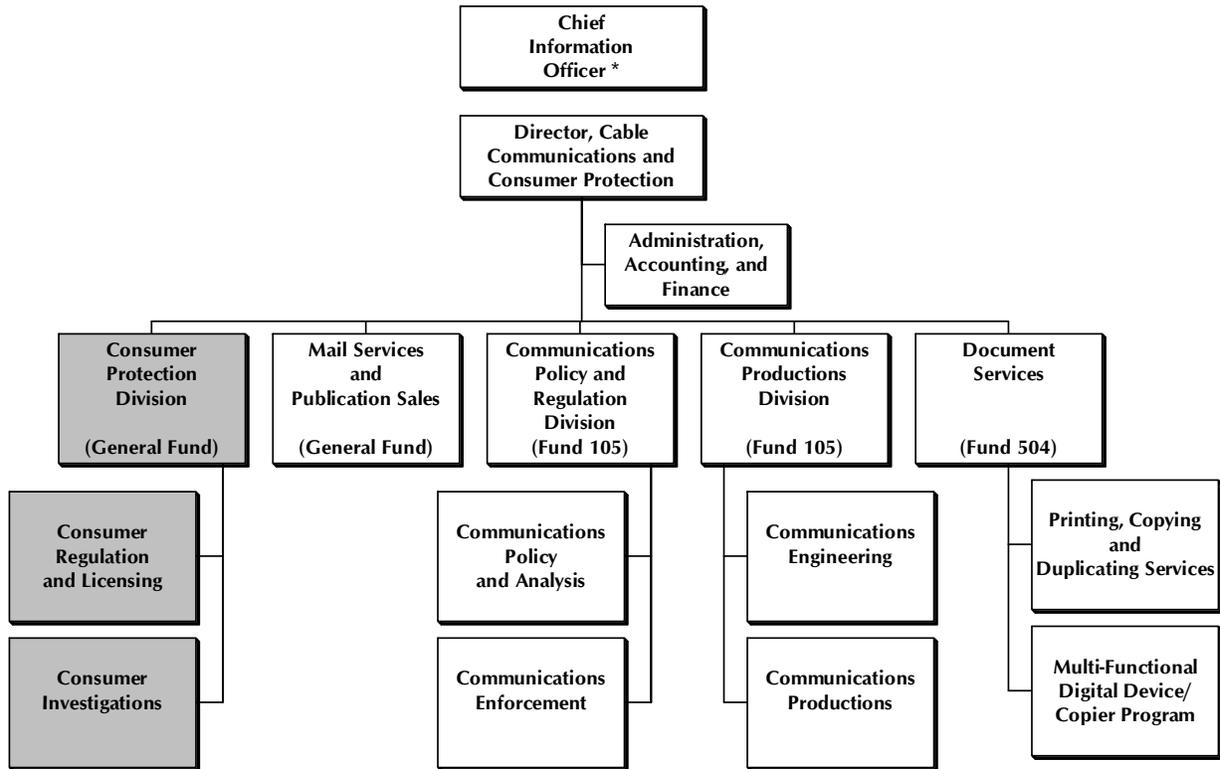


Department of Cable Communications and Consumer Protection



*The Chief Information Officer has responsibility for strategic direction and oversight of this agency; however, for budget purposes, this position and associated funding are also reflected within the Department of Information Technology.

The Department of Cable Communications and Consumer Protection is the umbrella agency for five distinct functions: Consumer Protection; Mail Services and Publication Sales; Communications and Policy Regulation; Communications Production; and Printing Copying and Duplicating Services. The total agency staff of 92.0/92.0 SYE positions and a \$17.8 million budget is dispersed over three funding sources. The Consumer Protection Division, which responds to consumer complaints and ensures business compliance with applicable laws, is presented within the Public Safety Program Area (Volume I) and is fully supported by the General Fund. Mail Services and Publication Sales are provided for County agencies and fully supported by the General Fund. These programs are presented in the Legislative/Executive Program Area in Volume 1. The Multi-functional Digital Device Program (Copier Program) in Fund 504 is funded by a General Fund transfer which supports the lease of digital multi-functional devices (copiers) throughout County agencies, and by revenue received from County agencies and is managed by the Department of Information Technology. Printing, Copying and Duplicating Services is funded by revenues received from County agencies and the Fairfax County Public Schools for printing, copying and duplicating services. The Cable Communications function, which is responsible for television programming and for communications regulation, is presented in Fund 105 (Volume II). Fund 105 is supported principally by revenue received from local Cable operators through franchise agreements. While the functions of Cable Communications and Consumer Protection provide diverse services, they all provide quality customer service to the community and work collaboratively with County agencies, neighboring jurisdictions and professional organizations.

Department of Cable Communications and Consumer Protection

Mission

To provide consumer protection services for consumers and businesses in Fairfax County in order to ensure compliance with applicable laws. To provide and coordinate mail, publication sales and distribution, printing, copier and duplicating services for County agencies, as well as printing services to the Fairfax County Public Schools.

Focus

The Consumer Protection Division investigates and mediates consumer and tenant-landlord issues and is responsible for issuing licenses for certain business activities. The division also assists consumers by intervening in utility rate cases, regulating the taxi industry, and providing assistance to homeowner associations.

The Investigations Branch provides essential consumer protection services to Fairfax County citizens through the enforcement of consumer protection laws and the investigation/mediation of consumer, cable and tenant-landlord disputes. Investigations staff mediate complaints to determine whether consumer protection laws have been violated and also prepare cases for legal action. In addition to mediation, staff develop conciliation agreements to resolve complex disputes and offer binding arbitration when mediation efforts are exhausted. Investigations staff favorably resolved 90 percent of the 4,047 formal complaints investigated during FY 2004 recovering \$1,469,909 for citizens. The Investigations Branch also provides a leadership role in the community by distributing educational brochures on a wide variety of consumer topics. Regular meetings are conducted with associations, schools and other interest groups to keep them apprised of current consumer trends and ways to avoid consumer scams, frauds and other problems. Staff also develop a series of consumer programs, Consumer Focus, televised on Channel 16. The Investigation Branch administers an arbitration program at no cost to the business or consumer. Fairfax County's Arbitration Program is a fair and efficient way to resolve consumer disputes without going to court. The Investigations Branch provides staff support to the Consumer Protection Commission which is composed of 13 residents of Fairfax County that are appointed by the Board of Supervisors for terms of three years. The Commission advises the agency and the Board of Supervisors on Consumer Protection and cable communication issues within the community.

THINKING STRATEGICALLY

Strategic issues for the Department include:

- o Providing quality customer service to the community and maintaining a highly skilled and knowledgeable workforce;
- o Assessing the equity of fees for business certificates and operator licenses;
- o Utilizing new technologies to improve resolution rates for valid complaints;
- o Improving communication levels with all citizens by pursuing foreign language translations of web-based information resources; and
- o Expanding regulatory authority through the legislative process to more effectively monitor and enforce fair and ethical business practices.

The Regulation and Licensing Branch regulates the operation of taxicabs for hire within the County by issuing operator certificates for taxicab companies and licenses to taxicab drivers, and conducting vehicle safety inspections and inspecting taximeters for accuracy. The Branch biennially recommends to the Board of Supervisors the appropriate number of taxicabs to respond to citizen demand and reviews certificate applications. Further, the Branch investigates customer complaints and controls fare rates. In addition, the Branch is responsible for issuing licenses, permits or registrations to canvassers, peddlers, solicitors, vendors, promoters, massage establishments and technicians, pawn brokers, precious metal dealers, gem dealers, going out-of-business sales, charitable organizations soliciting within the County and towing companies that engage in non-consensual towing of vehicles. Licensing staff issued 1,302 licenses in FY 2004. The Regulation and Licensing Branch provides utility rate case intervention on behalf of County residents, including petitioning the State Corporation Commission to change utility rates and services when appropriate, and works directly with the various utilities to encourage the development of beneficial consumer policies. In

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In addition, this Branch conducts electric contract negotiations for County government electric service with Dominion Virginia Power and Northern Virginia Electric Cooperative, which has resulted in favorable contract terms at the lowest cost for all County government agencies. Staff develop and present expert testimony before federal, state and local governmental bodies on behalf of the Board of Supervisors and citizens. Staff saved Fairfax County citizens \$48 million in FY 2004. The Regulation and Licensing Branch also educates and supports the combined total of 1,700 homeowners' associations, condominium unit owners' associations and civic associations that represent approximately 80 percent of the County population. For example, this branch publishes a 300-page detailed Community Association Manual and hosts Your Community Your Call (YCYC) TV production shown on Channel 16. In addition, the Regulation and Licensing Branch provides staff support to the Tenant Landlord Commission which is composed of 10 members that are appointed by the Board of Supervisors for terms of three years. The Commission advises the agency and the Board of Supervisors on Tenant and Landlord issues within the community and arbitrates tenant-landlord complaints.

New Initiatives and Recent Accomplishments in Support of the Fairfax County Vision

|  Maintaining Safe and Caring Communities | Recent Success | FY 2006 Initiative | Cost Center |
|--|-----------------------|---------------------------|--------------------------|
| Implemented and enhanced an enforcement program that provides improved application of customer service standards of the Cable Franchise Agreement and the County's Cable Ordinance, Chapter 9.1 (Communications) to consumer complaints. | ☑ | | Consumer Investigations |
| Continue engaging in an ongoing joint effort with Fairfax County Police to enforce the license requirements put forth in the <u>Fairfax County Code</u> and the <u>Code of Virginia</u> . | ☑ | ☑ | Regulation and Licensing |
|  Connecting People and Places | Recent Success | FY 2006 Initiative | Cost Center |
| Implemented a computerized licensing information retrieval system to enable Police Department personnel to retrieve license information immediately for enforcement purposes. | ☑ | | Regulation and Licensing |
| Streamlined the on-line access to business licenses to include background information and pictures. | ☑ | | Regulation and Licensing |
| Designed and implemented licensing applications and forms to be available to the public through the Consumer Protection website. | ☑ | | Regulation and Licensing |
| Translate and publish the Handbook for Tenants and Landlords into Spanish. | | ☑ | Regulation and Licensing |
| Made translation services available to communicate with non-English speaking constituents desiring to use Consumer Protection Services. | ☑ | | Regulation and Licensing |

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|  Creating a Culture of Engagement | Recent Success | FY 2006 Initiative | Cost Center |
|---|-----------------------|---------------------------|---|
| Conducted and continue to emphasize outreach programs to inform and disseminate information to citizen groups and homeowners' associations through seminars and educational programs. | ✓ | ✓ | Consumer Investigations |
| Improved the accessibility of the Community Association Manual by putting it on the Department's website. | ✓ | | Regulation and Licensing |
| Engaged citizens through various outreach activities such as: <ul style="list-style-type: none"> • Educational outreach seminars for Fairfax County Public Schools, civic associations, rotary clubs, retirement homes and various boards and commissions. • Guiding, advising, and educating the members and directors of self-governing associations through attending condominium and homeowner association board meetings. • Attending multiple tenant-landlord and consumer protection commission meetings. | ✓ | | Consumer Investigations Regulation and Licensing |
|  Exercising Corporate Stewardship | Recent Success | FY 2006 Initiative | Cost Center |
| Intervened in three Washington Gas Light cases which resulted in a total of \$11.7 million in savings for Fairfax County consumers. | ✓ | | Regulation and Licensing |
| Participated with other local governments in joint contract negotiations with Dominion Virginia Power which resulted in \$3.9 million in annual savings to Fairfax County government. | ✓ | | Regulation and Licensing |
| Continue to analyze taxicab company rate increases and certificate increase requests and presents recommendations to the Fairfax County Board of Supervisors. | ✓ | ✓ | Regulation and Licensing |
| Submitted comments to the SCC on behalf of the Fairfax County Board of Supervisors on Verizon's request to automatically increase rates for telephone service. | ✓ | | Regulation and Licensing |
| Analyze current complaint reporting statistics to develop a system to report recovered value of complaints. | | ✓ | Consumer Investigations |

Department of Cable Communications and Consumer Protection

Budget and Staff Resources

| Agency Summary | | | | | |
|--|--------------------|-----------------------------------|-----------------------------------|--------------------------------------|-----------------------------------|
| Category | FY 2004 Actual | FY 2005 Adopted Budget Plan | FY 2005 Revised Budget Plan | FY 2006 Advertised Budget Plan | FY 2006 Adopted Budget Plan |
| Authorized Positions/Staff Years | | | | | |
| Legislative-Executive Regular | 29/ 29 | 29/ 29 | 21/ 21 | 21/ 21 | 21/ 21 |
| Public Safety Regular | 15/ 15 | 15/ 15 | 14/ 14 | 14/ 14 | 14/ 14 |
| Expenditures: | | | | | |
| Legislative-Executive | | | | | |
| Personnel Services | \$1,347,966 | \$1,396,781 | \$978,837 | \$1,007,842 | \$1,007,842 |
| Operating Expenses | 3,073,482 | 3,333,587 | 3,297,004 | 3,306,803 | 3,306,803 |
| Recovered Costs | (2,724,981) | (3,022,582) | (3,022,582) | (3,022,582) | (3,022,582) |
| Capital Equipment | 0 | 341,651 | 0 | 61,713 | 61,713 |
| Subtotal | \$1,696,467 | \$2,049,437 | \$1,253,259 | \$1,353,776 | \$1,353,776 |
| Public Safety | | | | | |
| Personnel Services | \$778,627 | \$846,072 | \$783,361 | \$784,108 | \$784,108 |
| Operating Expenses | 121,355 | 120,800 | 120,954 | 129,340 | 129,340 |
| Capital Equipment | 0 | 0 | 0 | 0 | 0 |
| Subtotal | \$899,982 | \$966,872 | \$904,315 | \$913,448 | \$913,448 |
| Total General Fund Expenditures | \$2,596,449 | \$3,016,309 | \$2,157,574 | \$2,267,224 | \$2,267,224 |
| Income: | | | | | |
| Legislative-Executive | | | | | |
| Publication Sales | \$61,064 | \$55,811 | \$61,064 | \$62,092 | \$62,092 |
| Commemorative Gifts | 10,451 | 11,653 | 11,653 | 11,653 | 11,653 |
| Copying Machine Revenue | 1,595 | 2,717 | 2,717 | 2,717 | 2,717 |
| Subtotal | \$73,110 | \$70,181 | \$75,434 | \$76,462 | \$76,462 |
| Public Safety | | | | | |
| Massage Therapy Permits | \$22,740 | \$21,000 | \$21,000 | \$21,000 | \$21,000 |
| Precious Metal Dealers Licenses | 4,925 | 4,925 | 4,925 | 4,925 | 4,925 |
| Solicitors Licenses | 5,330 | 8,000 | 8,000 | 8,000 | 8,000 |
| Taxicab Licenses | 120,855 | 127,616 | 127,616 | 127,616 | 127,616 |
| Going Out of Business Fees | 260 | 845 | 845 | 845 | 845 |
| Subtotal | \$154,110 | \$162,386 | \$162,386 | \$162,386 | \$162,386 |
| Total General Fund Income | \$227,220 | \$232,567 | \$237,820 | \$238,848 | \$238,848 |
| Net Cost to the County | \$2,369,229 | \$2,783,742 | \$1,919,754 | \$2,028,376 | \$2,028,376 |

FY 2006 Funding Adjustments

The following funding adjustments from the FY 2005 Revised Budget Plan are necessary to support the FY 2006 program:

- ◆ **Employee Compensation** **\$747**
An increase of \$747 associated with salary adjustments necessary to support the County's compensation program.

- ◆ **Intergovernmental Charges** **\$8,540**
An increase of \$8,540 related to intergovernmental charges including \$6,416 for Information Technology charges based on the agency's historic usage and \$2,124 for Department of Vehicle Services charges based on anticipated charges for fuel, vehicle replacement, and maintenance costs.

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- ◆ **Carryover Adjustment** (\$154)
A decrease of \$154 in Operating Expenses due to one-time encumbered carryover from the *FY 2004 Carryover Review*.

Board of Supervisors' Adjustments

The following funding adjustments reflect all changes to the FY 2006 Advertised Budget Plan, as approved by the Board of Supervisors on April 25, 2005:

- ◆ The Board of Supervisors made no adjustments to this agency.

Changes to FY 2005 Adopted Budget Plan

The following funding adjustments reflect all approved changes in the FY 2005 Revised Budget Plan since passage of the FY 2005 Adopted Budget Plan. Included are all adjustments made as part of the FY 2004 Carryover Review and all other approved changes through December 31, 2004:

- ◆ **Carryover Adjustment** (\$62,557)
As part of the *FY 2004 Carryover Review*, the Board of Supervisors approved the transfer of 1/1.0 SYE position to the Department of Tax Administration, and the carryover of encumbered funding.

The following funding adjustments reflect all approved changes to the FY 2005 Revised Budget Plan from January 1, 2005 through April 18, 2005. Included are all adjustments made as part of the FY 2005 Third Quarter Review:

- ◆ The Board of Supervisors made no adjustments to this agency.

Cost Centers

The public safety function of the Department of Cable Communications and Consumer Protection has one cost center, Consumer Protection, which works to fulfill the mission of the Department and to carry out the key initiatives for the fiscal year.

Consumer Protection

| Funding Summary | | | | | |
|----------------------------------|-------------------|-----------------------------------|-----------------------------------|--------------------------------------|-----------------------------------|
| Category | FY 2004 Actual | FY 2005 Adopted Budget Plan | FY 2005 Revised Budget Plan | FY 2006 Advertised Budget Plan | FY 2006 Adopted Budget Plan |
| Authorized Positions/Staff Years | | | | | |
| Regular | 15/ 15 | 15/ 15 | 14/ 14 | 14/ 14 | 14/ 14 |
| Total Expenditures | \$899,982 | \$966,872 | \$904,315 | \$913,448 | \$913,448 |

| Position Summary | | |
|---|--|---|
| Consumer Protection Division 1 Director, Consumer Protection 1 Administrative Assistant IV Administration, Accounting and Finance 1 Administrative Assistant II | Consumer Regulation and Licensing 1 Consumer Specialist III 1 Management Analyst II 1 Consumer Specialist I 1 Utilities Analyst | Consumer Investigations 1 Consumer Specialist III 6 Consumer Specialists I 1 Consumer Specialist I |
| TOTAL POSITIONS 14 Positions / 14.0 Staff Years | | Positions in Bold Italics are supported by Fund 105, Cable Communications |

Department of Cable Communications and Consumer Protection

Key Performance Measures

Goal

To provide consumer protection services for consumers and businesses in Fairfax County in order to ensure compliance with applicable laws.

Objectives

- ◆ To achieve a favorable resolution rate of consumer complaints determined to be valid of 85 percent.
- ◆ To determine on a biennial basis, the appropriate number of taxicabs for the Fairfax County market and determine fair and equitable rates so that fewer than 0.5 percent of the complaints received are due to lack of service received.
- ◆ To intervene in rate and service provision utility cases before the State Corporation Commission to ensure quality utility service at the lowest possible rates, to reach an estimated \$54 million in curtailed or limited rate increases, up from \$48 million in FY 2005.
- ◆ To maintain a satisfaction rate of 95 percent of seminar attendees to ensure quality assistance and guidance on homeowners' association and tenant-landlord issues to over 1,700 community associations in Fairfax County.
- ◆ To maintain at 97 percent, the percent of outreach contacts who report that educational programs met their associations' needs.

| Indicator | Prior Year Actuals | | | Current Estimate | Future Estimate |
|--|--------------------|----------------|-------------------------|------------------|-----------------|
| | FY 2002 Actual | FY 2003 Actual | FY 2004 Estimate/Actual | FY 2005 | FY 2006 |
| Output: | | | | | |
| Valid complaints investigated | 4,596 | 5,044 | 4,500 / 4,047 | 3,400 | 3,420 |
| Taxicab company rate change requests analyzed (1) | NA | 0 | NA / 1 | 4 | NA |
| Biennial taxicab control of entry studies prepared (2) | NA | 1 | NA / NA | 4 | NA |
| Utility rate and service cases analyzed | 8 | 8 | 8 / 9 | 8 | 8 |
| Utility rate and service case interventions before SCC | 3 | 4 | 4 / 5 | 4 | 4 |
| Seminars conducted | 4 | 6 | 6 / 7 | 6 | 6 |
| Outreach programs conducted | 26 | 26 | 26 / 41 | 27 | 27 |
| Efficiency: | | | | | |
| Staff hours per complaint | 4.0 | 4.0 | 4.5 / 5.1 | 4.5 | 4.5 |
| Staff hours per taxicab rate change request | NA | NA | NA / 200 | 250 | NA |
| Staff hours per taxicab control of entry study | NA | 400 | NA / NA | 450 | NA |
| Utility cases per analyst | 4 | 4 | 4 / 9 | 8 | 8 |
| Staff hours per seminar | 1.6 | 1.6 | 1.6 / 2.0 | 2.0 | 2.0 |
| Staff hours per outreach session | 2.5 | 2.5 | 2.5 / 3.6 | 3.0 | 3.0 |

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| Indicator | Prior Year Actuals | | | Current Estimate | Future Estimate |
|--|--------------------|----------------|-------------------------|------------------|-----------------|
| | FY 2002 Actual | FY 2003 Actual | FY 2004 Estimate/Actual | FY 2005 | FY 2006 |
| Service Quality: | | | | | |
| Percent of complaints responded to within 48 hours of receipt | 100% | 100% | 100% / 100% | 100% | 100% |
| Percent of rate change requests processed within statutory time requirements | NA | 100% | NA / 100% | 100% | NA |
| Percent of biennial control of entry study time requirements met | NA | 100% | NA / NA | 100% | NA |
| Percent of utility case interventions completed within required time frame | 100% | 100% | 100% / 100% | 100% | 100% |
| Percent of seminar programs scheduled that are completed | 100% | 100% | 100% / 100% | 100% | 100% |
| Percent of outreach programs scheduled that are completed | 100% | 100% | 100% / 100% | 100% | 100% |
| Outcome: | | | | | |
| Percent of favorably resolved valid complaints | 89% | 91% | 85% / 90% | 85% | 85% |
| Taxicab complaints attributable to lack of service | 9 | 12 | 15 / 13 | 15 | 15 |
| Curtailed or limited rate increases (in millions) | \$27 | \$33 | \$40 / \$48 | \$48 | \$54 |
| Percent of satisfied seminar attendees | 95% | 95% | 95% / 95% | 95% | 95% |
| Percent of contacts indicating that outreach programs met educational objectives | 97% | 97% | 97% / 97% | 97% | 97% |

(1) Rate change requests are typically processed every other year per code requirements. The number of rate requests received cannot be predicted.

(2) Biennial market demand analysis is conducted to determine control of entry.

Performance Measurement Results

Complaints are projected to decrease significantly during FY 2005 and FY 2006 due to the completion of the Cox Communications cable upgrade in Fairfax County and are expected to return to the pre-Cox Communications upgrade levels. In view of this decrease in complaints, effective July 1, 2004, Consumer Protection released two Exempt Limited Term (ELT) consumer specialists whose primary job function was the handling of Cox Communications complaints. The number of utility cases per analyst should be eight cases in FY 2005 and FY 2006. It is anticipated that outreach seminars and programs will continue to achieve at least 95 percent satisfaction ratings from organizations that attend such programs. In addition, Consumer Protection staff will continue participating with other local governments in the competitive purchase of electricity through the Joint Powers Agreement, which contributes to limiting public utility rate increases. The cumulative savings realized for consumers through these actions during FY 2004 was \$48.0 million. In addition to the larger than expected savings on rate increases, a one-time savings of an additional \$3 million was also realized but not reflected above.