

The Appropriations Committee

February 9, 2009

Appendix to the OCC Testimony to the Appropriations Committee

The Office of Consumer Counsel

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In 1997, the Legislative Program Review and Investigations Committee conducted a lengthy and detailed examination of the responsibilities of the AG, OCC, and the consumer unit of the DPUC, and declared in its January 22, 1997 Report:

The Committee concludes that OCC exerts a positive influence for consumers, and should continue. (1)

Also, the DPUC witnesses stated to the Committee that:

[T]he [OCC] enhances the DPUC's work, resulting in decisions that better reflect the public interest....The Department has been the beneficiary of the services of the independent Office of Consumer Counsel for over 20 years. The OCC has unstintingly represented ratepayer interests... (31)

The Report of the Committee also noted that the DPUC functions as a quasi-judicial body and thus essentially cannot advocate to itself, finding that the DPUC depends upon the parties to do so, and the only statutory party to all DPUC dockets is the OCC. (39) Indeed, in most cases, the OCC is the only party other than an individual public utility and thus is the only expert voice offered in opposition to the utility's

evidence.

The Committee expressly addressed and answered the question of whether the functions of the OCC should be relocated to the AG's office. Issues that argued against such a move included the use of staff for non-utility consumer issues, and the politicization of the office, since the governor and attorney general are constitutional officers individually facing elections. (48-49) This last was seen as especially important since the independence of the Consumer Counsel "establishes a political accountability balance" in which the OCC is itself accountable for its actions.

The Committee found that "technical proficiencies of OCC work could be diluted" if the importance of utility consumers is "not recognized" and given the priority that the OCC places upon that singular issue. (49) In contrast to the myriad of issues confronting the AG, the OCC is dedicated solely to the task of advocating for utility consumers and has devoted its full attention to this issue for over thirty years.

The Committee held that while there is an obvious "subject matter overlap" between the OCC and AG, the differences between the OCC and the AG in scope of responsibility and available resources "create a presumption against duplication." (50) This presumption, the Committee found, "is strengthened by the belief that the more complete the record is in terms of different ideas and information presented, DPUC's decision making process is enhanced." (50)

The conclusion of the Report was: “the program review committee does not recommend that the OCC be merged into the Office of the Attorney General.” (49)

The OCC believes that the Program Review Committee’s thorough review and significant conclusions on the different utility consumer efforts of the OCC and AG remain sound. The OCC, with its focus entirely devoted to utility issues and rates, provides the vital advocacy that utility consumers deserve in this dismal economic climate to receive the maximum benefits possible.

Accordingly, the OCC agrees with the Program Review Committee that the existing ratepayer funding of “an independent state agency [that] acts as the advocate for consumer interests in all matters which may affect Connecticut consumers with respect to public service companies” should continue in place. (CGS § 16-2a)

A copy of the full report January 22, 1997 report issued by the Legislative Program Review and Investigations Committee can be found at:

<http://www.ct.gov/occ/site/default.asp>