can most effectively represent consumers while limiting duplication of functions. Consumer advocates, like PUCs, strive for the ultimate goal of increasing consumer sovereignty.

TABLE 1: STRUCTURAL FEATURES OF STATE CONSUMER ADVOCATE OFFICES

1. Consumer Representative	2. Institutional Affiliation & Agency Structure	3. Enabling Statute	4. Authority to Represent Consumers in Which Forums	5. Authority to Represent Which Interests	6. Authority to Appeal Commission Decisions	7. Funding	8. Amount of Funding	9. Number of Staff
Alabama Attorney General's Office-General Civil Division-Utilities Section	a section of the attorney general's office	Code of Alabama §36-15-1 et seq. (statutory authority for AG)	public service commission and courts	general public & utility ratepayers	yes	appropriations for the attorney general as well as other grants	\$251,440 (2002)	4 (2002)
Alaska Public Advocacy Section	independent agency; governor appoints counsel w/ the advice & consent of either house of the general assembly	A.S. §42.04.150	at hearings before the commission, when directed to do so by the chair of the commission	N/A	no	part of the commission's budget		5 (2003); 2 Assistant Attorney Generals provide legal support
Arizona Residential Utility Consumer Office	independent agency; governor appoints the director of the office	A.R.S. 40-461 et seq.	at hearings of the AZ corporation commission	residential utility consumers	yes	funding via an annual assessment on utilities made by the commission	\$1,084,800 (2002)	4 (2004)
Arkansas Consumer Utilities Rate Advocacy Division	independent agency; counsel appointed by the mayor w/ advice & consent of the DC Council; counsel hires employees	AC §23-4-301 et seq.	at hearings before the AR commission and other state and federal courts or agencies	all classes of state utility ratepayers	yes	funded by appropriations acts	\$674,650 (2004)	6.4 (2004)
California Public Utilities Commission-Office of Ratepayer Advocate	division of the CA commission; director appointed by the governor w/ advice & consent of the senate; commission assigns personnel to the division	Cal. Codes §309.5	at CA commission hearings	public utility consumers	no	funded by public utilities commission ratepayer advocate account in the general fund; moneys from the general fund are transferred in the annual budget to the account	\$13,200,000 (2002)	165 (2002)

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Colorado Office of Consumer Counsel	independent agency; legal representation through the dept. of law; 11-member board appointed by the governor gives policy guidance to the OCC	C.R.S. §40-6.5-101 et seq.	at hearings before the CO public utilities commission, federal agencies that regulate utility rates or service, and in state & federal courts	residential, small business, and agricultural consumers	yes	cash funds come from assessments on utilities	\$1,297,000 (2003)	11 (2002)
Connecticut Office of Consumer Counsel	independent agency; governor appoints counsel w/ the advice & consent of either house of the general assembly	General Statutes of Connecticut §16-2a	in all administrative and judicial forums, state and federal	consumer interests in all utility matters	yes	funded by assessments made against public utility companies under the commission's jurisdiction	\$2,294,196 (2003)	13 (2003)
Delaware Division of the Public Advocate	independent agency; public advocate is appointed by the governor with the advice and consent of the majority of the senate	29 Del. C. §8808	at hearings before the DE public service commission, DE courts, and federal courts & administrative agencies	all utility consumers, but focuses on residential & small business	yes	public advocate's moneys come from commission assessments imposed on utilities	\$542,800 (2002)	4 (2004)
District of Columbia People's Counsel	independent agency; counsel appointed by the mayor w/ advice & consent of the DC Council; counsel hires employees	AC §23-4-301 et seq.	at hearings before the DC public service commission, the DC courts, and federal courts & agencies	advocates on behalf of DC residents in utility matters; may represent individuals in utility complaints	yes	funded by assessments on utilities for operating budget & litigation expenses	\$4,178,198 (2004)	33 (2004)
Florida Public Counsel	independent agency w/n the legislative branch; counsel appointed by the joint legislative auditing committee	Fla. Statutes §350.061	at hearings before any agency or court, state or federal	provides legal representation for the people of the state	yes	salaries and expenses of the public counsel are allocated from funds appropriated by the legislature	\$2,500,000 (2002)	19 (2002)
Georgia Consumers' Utilities Counsel	independent agency w/n the governor's office of consumer affairs, which appoints the director	GC §46-10-1, et seq.	at proceedings before courts and agencies, both federal & state	appears as representative on behalf of utility consumers	yes	budget comes from state funds appropriated to the office of the governor	\$609,000 (2002)	8 (2002)

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Hawaii Division of Consumer Advocacy	independent agency; director of commerce & consumer affairs is the consumer advocate; the responsibilities of consumer advocacy are distinct from those of the commission	H.R.S. §269-51	at proceedings before any state or federal agency or instrumentality	interests of all utility consumers, including small business	yes	a tax is levied and assessed upon each public service company	\$2,300,000 (2002)	22 (2002)
Idaho Public Service Commission	no independent consumer advocate; complaints vs. utilities may be brought by the commission or by any person	N/A	N/A	N/A	no	N/A	N/A	N/A
Illinois Citizens Utility Board	independent nonprofit public body corporate and politic; any consumer who submits a membership form & dues is a member; the board is managed via elected directors	220 ILCS 10	at hearings before the IL commerce commission, FERC, FCC, and the courts	interests of residential utility consumers (may give due consideration to the interests of business)	yes	funded by consumers and a grant; receives no state tax money; may borrow money	\$2,200,000 (2002)	16 (2003)
Indiana Office of the Utility Consumer Counselor	independent agency; governor appoints the counsel and approves staff w/ the budget agency; governor also appoints a 10-member advisory board; and may appoint a deputy consumer counsel for Washington affairs	IC 8-1-1.1 et seq.	at hearings before state and federal agencies & courts	appears on behalf of ratepayers, consumers, & the public	yes	funding from appropriations made by the general assembly, or from a contingency fund	\$3,999,342 (2002)	57 (2003)
Iowa Consumer Advocate	independent agency w/n the dept. of justice; the attorney general appoints an attorney as consumer advocate, subject to confirmation by the senate; administrative support may be provided by the dept. of commerce	Iowa Code §475A.1 et seq.	in proceedings before the IA utilities board & any state or federal court or agency	represents consumers & the public generally before the commission	yes	funding via separate line item in the appropriation from the state's general fund; salary of the consumer advocate is fixed by the AG	\$3,088,011 (2002)	25 (2002)

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Kansas Citizens' Utility Ratepayer Board	independent agency w/n the corporation commission; the governor appoints the 5 members of the board; the board employs an attorney as consumer counsel; the commission provides technical & clerical staff	Kansas Statutes §66-1222 et seq.	before the state corporation commission	represents residential & small commercial ratepayers before the commission	yes	budget is financed by assessments & fees	\$555,019 (2002)	4 (2002)
Kentucky Office of Rate Intervention	w/n the division consumer protection, office of the attorney general	KRS §367.150	before governmental rate making agencies	represents consumers interests	yes	funds come from the dept. of law	\$586,700 (2002)	4 (2002)
Louisiana Public Service Commission	no independent consumer advocate; consumer issues are handled by the commission, which has an obligation pursuant to LRS §1176 to investigate the reasonableness of rates	N/A	N/A	N/A	no	the operations of the economics and rate analysis division are financed by a supplemental fund	N/A	N/A
Maine Public Advocate Office	independent agency; public advocate appointed by the governor, subject to review by the legislature; the public advocate is not subject to the supervision or control of the commission; AG retains authority to intervene or appeal	35-A M.R.S.A. §1702 et seq.	in proceedings before the state commission and before state & federal agencies & courts	represents the consuming public in matters w/n commission jurisdiction	yes	utilities are subject to a separate annual assessment to produce sufficient revenue for expenditures allocated by the legislature	\$1,268,628 (2002)	9 (2002)
Maryland Office of Peoples' Counsel	independent agency; governor appoints the counsel w/ the advice & consent of the senate	Maryland Code §2-204 et seq.	in proceedings before the commission and before any federal or state unit	represents the interests of residential & noncommercial utility users	yes	the state budget shall provide sufficient funds to hire necessary staff	\$2,557,000 (2004)	20 (2004)

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Massachusetts Attorney General's Office-Utilities Division	a division w/n the office of the attorney general	M.G.L. c. 12, §11E	in administrative & court proceedings, and in informal complaint mediation/negotiation	advocates on behalf of consumer interests	yes	when intervening in proceedings on behalf of consumers, the AG may expend appropriated funds; but expenditures must not exceed annually the amount assessed against the utility	\$1,415,900 (2002)	11 (2002)
Michigan Department of Attorney General	office of the attorney general; intervenes on behalf of consumers in cooperation w/ the utility consumer participation board (w/n dept. of commerce); the board may not act directly in the interest of consumers, only via managing funds for the AG's intervention	MCL §460.6I	before state & federal administrative & judicial proceedings	interests of consumers	yes	utility consumer representation fund; each energy utility that has applied to the commission for the initiation of an energy cost recovery proceeding remits to the fund; the fund is used only for administrative costs and participation in proceedings	\$1,034,205 (2002)	10 (2002)
Minnesota Office of the Attorney General-Consumer Protection Division	division w/n the attorney general's office	Minn. Stat. §8.33	before the commission, federal proceedings, & courts	represents the interests of consumers & small businesses in utility matters	yes	AG receives a biennial budget from the state		

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Mississippi Public Utilities Staff	independent agency; deals with many consumer issues, but because of the other interests it represents, does not advocate for consumers	M.C. §77.2.1 et seq.	N/A (may hold its own hearings)	represents the broad interests of the state by balancing the concerns of residential, commercial & industrial ratepayers, the state & its agencies, and public utilities	no	receives money from regulatory taxes		
Missouri Office of the Public Counsel	independent agency w/n the Department of Economic Development; structurally separate w/ its own budget & staff; counsel appointed by the director of the dept. of econ. development	M.R.S. §386.710	in proceedings before the public service commission & the courts	represents the public in commission proceedings or appeals (by statute may not represent individuals)	yes	general revenue funded	\$804,000 (2003)	14 (2003)
Montana Consumer Counsel	independent office w/n the legislative branch; counsel appointed by the legislative consumer committee	Art XIII, § 2 1972 Montana Constitution; M.C.A. 5-15-201; M.C.A. 69—221 et seq.	in proceedings before the commission, & appropriate proceedings in state & federal courts & administrative agencies	interests of the utility & transportation consuming public	yes	funded by appropriations; each regulated utility pays an annual fee; additional funding must be acquired by means approved by the legislature	\$1,208,068 (2003)	5 (2003)
Nebraska Public Service Commission	no independent consumer advocate; the commission handles consumer complaints & rates	N/A	N/A	N/A	no	expenses paid from the commission's funds	N/A	N/A

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Nevada Utilities Consumer Advocate	w/n the NV attorney general's office, bureau of consumer protection; consumer advocate is a deputy AG	NRS 228.300 et seq.	at any relevant matter before the public utilities commission of NV & any court or regulatory body	represents the public interest, with particular focus on the interests of residential & small business consumers of utilities	yes	the AG's budget comes from the state general fund	\$1,867,087 (2002)	15 (2002)
New Hampshire Office of the Consumer Advocate	independent agency attached to the public utilities commission; the advocate is appointed by the governor	NHS §363:28	at any proceeding before any agency or court	interests of residential utility consumers	yes	funding provided by an annual assessment on utilities	\$465,026 (2002)	5 (2002)
New Jersey Division of Ratepayer Advocate	independent agency; the director is appointed by the governor	N.J.P.S. 48:2-21.24	in proceedings before the board of public utilities and state & federal courts	may appear before the commission in any matter affecting the rates of consumers	yes	annual assessments made against utilities, consistent w/ but separate from assessments of the board of public utilities	\$5,023,000 (2002)	43 (2002)
New Mexico Attorney General-Consumer Protection Division	w/n the office of the attorney general	NMSA §8-5-1 et seq.	before the NM commission, the NM Supreme Court, FERC, & FCC	represents the public interest and may appear on behalf of residential & small business consumers before the commission	yes	funding provided by legislative appropriations		

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New York Consumer Protection Board	independent agency w/n the state executive dept.; the board consists of the chairman of the public service commission & other executive agency heads; the director of the board is appointed by the governor; the AG coordinates the enforcement powers of her office w/ that of the board	NYSCL §550 et seq.	before the public service commission and federal, state, & local agencies	represents the interests of utility consumers	yes	funded by appropriations	\$2,947,300 (2002)	6 (2002)
North Carolina Utilities Unit, Consumer Protection Division, Office of the Attorney General	office of the attorney general; the AG is elected; the assistant AGs are appointed by the AG	NCGS §62-20	before state & federal courts & agencies	the interests of the consuming public	yes	funding provided by appropriation; expert witnesses are paid from the contingency & emergency fund	\$254,100 (2002)	4.5 (2002)
North Dakota Public Service Commission	no independent consumer advocate; commission handles consumer complaints and may bring actions vs. utilities	N/A	N/A	N/A	no (but any party in a proceeding has the right to appeal to the state supreme court)	funds for consumer representation are provided by the commission	N/A	N/A
Ohio Consumers' Counsel	independent agency; the AG w/ the advice & consent of the senate appoints the 9 members of the consumers' counsel governing board, which appoints the counsel	ORC §4911 et seq.	before the OH public utilities commission, state & federal courts & agencies	residential consumers	yes	funds come from an assessment against each utility	\$9,277,518 (2003)	72 (2003)
Oklahoma Attorney General, Public Utility Unit	division of the attorney general's office	Oklahoma Statutes Title 74 §18b	before courts & agencies	collective interests of utility consumers	yes	funded by appropriations	\$280,600 (2002)	8 (2002)

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Oregon Citizens' Utility Board	independent nonprofit public corporation; any consumer contributing from \$5--\$100 per year becomes a member; each member is entitled to vote for the board of governors; the board manages the CUB, and may delegate authority to an executive committee of at least 5 members	ORS §774.010 et seq.	before legislative, administrative, & judicial bodies	interests of utilities consumers	yes	funded by membership fees, and may also accept grants, contributions, & appropriations from any source	\$188,000 (2002)	3.5 (2002)
Pennsylvania Office of Consumer Advocate	independent office w/n the PA office of the attorney general; the consumer advocate is appointed by the AG w/ the approval of the governor; the AG appoints assistants & other staff	71 P.S. §309-1 et seq.	before the PA commission, federal agencies, and state & federal courts	interests of consumers	yes	appropriations from the state general fund	\$4,356,000 (2002)	37 (2002)
Rhode Island Division of Public Utilities and Carriers	no independent consumer representative; complaints are handled by the consumer section of the commission	N/A	N/A	N/A	no	funding from the commission budget	N/A	N/A
South Carolina Dept. of Consumer Affairs-Consumer Advocacy Division	independent agency; the advocate may be the administrator of the dept. of consumer affairs or may be appointed by the administrator	S.C. Code Ann. §37-6-601 et seq.	before the SC public service commission, the FCC, FERC, & courts	provides legal representation for the consumer interest; any proceedings must be initiated on behalf of the public at large	yes	appropriations provided annually by the state general appropriations act	\$446,091 (2002)	5 (2002)

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South Dakota Public Utilities Commission	no independent consumer representative; the commission handles consumer complaints & rate hearings; persons may intervene but are not given party status	N/A	N/A	N/A	no	commission funds come from the gross receipts tax fund; a tax is levied on all utilities	N/A	N/A
Tennessee Office of the Attorney General, Consumer Advocate Division	office of the attorney general; the AG is appointed by the justices of the state supreme court	T.C. §65-4-118	before the commission or any other administrative, legislative, or judicial body	interests of utilities consumers	yes	funding by appropriations	\$1,267,100 (2002)	13 (2002)
Texas Office of Public Utility Counsel	independent agency; the counselor is appointed by the governor w/ advice & consent of the senate; N.B.—the office is subject to the Texas sunshine act	Tex. Util. Code Ann. §13.001 et seq.	in judicial or administrative proceedings, including alternative dispute resolution	positions advocated must be advantageous to a substantial number of residential consumers	yes	employee compensation comes from an assessment	\$2,012,000 (2002)	20 (2002)
Utah Committee of Consumer Services	independent agency; committee has 6 members appointed by the governor w/ the advice & consent of the senate, w/ a full staff to assist the committee; the AG appoints at least 1 attorney to represent the committee	Utah Code Ann. §54-10-1 et seq.	before the state commission or any court having appellate jurisdiction over the commission	interests of residential, small commercial, & agricultural consumers	yes	a special fee to defray the cost of regulation is imposed upon all utilities	\$1,300,000 (2004)	9 (2002)

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Vermont Department of Public Service	independent agency w/n the dept. of public service, which consists of the commissioner of public service, a director for regulated utility planning, a director for public advocacy, & a director for energy efficiency; the commissioner is appointed by the governor w/ the advice & consent of the senate; the director for public advocacy is appointed by the commissioner	30 VSA §1	in hearings before the public utility board or appropriate court, and federal courts & agencies	represents the consuming public	yes	Funds come from a tax on utilities (including electric coops) based on gross operating revenue	\$648,635 (2002)	8 (2002)
Virginia Office of the Attorney General, Insurance & Utilities Section	section of the attorney general's office	Code of Virginia §56-592	before governmental commissions, agencies, and departments	interests of utilities & insurance consumers; upon referral from the commission, the AG may bring an action vs. a utility	yes	the AG may employ attorneys & assistants and fix their salaries w/n the amounts appropriated to the office for providing legal services		
Washington Office of the Attorney General, Public Counsel Section	a section of office of the attorney general	RCW §§43.10 et seq.; 80.10.100; 80.40.510	before the state commission & state courts	interests of utilities consumers	yes	funding from the state's legal services revolving fund	\$586,000 (2002)	5 (2002)
West Virginia Consumer Advocate Division	independent & administratively separate division of the public utilities commission (separation); the commission appoints a director	established by WV PSC General Order No. 195.2, as required by W.V.C. §24-1-1(f)(2) & (3)	in commission proceedings	interests of residential consumers of utilities services (may advocate for the interests of non-residential consumers if consistent w/ the Code of Professional Responsibility for attorneys)	yes	funding comes from an appropriation separate from other divisions of the commission	\$871,578 (2002)	9 (2002)

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Wisconsin Citizens' Utility Board	independent nonprofit public body corporate & politic; any resident who has contributed \$3-\$100 in membership fees annually is a member; the corporation is managed by an elected board	Wis. Stats. 199.01 et seq.	in any proceeding that affects the interests of residential utility consumers	residential, farm, & small business consumers	yes	funded by membership fees, gifts, loans, and other aid	\$450,000 (2003)	3 (2003)
Wyoming Office of Consumer Advocate	independent division w/n the public service commission; the administrator is appointed by the governor; the employees of the OCA are not supervised or directed by the commission	Wyoming Statutes §37-2-401 et seq.	in proceedings before the WY commission; may appear as amicus curiae in court cases	interests of WY citizens & all classes of utilities consumers	yes	funding for both the OCA & the commission is collected via the uniform utility assessment, though each presented a separate budget request to the legislature; incidental administrative costs provided by the commission	\$713,142 (2004 projected budget)	6 (2003)

Table 2: Directory of State Consumer Advocates

Agency	Address	Name	Phone Number	E-mail	Website
Alabama Office of the Attorney General, General Civil Division, Utilities Section	11 South Union Street Montgomery, AL 36130	Olivia Martin	334.242.7300	omartin@ago.state.al.us	www.ago.state.al.us
Alaska Office of the Attorney General, Public Advocacy Section	1031 West 4th Ave., Suite 200 Anchorage, AK 99501	Daniel Patrick O'Tierney	907.269.5100	daniel_patrick-o'tierney@law.state.ak.us	www.law.state.ak.us
Arizona Residential Utility Consumer Office	1110 W. Washington Suite 220 Phoenix, AZ 85007	Stephen Ahearn	602.364.4835	sahearn@azruco.com	www.asruco.com
Arkansas Office of the Attorney General	200 Catlett-Prien Building 323 Center St. Little Rock, AR 72201	Teresa Brown	501.682.8118	teresa.brown@ag.state.ar.us	www.ag.state.ar.us
California Public Utilities Commission, Office of Ratepayer Advocates	505 Van Ness Ave. Room 4104 San Francisco, CA 94102	Regina Ann Birdsell	415.703.2265	REG@cpuc.ca.gov	www.cpuc.ca.gov

Agency	Address	Name	Phone Number	E-mail	Website
Colorado Office of Consumer Counsel	1580 Logan St., Suite 610 Denver, CO 80203	Kenneth V. Reif	303.894.2121	ken.reif@dora.state.co.us	www.dora.state.co.us/occ
Connecticut Office of Consumer Counsel	10 Franklin Square New Britain, CT 06051-2644	Mary J. Healey	860.827.2900	mary.healey@po.state.ct.us	www.occ.state.ct.us
Delaware Division of the Public Advocate	Carvel State Office Building 820 N. French St., 4th Floor Wilmington, DE 19801	G. Arthur Padmore	302.577.5077	apadmore@state.de.us	www.state.de.us/publicadvocate
District of Columbia Office of the People's Counsel	1133 15th St., N.W., Suite 500 Washington, D.C. 20005	Elizabeth A. Noël	202.727.3071	eanoel@opc-dc.gov	www.opc-dc.gov
Florida Office of Public Counsel	111 West Madison St., Room 812 Tallahassee, FL 32399- 1400	Harold A. McLean	850.488.9330		www.floridaopc.gov
Georgia Consumers Utility Counsel	2 M.L. King, Jr., Dr. Atlanta, GA 30334-4600	Kristy R. Holly	404.656.3982	kristy.holley@cuc.oca.state.ga.us	www2.state.ga.us/GaOCA/cuc.htm
Hawaii Division of Consumer Advocacy	335 Merchant St., Honolulu, HI 96813	Cheryl Kikuta	808.586.2800	dca@dcca.hawaii.gov	www.hawaii.gov/dcca/dca/

Agency	Address	Name	Phone Number	E-mail	Website
Illinois Citizens Utility Board	208 S. La Salle, Suite 1760 Chicago, IL 60604	Martin Cohen	312.263.4282	mrc@citizensutilityboard.org	www.cuboard.org
Indiana Office of Utility Consumer Counselor	100 North Senate Ave. Room N501 Indianapolis, IN 46204-2215	Anne E. Becker	317.232.2494	uccinfo@ucclan.state.in.us	www.in.gov/oucc
Iowa Office of Consumer Advocate	310 Maple Street Des Moines, IA 50319-0063	John R. Perkins	515.281.5984	iowaoca@mail.oca.state.ia.us	www.state.ia.us/consumeradvocate
Kansas Citizens' Utility Ratepayer Board	1500 S.W. Arrowhead Rd. Topeka, KS 66604-4-027	Daniel Springe	785.271.3200	d.springe@kcc.state.ks.us	http://curb.kcc.state.ks.us
Kentucky Office of Rate Intervention Office of the Attorney General	1024 Capital Center Dr. # 200 Frankfurt, KY 40601	Dennis G. Howard III	502.696.5453	dennis.howard@law.state.ky.us	http://kyattorneygeneral.com/rate
Maine Public Advocate	State House Station 112 Augusta, ME 04333	Stephen Ward	207.287.2445	stephen.g.ward@state.me.us	www.state.me.us/meopa
Maryland Office of People's Counsel	6 St. Paul St., Suite 2102 Baltimore, MD 21202	Patricia A. Smith	410.767.8150	info@opc.state.md.us	www.opc.state.md.us

Agency	Address	Name	Phone Number	E-mail	Website
Massachusetts Office of Attorney General, Utilities Division	200 Portland St. Boston, MA 02114-1715	Joseph W. Rogers	617.727.2200	joseph.rogers@ago.state.ma.us	www.ago.state.ma.us
Michigan Office of Attorney General, Special Litigation Division	6520 Mercantile Way, Suite 2 Lansing, MI 48911	J. Peter Lark	517.373.1123	larkp@ag.state.mi.us	www.ag.state.mi.us
Minnesota Office of Attorney General, Residential and Small Business Utilities Division	445 Minnesota St., St. Paul, MN 55101-2127	Peter Marker	651.297.8755	peter.marker@state.mn.us	www.ag.state.mn.us/consumer/utilities/default.htm
Mississippi Public Utilities Staff	Woolfolk Building 501 N W St. Jackson, MS 39201	Robert G. Waites	601.961.5493	bobby.waites@psc.state.ms.us	www.psc.state.ms.us/MPUS/PUS-Home.htm
Missouri Office of the Public Counsel	Governor Office Bldg., Suite 650 200 Madison St., P.O. Box 7800 Jefferson City, MO 65102-7800	John Coffman	573.751.4857	mopco@mail.state.mo.us	www.mo-opc.org

Agency	Address	Name	Phone Number	E-mail	Website
Montana Consumer Counsel	P.O. Box 201706 Helena, MT 59620-1706	Robert A. Nelson	406.444.2771		http://leg.state.mt.us/css/committees/administration/consumer_counsel/default.asp
Nevada Office of Attorney General, Bureau of Consumer Protection, Utilities Consumer Advocate	1000 E. Williams St, Suite 200 Carson City, NV 89701-3117	Timothy Hay	775.687.6300	tdhay@ag.state.nv.us	http://ag.state.nv.us/Divisions/Bcp/units.htm
New Hampshire Office of Consumer Advocate	117 Manchester St. Concord, NH 03301-5141	Michael W. Holmes	603.271.1177	whomeyer@puc.state.nh.us	www.puc.state.nh.us/oca/index.htm
New Jersey Division of Ratepayer Advocate	31 Clinton St., 11th Floor, P.O. Box 46005, Newark, NJ 07101	Blossom A. Peretz	973.648.2690	njratepayer@rpa.state.nj.us	www.rpa.state.nj.us
New Mexico Attorney General, Regulatory Law Unit	Office of the Attorney General P.O. Drawer 1508 Santa Fe, NM 87504-1508	Carol A. Baca	505.827.6010	sfarris@ago.state.nm.us	www.ago.state.nm.us/Regulatory/regulatory_law.html
New York State Consumer Protection Board	5 Empire State Plaza Suite 2101 Albany, NY 12223-1556	Teresa A. Santiago	518.486.4137	webmaster@consumer.state.ny.us	www.consumer.state.ny.us/cpbhome.htm

Agency	Address	Name	Phone Number	E-mail	Website
North Carolina Attorney General, Utilities Unit	Office of the Attorney General P.O. Box 629 Raleigh, NC 27602-0629	Len Green Kevin Andersen	919.716.6055	pforce@mail.state.jus.nc.us	www.jus.state.nc.us
Ohio Consumers' Counsel	10 W. Broad St., Suite 1800 Columbus, OH 43215-3485	Janine L. Migden	614.466.8574	occ@occ.state.oh.us	www.pickocc.com
Oklahoma Attorney General, Public Utility Unit	2300 N Lincoln Blvd., Suite 112 Oklahoma City, OK 73105	Cece L. Coleman	405.522.4379		www.oag.state.ok.us
Oregon Citizens' Utility Board	921 Southwest Morrison St. Suite 511 Portland, OR 97205-2734	Bob Jenks	503.227.1984	cub@teleport.com	www.oregoncub.org
Pennsylvania Office of Consumer Advocate	555 Walnut St., 5th Floor Harrisburg, PA 17101-1923	Irwin A. Popowsky	717.783.5048	paoca@ptd.net	www.oca.state.pa.us
South Carolina Division of Consumer Advocacy	3600 Forrest Dr., P.O. Box 5757 Columbia, SC 29250-5757	Philip S. Porter	803.734.4200	scadvocate@dca.state.sc.us	www.state.sc.us/consumer
Tennessee Attorney General, Consumer Advocate Division	Office of the Attorney General P.O. Box 20207 Nashville, TN 37292	Cynthia E. Kinser	615.741.8700		www.attorneygeneral.state.tn.us

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Texas Office of Public Utility Counsel	1701 North Congress Avenue Suite 9-180, Austin, TX 78711-2397	Suzi Ray McClellan	512.936.7500	paiz@opc.state.tx.us	www.opc.state.tx.us
Utah Committee of Consumer Services	P.O. Box 146782 Salt Lake City, UT 84114- 6782	Roger J. Ball	801.530.7655	rball@state.ut.us	www.commerce.utah.gov/ccs/index.htm l
Vermont Department of Public Service	112 State Street, Drawer 20 Montpelier, VT 05620- 2601	David O'Brien	802.828.2811	vtdps@state.vt.us	www.state.vt.us/psd
Virginia Attorney General, Insurance & Utilities Regulatory Section	900 E. Main Street Richmond, VA 23219	John F. Dudley	804.786.3433	judley@oag.state.va.us	www.oag.state.va.us
Washington Attorney General, Public Counsel Section	Office of the Attorney General 900 Fourth Ave., Suite 2000 Seattle, WA 98164-1012	Simon Fitch	206.389.2055	utility@atg.wa.gov	www.wa.gov/ago/utility
West Virginia Consumer Advocate Division	700 Union Building 723 Kanawha Boulevard East, Suite 700 Charleston, WV 25301	Billy Jack Gregg	304.558.0526	csmith@cad.state.wv.us	www.wvcad.com

