

Bond Case Briefs

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WATER & SEWER - DISTRICT OF COLUMBIA

Owens v. District of Columbia Water and Sewer Authority

District of Columbia Court of Appeals - March 30, 2017 - A.3d - 2017 WL 1194505

Customer brought action against Water and Sewer Authority alleging that she was overcharged, challenging the termination of his service, and seeking a preliminary injunction.

The Superior Court dismissed customer's suit for failure to exhaust administrative remedies. Customer appealed.

The Court of Appeals held that:

- Customer's sole path to judicial relief was to file petition for review with Court of Appeals, but
- The Court of Appeals would direct Water and Sewer Authority to address merits of customer's billing challenge.

Trial court had no jurisdiction to hear customer's challenge to her water bills, but rather customer's sole path to judicial relief for that challenge was to file with Court of Appeals petition for review of adverse order or decision issued by Water and Sewer Authority. Administrative process due to customer constituted a contested case, and it was immaterial that customer did not in fact exhaust administrative remedies.

Water and Sewer Authority failed to provide information to customer regarding administrative review procedures as required by regulations, and therefore Court of Appeals, pursuant to All Writs Act and in aid of its jurisdiction, would direct Authority to address merits of customer's billing challenge and would allow customer to petition for judicial review. Even though customer improperly sought relief in trial court instead of pursuing administrative remedies and seeking judicial review in Court of Appeals, Authority's failure to provide information partly caused customer's failure to pursue administrative remedies.