

STANDARD PROCEDURES OF THE WASHINGTON SUBURBAN SANITARY COMMISSION

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Jacquelyn Barry Acting Group Leader Customer Relations Group	CUS 06-03 SUPERSEDES CUS 2001-01	Commissioners		OF 3

SUBJECT HEARING PROCEDURES FOR CUSTOMER REFUND CLAIMS

I. PURPOSE:

To describe the procedures governing customer claims for refunds of paid fees and charges.

II. DEFINITIONS:

- A. Refund Hearing Board (RHB): A board consisting of at least three (and not more than five) WSSC Group Leaders or Unit Coordinators not currently employed by the Customer Care Team. The Customer Relations Group Leader will solicit volunteers from the other Teams. The term of each volunteer will be no more than two years. The Customer Relations Group will solicit new volunteers.
- B. Customer Care Team Representative: At least one representative from the Customer Care Team will attend each hearing to offer testimony and clarify any procedural issues that may arise.
- C. Commissioner: Commissioner appointed by Prince George's County or Montgomery County Executives to serve on WSSC Board of Commissioners.
- D. Corporate Secretary: One of the corporate officers who reports to the six-appointed WSSC Commissioners.

III. PROCEDURES:

- A. All Refund Hearings will be conducted pursuant to: *The Maryland Annotated Code*, Article 29, § 6-111; the Commission's Delegation of Authority, effective April 2, 2001 and as amended from time to time; and this Standard Procedure; and may be conducted substantially in accordance with WSSC Standard Procedure L-86-01, *Procedures for Information (sic) and Adjudicatory Hearing*.
- B. A claim for a refund and request for a hearing must be made in writing and include the customer's rationale for requesting the refund, as well as the dollar amount that the customer is requesting. The claim, the completed "Refund Hearing Request Form," and supporting documentation should be mailed to: Correspondence Services -10th Floor, c/o WSSC, 14501 Sweitzer Lane, Laurel, Maryland, 20707.
- C. A customer must file a claim for refund within three years from the date of the payment for which the refund is requested, or the claim will be automatically disallowed.

- D. Upon receiving the written refund claim and the request for a hearing, the Customer Relations staff shall investigate the claim to determine if the claim can be resolved without a hearing. If the Customer Relations staff does not resolve the claim, a refund hearing will be scheduled.
- E. Refund hearings will be scheduled and heard as follows:
1. The Refund Hearing Board (RHB) shall hear and issue the final WSSC decision on any refund matter in which the amount of the refund claim is less than \$1,000.00. Generally, the Refund Hearing Board (RHB) will attempt to hold a hearing within 60 days of receiving the claimant's completed "Refund Hearing Request Form." Three members of the RHB must be present to hold a refund hearing. A final decision signed by the RHB members who heard the matter will be mailed to the customer generally within about 60 days of the date of the refund hearing.
 - a) Hearings will be held on the *third* Tuesday of each month, at a definitive time/location, unless notice is given otherwise to all parties.
 - b) The customer who requested the hearing must either appear in person at the hearing, send a representative to attend the hearing, or testify via a conference call. If the customer previously agreed to a hearing time and date, but does not appear at the hearing or contact WSSC personnel to reschedule the hearing, the RHB may dismiss the customer's refund claim.
 2. On any refund matter in which the refund claimed equals or exceeds \$1000.00 but is less than or equal to \$25,000.00, a single Commissioner shall hear and decide the matter, and issue the final WSSC decision. If no Commissioner is available for this purpose, the Commissioners have authorized the Corporate Secretary to hear and decide the matter, and issue the final WSSC decision. Hearings shall be scheduled by the Corporate Secretary. Generally, the Commissioner or Corporate Secretary will attempt to hold a hearing within 60 days of receiving the claimant's completed "Refund Hearing Request Form." A final decision signed by the Commissioner who heard the matter or by the Corporate Secretary, as applicable, will be mailed to the customer generally within about 60 days of the date of the refund hearing.
 - a) Hearings will be scheduled based upon Commissioner/Corporate Secretary/customer availability, at a definitive date/time/location.
 - b) The customer who requested the hearing must either appear in person at the hearing, send a representative to attend the hearing, or testify via a conference call. If the customer previously agreed to a hearing time and date, but does not appear at the hearing or contact WSSC personnel to reschedule the hearing, the Commissioner or the Corporate Secretary may dismiss the customer's refund claim.
 3. A quorum of Commissioners (*i.e.*, a simple majority of the Commissioners serving on the Commission when the refund hearing is held) shall hear all refund matters in which the amount of the refund claim is over \$25,000.00. Quorum hearings shall be scheduled by the Corporate Secretary. Generally, the Commissioners will attempt to hold a hearing within 60 days of receiving the claimant's completed "Refund Hearing Request Form." A final decision signed by each of the Commissioners who heard the matter will be mailed to the customer generally within about 60 days of the date of the refund hearing.

4. The decision of the RHB, a Commissioner or the Corporate Secretary, or a quorum of Commissioners shall be the final WSSC decision ("Final Decision"). A party who is aggrieved by the Final Decision is entitled to judicial review thereof as provided in the Maryland Annotated Code, State Government Article, Section 10-222. Such appeal shall be taken by filing a petition for judicial review in a circuit court authorized to provide the review. A petition for review shall be filed within 30 days from the date of receipt by the petitioner of the Final Decision. Note that filing of a petition for review does not automatically stay the action for which review is sought.

IV. AUTHORITY CLAUSE:

- A. The General Counsel certifies that the statutory authority for the adoption of this Standard Procedure, CUS 06-03 is Article 29, Section 9-101, 6-104, 6-105, 6-111 & 8-101 of the Annotated Code of Maryland. Any conflict between this Standard Procedure and the Annotated Code will be resolved in favor of the latter.

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