

RESOLUTION APPROVED - January 2010 Meeting

Resolution Regarding Selection of a People's Counsel

Whereas gas, electric and telephone services are essential to the economic, business and social life of the District of Columbia;

Whereas the people, businesses, and government of the District of Columbia pay several billion dollars a year collectively for these services and these costs have increased significantly over the last decade and the future of these bills and services will significantly affect the District government, businesses and residents now suffering severe economic pressures;

Whereas the People's Counsel of the District of Columbia, an independent District Charter officer, part of the Public Service Commission, charged with advocating for and representing all the residents, businesses and government of the District of Columbia in the numerous cases regarding rates, services and many matters, before the Public Service Commission and the Courts, is the only person who has the resources and authority to effectively advocate for and represent all the residents and customers in these cases;

Whereas the People's Counsel is counsel for the People of the District of Columbia;

Whereas the public utility litigation required of the People's Counsel is among the most complex in law, requiring mastery of trials and of fields of expertise (such as economics, engineering, accounting, finance), requiring master of public policy, requiring the capacity to practice complex litigation, and the capacity to articulate these matters to the community (business, residents and government);

Whereas the Office of the People's Counsel has been and remains one of the most effective and powerful among such offices in the nation;

Whereas every People's Counsel to date has been an experienced litigator and experienced in exercising authority to advocate;

Whereas the community and the people must remain part of the Office and of the selection of a People's Counsel;

Whereas the current People's Counsel, Elizabeth A. Noel, is nationally recognized as an effective advocate;

Whereas, there is a candidate for People's Counsel – Vicky Beasley – who has no experience whatsoever in court, who has stated that “I am not a litigator”, who has no experience or practice regarding public utilities, economic regulation, energy, economics, engineering and the like and whose campaign is based on criticizing the current and prior People's Counsels;

Whereas, there was an effort to “cram down” on the people of the City this candidate with a hearing set on only several days official notice for Friday November 20, 2009 (the weekend before Thanksgiving) and a vote on Tuesday, November 24, 2009, based on the false premise that the current holder’s term expired on December 10,. 2009 or thereabouts (in the middle of a major rate case);

Whereas Ms. Beasley claims the Office litigates too much, spends too much on litigation, and advocates too much, arguments made against every People’s Counsel by those regulated (the utilities), an argument which ignores that the Utilities, themselves, spend more and litigate aggressively;

Whereas the Council of the District of Columbia rejected such arguments when it enacted the Regulatory Assessment Clarification Act of 1984 and reauthorized a strong, well-funded Office of People’s Counsel, able to litigate and advocate effectively with full resources;

Whereas it is imperative to maintain a competent, experienced and effective People’s Counsel, one connected to its clients, the People of the District of Columbia;

Whereas Council Member Cheh, with co-sponsors Gray, Kwame Brown, Mendelson, Michael Brown, Thomas, Barry, Catania, introduced the People’s Counsel Qualification Act,

Be it hereby resolved by the Ward Three Democratic Committee of the District of Columbia that:

- 1) the Council disapprove and reject the current nomination of Vicky Beasley;**
- 2) the council enact the People’s Counsel Qualification Act and take all other actions necessary to strengthen the Office, make it even more effective on behalf of the District, and to protect it from any other efforts to weaken it;**
- 3) the Council direct that only a competent, experienced person be nominated and confirmed;**
- 4) that the People of the District of Columbia have a voice and role in such nomination; and**
- 5) that the Chair of the Committee, by the Executive Board, is authorized to take all necessary actions to implement and act on this resolution, including distribution to ANCs, other Ward Committees, and the like, and to report same to the Committee in the normal course of business.**

Introduced by Brian Lederer, Precinct 34; David Donaldson, Precinct 34; Irene Morris, Precinct 31; Shelley Tomkin, Precinct 50; Jeffrey Norman, Precinct 32; Eleanor

Roberts Lewis, Precinct 8; Tom Smith, Precinct 9; Rose Hanes, Precinct 33; Kurt Vorndran, Precinct 26