

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
OFFICE OF THE ATTORNEY GENERAL



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**ELECTRONIC FILING**

April 22, 2024

Ms. Brinda Westbrook-Sedgwick  
Public Service Commission  
Of the District of Columbia Secretary  
1325 G Street, N.W., Suite 800  
Washington, DC 20005

**Re: Formal Case No. 1176 – In the Matter of the Application of Potomac Electric Power Company for Authority to Implement a Multiyear Rate Plan for Electric Distribution Service in the District of Columbia.**

Dear Ms. Westbrook-Sedgwick:

On behalf of the District of Columbia Government, please find the enclosed Surrebuttal Testimony of Courtney Lane (Exh. DCG (2A)) in the above-captioned proceeding. If you have any questions regarding this filing, please do not hesitate to contact the undersigned.

Respectfully submitted,

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**BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF THE DISTRICT OF COLUMBIA**

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**IN THE MATTER OF THE APPLICATION )  
OF THE POTOMAC ELECTRIC POWER )  
COMPANY FOR AUTHORITY TO )  
IMPLEMENT A MULTI-YEAR RATE PLAN )  
FOR ELECTRIC DISTRIBUTION SERVICE )  
IN THE DISTRICT OF COLUMBIA )**

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**Formal Case No. 1176**

**Surrebuttal Testimony of  
Courtney Lane**

**On Behalf of  
The District of Columbia Government**

**April 22, 2024**

**Exhibit DCG (2A)**

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1           **I.       INTRODUCTION AND QUALIFICATIONS**

2   **Q       Please state your name, title, and employer.**

3   A       My name is Courtney Lane. I am a Principal Associate at Synapse Energy Economics  
4           (Synapse), located at 485 Massachusetts Avenue #3, Cambridge, MA 02139.

5   **Q       Have you previously submitted testimony in this proceeding?**

6   A       Yes. I submitted direct testimony in this proceeding on January 12, 2024, on behalf of the  
7           District of Columbia Government (DCG or the District).

8   **Q       What is the purpose of your surrebuttal testimony?**

9   A       The purpose of my surrebuttal testimony is to respond to the rebuttal testimony of the  
10          Potomac Electric Power Company's (Pepco or Company) Witnesses O'Donnell, Cantler,  
11          Leming, and Hightower. My surrebuttal testimony addresses topics related to the design  
12          of Pepco's proposed second multi-year plan (MYP), the impacts of the MYP on the  
13          District's energy policies and climate goals, and whether the purported benefits of  
14          Pepco's Modified Enhanced Multiyear Rate Plan (Modified EMRP) as approved in  
15          Formal Case No. (FC) 1156 are sufficient to justify a second MYP. My surrebuttal  
16          testimony responds to several key aspects of each witness's rebuttal testimony but does  
17          not attempt to address every instance of disagreement.

18   **Q       What materials did you rely on to develop your testimony?**

19   A       In addition to the testimony of each witness, the sources for my surrebuttal testimony are  
20          public documents, and my personal knowledge and experience.

1 **Q Was this surrebuttal testimony prepared by you or under your direction?**

2 A Yes. My surrebuttal testimony was prepared by me or under my direct supervision and  
3 control.

4 **Q Are there any exhibits attached to your testimony?**

5 A No.

6 **II. SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS**

7 **Q Please summarize your primary recommendations and conclusions regarding**  
8 **Pepco's MYP proposal.**

9 A My overall conclusions and recommendations remain unchanged from my direct  
10 testimony. Pepco does not provide any additional information in rebuttal to support its  
11 MYP proposal and instead rehashes positions from its direct testimony.

12 Regarding the specific issues I address in this surrebuttal testimony, my primary  
13 conclusions are as follows:

- 14 1. The Company's proposed MYP does not provide appropriate incentives to the  
15 Company to contain its costs or protect its customers from unreasonable rates due  
16 to (a) the misguided adoption of the reconciliation process used in Maryland, and  
17 (b) the use of a Company-specific cost forecast to build its revenue requirements.
- 18 2. Pepco's MYP is not a "Climate Ready Pathway" but rather a means to increase  
19 business-as-usual investments that do not adequately advance the District's  
20 energy policies and climate goals.

- 1           3. The proposed MYP fails to include Performance Incentive Mechanisms (PIM) to  
2           incentivize the Company to act in furtherance of the District’s climate goals or  
3           commit to the continued tracking of the performance of its investments contained  
4           in the MYP to ensure that MYP investments are in fact advancing the District’s  
5           energy policies and climate goals.
- 6           4. The Company’s evaluation of its first MYP pilot program as approved in FC  
7           1156 fails to provide sufficient data to support the approval of a second MYP in  
8           the instant proceeding.
- 9           5. While the District supports automatic enrollment into Pepco’s Arrearage  
10          Management Program (AMP) of customers verified by the Department of Energy  
11          and Environment (DOEE) to be income qualified to participate in the Residential  
12          Aid Discount (RAD) program, the District does not support Pepco’s current  
13          proposal to allow the Company to directly enroll customers in RAD.
- 14          6. Pepco fails to provide a process for how the Company will monitor, evaluate, and  
15          make any needed adjustments to the proposed residential time-of-use (TOU) rate  
16          and commercial electric vehicle (EV) charging TOU rates to ensure these rates  
17          achieve the purported goals of advancing energy affordability, equity, and the  
18          District’s decarbonization goals.

19           I offer the following recommendations:

- 1           • The Commission should continue historical test year ratemaking until an  
2           evaluation framework is developed for how to track and assess the benefits of an  
3           MYP on a pilot basis.
- 4           • The Commission should not approve an MYP until Pepco develops a  
5           comprehensive long-term grid modernization plan and integrated distribution plan  
6           (IDP).
- 7           • Should the Commission approve an MYP in the future, it should require that any  
8           proposal (1) not be permitted to include reconciliations of utility under-earnings,  
9           (2) include an index-based cost escalator to escalate the historical test year  
10          revenue requirement for each year of the MYP, (3) provide for more transparency  
11          pertaining to grid modernization efforts, and (4) include PIMs that advance the  
12          District’s energy policies and climate goals.
- 13          • Regardless of whether the Commission directs Pepco to operate under an MYP or  
14          cost of service regulation, I recommend that the Commission:
- 15                a) Require Pepco to develop and file an IDP and comprehensive grid  
16                modernization plan that includes a system needs assessment, technology  
17                investment roadmap, timeline, and benefit-cost analysis (BCA) that  
18                adheres to the framework to be developed in accordance with Commission  
19                Order No. 21938 issued on December 8, 2023, in General Docket No.  
20                2019-04-M; and,

1                   b) Establish explicit metrics and targets to guide Pepco’s activities for grid  
2                   modernization.

3                   • Pepco’s proposal to alter administration of RAD program enrollment as part of  
4                   this proceeding is premature and should be proposed after proper consultation  
5                   with relevant stakeholders in the FC 1125 proceeding, an existing docket  
6                   established to address issues related to the Utility Discount Programs (UDP),  
7                   including RAD.

8                   • If the Commission approves Pepco’s proposals for new TOU rates, it should  
9                   direct Pepco to file an annual report on the impacts of the new rates and  
10                  reconvene the Rate Design Working Group to monitor their deployment and  
11                  identify potential improvements to the design of the new rates.

12                  **III.     RESPONSE TO THE PURPORTED BENEFITS OF PEPCO’S MYP**

13                  **The MYP Does Not Provide Adequate Ratepayer Protection and Cost Control**  
14                  **Incentives.**

15                  **Q     What is Pepco’s response to your statement that the Company’s MYP does not**  
16                  **provide appropriate incentives to the Company to contain its costs or protect**  
17                  **customers from unreasonable rates?**

18                  A     The Company provides the same points in support of its MYP that it offered in direct  
19                  testimony. Pepco Witness Cantler explains that the MYP offers opportunities for greater



1           affordability in the interest of the District’s customers because it holds the Company  
2           accountable to its forward-looking project budgets.<sup>1</sup>

3           Similarly, Pepco Witness Leming states there is no incentive to inflate costs because the  
4           actual costs are reviewed for prudence and no carrying costs are applied should the  
5           Company over-spend its authorized revenue requirement.<sup>2</sup>

6   **Q    Do you agree that Pepco’s proposed MYP holds the Company accountable for its**  
7   **forward-looking project budgets?**

8   **A**No. As described in my direct testimony, the proposed structure of Pepco’s MYP allows  
9           the Company to recover any spending above its allowed revenue requirement (except for  
10          carrying costs). If found prudent, these costs are then recovered from customers through a  
11          reconciliation mechanism. This reduces incentives for the Company to control costs  
12          compared to traditional cost-of-service regulation, where a utility is not allowed to  
13          recover spending that exceeds its revenues between rate cases. Instead, under traditional  
14          cost-of-service regulation, base rates remain fixed between rate cases and a utility must  
15          live within the revenues provided by those rates or absorb any excess costs.<sup>3</sup>

16 **Q    Do you agree with Witness Leming’s position that the proposed MYP does not**  
17 **create an incentive for Pepco to inflate cost forecasts?**

18 **A**No. As discussed in my direct testimony, Pepco is better off overestimating its capital  
19          costs to ensure that it will not overspend its allowed revenues and forfeit the carrying  
20          costs associated with that overspend. In addition, due to the flawed reconciliation

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<sup>1</sup> Cantler Rebuttal Testimony at 5:4-9.

<sup>2</sup> Leming Rebuttal Testimony at 13:13-17.

<sup>3</sup> Lane Direct Testimony at 16:18-20 and 17:1-9.

1 process, Pepco has little incentive to find cost efficiencies because it receives no benefit  
2 from reducing its costs. Through the reconciliation process, any underspending due to  
3 achieving cost efficiencies flows to customers, not to the Company. Therefore, the full  
4 reconciliation of any cost savings to customers during both the Consolidated and Final  
5 Reconciliations at the end of the MYP term erodes any incentive to the Company to  
6 achieve cost savings.<sup>4</sup>

7 **Q In rebuttal, Pepco Witness Leming cites evidence that the reconciliation process**  
8 **incentivized cost control in the Modified EMRP.<sup>5</sup> Do you agree?**

9 A No. Witness Leming indicates that Pepco effectively managed its capital closings in each  
10 year within the Commission-authorized amounts.<sup>6</sup> However, while it is true that Pepco  
11 spent less than projected during the Modified EMRP, this was not due to the design of the  
12 reconciliation process and/or effective management. Instead, as noted in my direct  
13 testimony, “Pepco explains that these substantial deviations from its projected budget  
14 were primarily due to supply chain issues.”<sup>7</sup>

15 Furthermore, while Witness Leming indicates that the Company was able to control its  
16 operation and maintenance to be 1.2 percent lower than authorized in 2021 and 1.9  
17 percent lower in 2022,<sup>8</sup> there is no counterfactual to compare these savings to what would  
18 have occurred under cost-of-service regulation.

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<sup>4</sup> Lane Direct Testimony at pgs. 16-18.

<sup>5</sup> Leming Rebuttal Testimony at 14:4-5

<sup>6</sup> *Id.*, at 14:4-9.

<sup>7</sup> Lane Direct Testimony at 14:3-7.

<sup>8</sup> Leming Rebuttal Testimony at 14:6-8.

1 **Q Does Pepco Witness O’Donnell mischaracterize your position on alternative forms**  
2 **of regulation (AFOR)?**

3 A Yes. Witness O’Donnell states that I “oppose the continued use of AFORs in general.”<sup>9</sup>

4 However, I am not opposed to AFOR; I am opposed to the design of Pepco’s MYP. This  
5 is evident in the fact that I offer proposed modifications to the Company’s proposed MYP  
6 in my direct testimony.<sup>10</sup> A well-designed MYP can provide benefits to customers, lower  
7 regulatory costs, encourage the utility to find cost-efficiencies, create more predictable  
8 rates, reduce the impact of information and resource asymmetry, and support policy  
9 goals. However, the numerous flaws in the design of Pepco’s proposed MYP result in  
10 more risk than benefits for customers. For example, as discussed in my direct testimony  
11 and summarized above, Pepco’s proposed reconciliation process and use of Company-  
12 specific cost-forecasts are fatal flaws that should be rejected in order to protect  
13 customers.

14 Should the Commission approve an MYP in the future, it should require that any  
15 proposal not be permitted to include reconciliations of utility under-earnings and include  
16 an index-based cost escalator to escalate the historical test year revenue requirement for  
17 each year of the MYP.

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<sup>9</sup> O’Donnell Rebuttal Testimony at 22:18-19.

<sup>10</sup> Lane Direct Testimony at pgs. 65-66.

1        **Pepco’s MYP Does Not Sufficiently Advance the District’s Clean Energy Policy and**  
2        **Climate Goals**

3        **Q     Please summarize the primary conclusions from your direct testimony as they**  
4        **pertain to the “Climate Ready Grid.”**

5        A     In my direct testimony I conclude that the “Climate Ready Grid” represents traditional  
6        reliability investments and despite Pepco’s claim that the MYP is a “Climate Ready  
7        Pathway,” only 3.6 percent of the \$1.4 billion in total planned capital investments over  
8        the MYP term (2024–2026) directly supports the Company’s Climate Solutions Plan  
9        (CSP).<sup>11</sup> I also conclude that Pepco was unable to identify specific investments in its  
10       MYP capital plan as being part of the Climate Ready Grid,<sup>12</sup> could not specify the  
11       anticipated benefits of the investments beyond “providing customers with a safe,  
12       affordable, and reliable energy system,”<sup>13</sup> and did not develop metrics to track the  
13       benefits of deploying the Climate Ready Grid.<sup>14</sup>

14       **Q     Do the other parties in this proceeding come to similar conclusions?**

15       A     Yes. Office of People’s Counsel (OPC) Witness Mara concludes that over 90 percent of  
16       the projects identified as part of Pepco’s “climate ready grid” modernization initiative are  
17       nothing more than routine reliability projects that any prudent utility would undertake.<sup>15</sup>  
18       He also finds that Pepco has not been able to identify which capital projects advance

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<sup>11</sup> *Id.*, at 33:5-8.

<sup>12</sup> *Id.*, at 31:1-8.

<sup>13</sup> *Id.*, at 32:3-9.

<sup>14</sup> *Id.*, at 32:10-20.

<sup>15</sup> Mara Direct Testimony at 4:10-13.

1 Pepco’s objectives for a Climate Ready Grid or explain how the Company proposes to  
2 measure the success of its proposed investments.<sup>16</sup>

3 Similarly, Apartment and Office Building Association (AOBA) Witness Oliver concludes  
4 that “Pepco’s representation of its MYP as a “Climate Ready Pathway” is more rhetoric  
5 than substance,”<sup>17</sup> and that “Pepco has placed no parameters on the attributes its District  
6 of Columbia distribution system will need to add, expand, or refine to achieve its concept  
7 of a “climate ready grid.”<sup>18</sup>

8 **Q How does Pepco respond to the parties’ determination that the MYP is not a**  
9 **“Climate Ready Pathway”?**

10 A Pepco Witness Cantler states that the “Company did not propose that it was establishing a  
11 Climate Ready Grid, but rather a pathway to a Climate Ready Grid.”<sup>19</sup>

12 **Q Does this distinction change your opinion that Pepco’s MYP does not adequately**  
13 **advance the District’s energy policies or climate goals and instead supports**  
14 **business-as-usual investments?**

15 A No. This is purely semantics and does not represent the language used throughout the  
16 Company’s Application. For example, Pepco Witness O’Donnell’s direct testimony states  
17 “[i]n this filing, the Company is proposing a series of Climate Ready Grid investments”<sup>20</sup>  
18 and makes clear that “the Climate Ready Pathway is the Company’s near-term proposal  
19 to advance the District’s climate and clean energy goals” and the MYP’s “central focus is

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<sup>16</sup> *Id.*, at 7:4-6.

<sup>17</sup> Oliver Direct Testimony at iii.

<sup>18</sup> *Id.*, at 44:18-21.

<sup>19</sup> Cantler Rebuttal Testimony at 6:5-17.

<sup>20</sup> O’Donnell Direct Testimony at 5:11-12.

1 the “Climate Ready Grid,” a series of investments into infrastructure and processes that  
2 advance system-readiness and will support customers through the current energy  
3 transformation.”<sup>21</sup> The Company also claims that it will demonstrate “how the  
4 investments proposed in the Climate Ready Pathway align with the District’s vision to  
5 reach carbon neutrality by 2045,”<sup>22</sup> yet this information is not included in the MYP.

6 If Pepco is going to justify the MYP based on its contribution to the District’s energy  
7 policies and climate goals, it should be able to identify specific Climate Ready Grid  
8 investments and describe how those investments contribute to the achievement of those  
9 goals.

10 **Q Why is it problematic for the Commission to approve Pepco’s MYP as a Climate**  
11 **Ready Pathway when the Company has not demonstrated how the proposed capital**  
12 **investments will advance the District’s energy policies and climate goals?**

13 **A** Approving the MYP as a Climate Ready Pathway when Pepco is unable to identify which  
14 capital projects advance Pepco’s objectives for a Climate Ready Grid creates risks to  
15 ratepayers and impedes the District’s ability to meet its climate goals. Pepco’s Climate  
16 Ready Grid represents traditional reliability investments that, if approved, will create  
17 substantial annual increases in customer bills. In the first, year bills would increase by  
18 6.37 percent, followed by an additional increase of 5.96 percent in the second year, with  
19 another increase of 5.61 percent in the third year.<sup>23</sup> There is no accountability that Pepco  
20 be required to demonstrate that these increased costs to ratepayers result in incremental

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<sup>21</sup> *Id.*, at 3:13-20.

<sup>22</sup> *Id.*, at 4:1-2.

<sup>23</sup> Lane Direct Testimony at 7:1-5.

1 greenhouse gas (GHG) emissions reductions or further the District’s climate goals. In  
2 addition, this upward pressure on rates will make it more costly for customers to pursue  
3 electrification and may slow the District’s ability to meet its building and transportation  
4 decarbonization goals.

5 **Q Does Pepco provide any additional justification in rebuttal for why the capital**  
6 **investments proposed in its MYP are needed to support a Climate Ready Grid?**

7 A No. Pepco Witness Cantler reiterates the same arguments contained in her direct  
8 testimony, stating that continued investments in reliability and resiliency are needed to  
9 establish a pathway to a Climate Ready Grid. She states that these investments “enable  
10 the Company to proactively maintain and enhance the system to guard against negative  
11 customer impact associated with the potential of equipment failure due to age,  
12 obsolescence, etc. while also maintaining a system that can operate through variable  
13 weather and uncontrollable events from year to year.”<sup>24</sup> However, these activities are core  
14 to the traditional duties of the electric distribution company and would take place  
15 regardless of the District’s energy policies and climate goals.

16 Similarly, Pepco Witness O’Donnell also restates claims from her direct testimony that  
17 “reliability and resiliency are foundational requirements for a Climate Ready Grid and  
18 support the energy transformation to a highly electrified and interactive system.”<sup>25</sup>

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<sup>24</sup> Cantler Rebuttal Testimony at 8:11-16.

<sup>25</sup> O’Donnell Rebuttal Testimony at 13:12-15.

1 **Q Does Pepco justify the need for these proactive investments in reliability and**  
2 **resiliency?**

3 A No. Pepco has not adequately justified why increased spending on reliability and  
4 resiliency is required to achieve the District’s energy policies and climate goals. While  
5 Witness O’Donnell seeks to justify increased spending on reliability and resiliency to  
6 support a “highly electrified” system, the Company ignores the findings from “The  
7 Strategic Electrification Roadmap for Buildings and Transportation in the District of  
8 Columbia” (Electrification Roadmap), which indicates that the Company’s system is  
9 well-equipped to handle the projected electrification loads from buildings and  
10 transportation up through the year 2032.<sup>26</sup>

11 **Q Does Pepco provide any additional support in rebuttal for why an MYP is required**  
12 **to support the District’s energy policies and climate goals?**

13 A No. Instead of providing an actual linkage between the proposed MYP capital  
14 investments and climate outcomes, Pepco’s primary examples of investments to support  
15 climate goals are dockets outside of this proceeding. For example, Witness O’Donnell  
16 cites the Company’s suite of Commission-approved electric vehicle programs, the  
17 Climate Solutions Plan (CSP) filed, but not yet approved by the Commission, in FC  
18 1167, and its energy efficiency programs pending in FC 1160.<sup>27</sup>

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<sup>26</sup> See Lane Direct Testimony at 40:12-16 and DOEE, *The Strategic Electrification Roadmap for Buildings and Transportation in the District of Columbia* (Electrification Roadmap), April 2023.

<sup>27</sup> O’Donnell Rebuttal Testimony at 14:20-27 through 15:1-9.



1 **Q What is Pepco’s response to your recommendation that it should include more**  
2 **investments in the MYP that will actually assist the District in furthering its energy**  
3 **policies and meeting its climate objectives?**

4 A Witness O’Donnell argues that the MYP cycle is too slow to keep pace with the  
5 “legislative and technological developments impacting decarbonization, some programs,  
6 tools, and processes that Pepco could deploy can be planned and implemented more  
7 quickly in other proceedings in order help customers pursue electrification devices.”<sup>28</sup>

8 **Q Do you find Witness O’Donnell’s response persuasive?**

9 A No, I do not. First, Witness O’Donnell does not respond to my recommendations that  
10 Pepco should include additional investments in the MYP to address ongoing issues with  
11 the distributed energy resource (DER) interconnection process, improvements to hosting  
12 capacity maps, and support for data transparency and utilization of advanced metering  
13 infrastructure.<sup>29</sup> This is concerning given the fact that in response to a question raised by  
14 Commissioner Beverly at the September 27, 2023 Pepco State of the Company, Pepco’s  
15 President and CEO acknowledged the average time it takes a customer to interconnect is  
16 “not acceptable” and “it has to be a focus area.”<sup>30</sup> Given this statement, investments to  
17 support improvements to the DER interconnection process should be a focus of this  
18 MYP.

19 Second, I find the argument that the MYP cycle is too slow compared to “other  
20 proceedings” to be unfounded. One of the primary drivers for AFOR is to provide Pepco

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<sup>28</sup> O’Donnell Rebuttal Testimony at 31:9-14.

<sup>29</sup> Lane Direct Testimony at pgs. 34-39.

<sup>30</sup> District of Columbia Public Service Commission Open Meeting and Pepco State of the Company, September 27, 2023, recording at 1 hour and 3 minutes. Available at: <https://www.youtube.com/watch?v=WuNmmZc8ycI>

1 with more timely cost-recovery. For example, in the Order establishing a framework for  
2 AFORs, the Commission stated that “[i]n response to the District’s policy goals, the  
3 Commission is examining the possibility of adopting AFORs aimed at accelerating the  
4 utilities’ cost recovery for infrastructure improvement projects and aligning utility  
5 incentives with these policy goals.”<sup>31</sup> In addition, Witness O’Donnell does not support  
6 her statement that “other proceedings” are quicker than the MYP, as she does not cite  
7 specific dockets nor does she include the length of time it took for Pepco to obtain a  
8 decision in those dockets.

9 The concerns related to the magnitude and pace of investments speak more broadly to the  
10 need for a coordinated and comprehensive climate plan that identifies a pathway for  
11 achieving the District’s climate goals in a least cost manner while maintaining reliability  
12 and safety. Utility investments across multiple proceedings should be coordinated with  
13 clear outcomes and metrics for tracking progress towards GHG reduction goals.

14 **Pepco Fails to Justify the Exclusion of Performance Incentive Mechanisms in the**  
15 **MYP.**

16 **Q Does Pepco respond to your recommendation for a non-wires alternative (NWA)**  
17 **PIM?**

18 **A** Pepco Witness Cantler states that the proposal for an NWA PIM should not be accepted  
19 due to the ongoing PIMs Working Group.<sup>32</sup>

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<sup>31</sup> FC 1156, Order No. 20273, ¶7.

<sup>32</sup> Cantler Rebuttal Testimony at 37:1-6.

1 **Q What is your response?**

2 A I continue to assert that PIMs should be developed in conjunction with the MYP to help  
3 ensure that Pepco's investments are in fact supporting the District's climate and clean  
4 energy goals. My recommendation for an NWA PIM does not need to rely on historical  
5 baseline data or results from the Tracking PIMs approved for the Modified EMRP.<sup>33</sup>  
6 Instead, the NWA PIM would be based on a shared savings approach.

7 Furthermore, as summarized in the previous section, Pepco's MYP represents a business-  
8 as-usual capital investment plan and does not sufficiently support the District's energy  
9 policies or climate goals. Pepco does not identify which MYP investments are part of its  
10 Climate Ready Grid or develop any metrics to track how these investments contribute to  
11 the District's goals. Without the inclusion of PIMs or Tracking PIMs, there is no way of  
12 knowing whether the MYP investments will help the District achieve its energy policies  
13 and climate goals.

14 **Pepco's Current Distribution Planning Process Does Not Replace the Need for an**  
15 **Integrated Distribution Plan and Grid Modernization Plan.**

16 **Q How does Pepco respond to your recommendation that the Company should be**  
17 **required to file an IDP and comprehensive grid modernization plan?**

18 A Pepco Witness Cantler repeats the same claims from her direct testimony that the MYP  
19 process enhances and supports greater oversight and transparency, stating that "including

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<sup>33</sup> The Tracking PIMs approved by the Commission in Order No. 20755 included a GHG reduction metric measuring GHG emissions related to Pepco-owned buildings in the District of Columbia as well as the Company's vehicle fleet. The GHG tracking PIM also provides GHG emissions estimates related to Standard Offer Service (SOS) and non-SOS energy consumption, as well as sulfur hexafluoride (SF6) emissions from Pepco's operational equipment and estimates of GHG emissions related to the Company's contractor vehicles.

1 internal checks and balances required to adequately ensure alignment with the  
2 Company’s core objectives of enabling solutions to climate change, enhancing grid  
3 performance, supporting social equity and affordability, and improving the customer  
4 experience.”<sup>34</sup>

5 Witness Cantler further argues that an IDP is not needed because Pepco already has a  
6 Distribution Construction Report that would largely be inclusive of any IDP.<sup>35</sup>

7 **Q Is the construction report the same as an IDP?**

8 **A** No. The Distribution Construction Report provides information related to the problem  
9 statement, solution, justification, and alternatives for each Investment Tracking Number  
10 for 2022 actual and 2023–2026 budgeted capital, and a listing of budgeted additions to  
11 Electric Plant In Service.<sup>36</sup>

12 An IDP is a longer-term distribution plan (10 years or more) and will typically include  
13 the following components that are absent from Pepco’s Distribution Construction Report:

- 14 • Baseline data related to the existing distribution system;
- 15 • Planned retirements and committed future replacements or additions to existing  
16 distribution system assets;
- 17 • Forecasted loads and DER additions for each year of the IDP;
- 18 • Hosting capacity assessment;

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<sup>34</sup> Cantler Rebuttal Testimony at 4:1-4.

<sup>35</sup> *Id.*, at 28:19-23.

<sup>36</sup> *Id.*, at 18:15-20 through 19:1-2.

- 1           • Assessment and prioritization of system upgrades or operational changes to  
2           accommodate future loads and DERs;
- 3           • Evaluation of options for meeting forecasted distribution system needs, including  
4           consideration of alternatives to traditional distribution system investments such as  
5           NWAs; and
- 6           • A detailed action plan for addressing near-term system needs.<sup>37</sup>

7           These are critical elements missing from the Distribution Construction Report.

8           In addition, the development of an IDP provides increased external transparency through  
9           more data availability. The Company itself has indicated there is a need for enhanced  
10          communication related to Pepco's distribution planning process. At the September 27,  
11          2023, Pepco State of the Company, Pepco's President and CEO described the need for  
12          more communication related to the Company's distribution planning process due to the  
13          more dynamic nature of the system.<sup>38</sup> An IDP is a tool that can be used to achieve this  
14          outcome.

15          In addition, unlike the Distribution Construction Report, an IDP should be developed  
16          with meaningful stakeholder engagement to improve outcomes and allow for the  
17          Commission to better oversee utility expenditures by providing an overview of

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<sup>37</sup> The Mid-Atlantic Distributed Resources Initiative (MADRI), *Integrated Distribution Planning for Electric Utilities: Guidance for Public Utility Commissions*, October 2019. Available at: [https://www.madrionline.org/wp-content/uploads/2019/10/MADRI\\_IDP\\_Final.pdf](https://www.madrionline.org/wp-content/uploads/2019/10/MADRI_IDP_Final.pdf).

<sup>38</sup> District of Columbia Public Service Commission Open Meeting and Pepco State of the Company, September 27, 2023, recording at 1 hour and 20 minutes. Available at: <https://www.youtube.com/watch?v=WuNmmZc8ycI>.

1 distribution system investments in a holistic manner before investments are proposed in  
2 rate cases.

3 **Q What is Pepco Witness Cantler’s response to your recommendation that the**  
4 **Company should file a grid modernization plan?**

5 A Pepco Witness Cantler states that the Company provides “relevant and significant  
6 information” to stakeholders through the MYP, Distribution Construction Report, and the  
7 Annual Consolidated Report that has a section dedicated to grid modernization.<sup>39</sup>

8 **Q Do you agree that the MYP, Distribution Construction Report, and Annual**  
9 **Consolidated Report replace the need for a grid modernization plan?**

10 A No, I do not. First, the Annual Consolidated Report does not provide a dedicated section  
11 for grid modernization. For instance, while the 2022 and 2023 Annual Consolidated  
12 Reports include a description of Pepco’s progress in deploying substation and distribution  
13 automation there is no description of planned future grid modernization investments.<sup>40</sup>

14 Second, these filings are insufficient and do not contain the same information that would  
15 be found in a grid modernization plan. A grid modernization plan should identify the  
16 state’s grid modernization objectives and the required technology categories and  
17 capabilities that are needed to meet each objective. The plan should identify how each  
18 investment’s functionality helps to achieve the desired grid modernization objective. In  
19 other words, a grid modernization plan is a public-facing document that provides  
20 information to the Commission and stakeholders regarding the strategic rationale for grid

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<sup>39</sup> Cantler Rebuttal Testimony at 32:6-9.

<sup>40</sup> See FC 1119, Pepco 2022 Annual Consolidated Report (April 15, 2022) and Pepco 2023 Annual Consolidated Report (April 18, 2023).

1 modernization investments. According to the U.S. Department of Energy, a grid  
2 modernization plan will address the following questions:

- 3 • Why is this investment needed (i.e., purpose & objectives)?
- 4 • What functionality will be delivered by what new/enhanced processes,  
5 technology, and/or information? What are the major deliverables?
- 6 • When is the functionality needed and how fast and at what scale should it be  
7 implemented?
- 8 • Who will be involved (e.g., key vendors, consultant, others) and the related  
9 organizational structure and responsibilities within the effort?
- 10 • When will the implementation be completed and key intermediate milestones  
11 occur?
- 12 • How much will this benefit and cost customers and others?<sup>41</sup>

13 Pepco's MYP, Distribution Construction Report, and the Annual Consolidated Report do  
14 not provide the information necessary to answer these questions and are therefore not a  
15 substitute for a comprehensive grid modernization plan.

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<sup>41</sup> U.S. Department of Energy (2020) Next-Generation Distribution System Platform Initiative (DSPx) Modern Distribution Grid Series Volume IV: Modern Distribution Grid Strategy & Implementation Planning Guidebook, p. 82. Available at: <https://gridarchitecture.pnnl.gov/modern-grid-distribution-project.aspx>.

1 **Q Does Witness Cantler provide other reasons for why he does not support a separate**  
2 **grid modernization plan?**

3 A Yes. Witness Cantler states there are disparate views by the intervening parties on  
4 Pepco's proposed grid modernization investments and therefore there is no standard  
5 approach to grid modernization.<sup>42</sup>

6 **Q Would a grid modernization plan alleviate this issue?**

7 A Yes. While there may be differences of opinions among OPC and intervening parties  
8 related to which grid modernization investments to approve and the level of total  
9 investments, the citations provided by Witness Cantler demonstrate that the real issue is  
10 the lack of clarity in Pepco's MYP related to a clear definition of grid modernization,  
11 identification of which investments pertain to grid modernization, and clear justification  
12 for the need of each investment.

13 For instance, OPC Witness Mara's concerns, as cited by Pepco Witness Cantler, pertain  
14 to whether Pepco's proposed MYP investments are business-as-usual or actually  
15 modernizing the grid. A grid modernization plan by necessity would identify specific grid  
16 modernization investments and should include a description for how the functionality of  
17 each investment helps to achieve a specific grid modernization objective.

18 Similarly, AOBA Witness B. Oliver simply notes that affordability needs to be  
19 considered when considering grid modernization investments.<sup>43</sup> A grid modernization  
20 plan should include an assessment of the costs and benefits of proposed investments so

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<sup>42</sup> Cantler Rebuttal Testimony at 32:17-32 through 33:1-12.

<sup>43</sup> *Id.*, at 33:6-9.



1 the Commission and stakeholders can understand the timing and investment levels of  
2 proposed investments.

3 **Q What does Pepco Witness Cantler propose in response to your concerns related to**  
4 **the absence of a grid modernization plan?**

5 A Witness Cantler indicates that the Company would be open to initiating its own  
6 collaborative process to adapt the grid modernization section of its Annual Consolidated  
7 Report.<sup>44</sup>

8 **Q Do you support this recommendation?**

9 A While I appreciate Pepco's willingness to consider improvements to its Annual  
10 Consolidated Report, it is insufficient. As summarized above, based on the breadth of  
11 information that should be included in a grid modernization plan, it requires more  
12 attention than the expansion of one section in an existing report. In fact, due to the time  
13 and resources needed to develop a grid modernization plan, they are typically filed every  
14 three to five years.<sup>45</sup> Therefore, I continue to recommend that the Commission require  
15 Pepco to file a comprehensive grid modernization plan.

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<sup>44</sup> *Id.*, at 32:11-16.

<sup>45</sup> For example, the Massachusetts investor-owned utilities file grid modernization plans for three-year periods (<https://www.mass.gov/info-details/grid-modernization-and-ami-resources>).

1        **An Evaluation of the Modified EMRP Should be Completed Prior to Approving**  
2        **Pepco’s MYP.**

3        **Q     How does Pepco respond to your recommendation that the Commission enact**  
4        **historical test year ratemaking until an evaluation framework is developed for how**  
5        **to track and assess the benefits of an MYP?**

6        A     Pepco Witness O’Donnell contends that this position is contrary to the Commission’s  
7        approach in FC 1156 and states that an evaluation and metrics are not required.

8        Specifically, she cites Commission Order 21042 in FC 1156, which states “establishing a  
9        pilot to consider Pepco’s EMRP allows this first MRP filing to serve as an opportunity to  
10       gather valuable lessons learned for assessing future MRP proposals and other AFORs and  
11       facilitate the development of AFOR regulations.”<sup>46</sup>

12       **Q     Does this change your opinion on the need for an MYP evaluation and metrics?**

13       A     No, it does not. Now that Pepco has completed its Modified EMRP, it is evident that  
14       there is insufficient data that can be used to “gather valuable lessons learned for assessing  
15       future MRP proposals” as originally intended by the Commission. As discussed in my  
16       direct testimony, Pepco is unable to provide any quantitative data to demonstrate that the  
17       Modified EMRP provided benefits to customers or furthered the District’s energy  
18       policies and climate goals.<sup>47</sup> Without adoption of an evaluation framework and metrics,  
19       there will continue to be a lack of transparency related to the impact of the MYP  
20       compared to traditional cost-of-service regulation and it will not be possible to assess

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<sup>46</sup> O’Donnell Rebuttal Testimony at 20:9-24 and FC 1156, Order No. 21042 at ¶93.

<sup>47</sup> Lane Direct Testimony at 58:8-14.

1 whether continuation of AFOR is in the best interest of customers or its contribution in  
2 support of the District’s energy policies and climate goals.

3 **IV. THE COMMISSION SHOULD APPROVE PEPCO’S PROPOSAL TO**  
4 **AUTOMATICALLY ENROLL RAD CUSTOMERS IN THE AMP BUT**  
5 **DENY PEPCO’S OTHER PROPOSED CHANGES TO THE RAD**  
6 **PROGRAM.**

7 **Q Please summarize your recommendation related to Pepco’s proposed changes to the**  
8 **RAD and AMP programs.**

9 **A** The Commission should not approve Pepco’s proposed changes to RAD or its proposed  
10 expansion to its marketing and outreach budget at this time. As I stated in my direct  
11 testimony, Pepco has not provided sufficient information to evaluate the efficacy and  
12 cost-effectiveness of these proposals and did not consult with key stakeholders—  
13 including DOEE or the FC 1125-established Utility Discount Program Education  
14 Working Group (UDPE WG)—in their development.<sup>48</sup>

15 However, I support Pepco’s suggestion to automatically enroll qualified households that  
16 have been income-verified by DOEE into AMP for RAD participation. DOEE previously  
17 supported a similar proposal by Washington Gas Light Company (WGL) to automatically  
18 enroll into WGL’s AMP qualified households that have been income verified by DOEE  
19 for participation in WGL’s Residential Essential Service (RES) program. The  
20 Commission should direct Pepco to work with DOEE to create a process for ensuring that  
21 customers with arrears who are enrolled in RAD are automatically enrolled in the AMP

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<sup>48</sup> Lane Direct Testimony at pgs. 67-68.

1 as well, including an appropriate process for monitoring the implementation of automatic  
2 enrollments in the AMP to ensure the process meets the needs of customers.<sup>49</sup>

3 **Q How does Pepco respond to the concerns raised by other parties regarding its**  
4 **proposed changes to RAD and the AMP?**

5 A Pepco states that there is a need to expand energy assistance programs now, and that  
6 additional consultation or a working group process could take time.<sup>50</sup> Pepco suggests that  
7 if the Commission approves its proposals, the Company would then be “open to working  
8 with different stakeholders to develop an implementation plan that settles on details such  
9 as staffing needs.”<sup>51</sup>

10 **Q Has Pepco addressed your concerns with its proposed changes to RAD?**

11 A No. While I support the objective of increasing enrollments in RAD, Pepco’s proposal  
12 suffers from several deficiencies. As an initial matter, Pepco did not develop its current  
13 proposal in conjunction with DOEE or the UDPE WG. Coordination with other parties in  
14 the UDPE WG and DOEE, as the administrator of the UDPs, is important before  
15 adopting any administrative change to a UDP, such as what Pepco proposes here to RAD,  
16 because of the potential for such changes to result in unintended consequences impacting  
17 the other UDPs. Pepco’s proposal is underdeveloped in several respects and lacks the  
18 support of key partners. Indeed, Pepco itself seems to recognize this fact by noting that it  
19 has not yet developed an implementation plan that would address key considerations such

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<sup>49</sup> See Commission Order 21536 here:

<https://edocket.dcpsec.org/apis/api/Filing/download?attachId=182333&guidFileName=275d2bc6-f012-47c1-98a4-bbc2f187cfc7.pdf>

<sup>50</sup> Hightower Rebuttal Testimony at 13.

<sup>51</sup> Hightower Rebuttal Testimony at 14.

1 as staffing needs. If Pepco is interested in pursuing avenues for enrolling customers in  
2 RAD using categorical eligibility, it should develop a joint proposal in consultation with  
3 DOEE and the UDPE WG and file that proposal in the Formal Case No. 1125 docket.

4 Moreover, while expanding the use of categorical eligibility in some form may be a good  
5 idea, Pepco's current proposal does not present a holistic solution to the problem of  
6 administrative burdens for customers. From my discussions with DOEE staff, I  
7 understand some of the practical implications of Pepco's proposal. For example, to  
8 benefit from Pepco's proposal, a resident would need to first apply for assistance through  
9 a qualifying program (such as SNAP), then apply to RAD through Pepco, and then  
10 proceed through a third application process with DOEE to receive LIHEAP and other  
11 UDP assistance, including WGL's RES, Verizon's Lifeline program, and D.C. Water's  
12 Customer Assistance Program. There are better ways to reduce administrative burdens for  
13 residents in need, including expanding the use of automatic enrollments through a  
14 centralized application process or data sharing across programs. I understand that DOEE,  
15 OPC, and others are actively working on developing solutions in this area. While it may  
16 be appropriate to revisit the question of whether Pepco should be able to directly enroll  
17 customers in RAD in the future, it is premature to approve Pepco's proposal now while  
18 more robust avenues for increasing enrollments remain unexplored, and while key details  
19 of Pepco's proposal lack adequate specification.

20 Finally, Pepco's proposal risks decreasing participation in LIHEAP and other UDPs  
21 without careful planning. DOEE's utility affordability division is designed to be a one-  
22 stop shop for utility assistance. Allowing Pepco to enroll customers directly in RAD will

1 not provide the significant benefits of LIHEAP and other UDP programs and may  
2 decrease enrollments in these programs by diverting customers away from DOEE's one-  
3 stop shop process. Although Pepco states that it will attempt to refer customers to DOEE  
4 for enrollment in other programs, it does not propose any measures to track whether the  
5 Company will actually be able to successfully refer customers to DOEE. Similarly, Pepco  
6 has not provided any metrics to track whether additional expenditures on marketing and  
7 outreach will result in increased enrollments in RAD, nor has it provided meaningful  
8 analysis showing that increasing its marketing budget represents a cost-effective means  
9 of increasing enrollment in RAD at this time.

10 **Q What actions should the Commission take instead of approving Pepco's proposed**  
11 **changes to RAD?**

12 **A** I understand that DOEE, OPC and other members of the UDPE WG are actively working  
13 on solutions to increase participation in all UDPs without creating additional  
14 administrative hurdles for D.C. residents. It is therefore premature and potentially  
15 counterproductive for the Commission to approve Pepco's proposal at this time when  
16 there are active discussions occurring to improve RAD. The Commission should deny  
17 Pepco's current proposal and direct Pepco to develop any future proposals for changes to  
18 RAD in conjunction with DOEE and the UDPE WG established in FC 1125 to ensure  
19 that the proposal receives input from key partners and complements other efforts to  
20 increase participation in UDPs.

1 **Q Should the Commission approve Pepco’s proposal to automatically enroll customers**  
2 **in the AMP if they are enrolled in RAD?**

3 A Yes. Automatic enrollments in AMP have the potential to benefit arrearage owing  
4 customers enrolled in RAD. The Commission should approve Pepco’s proposal and  
5 direct Pepco to work with DOEE to create a process for automatically enrolling RAD  
6 customers with arrears in the AMP, including steps to monitor the implementation of  
7 automatic enrollments to ensure the process meets the needs of customers.

8 **V. IF THE COMMISSION APPROVES PEPCO’S PROPOSED TOU RATES,**  
9 **IT SHOULD DIRECT PEPCO TO WORK WITH THE RATE DESIGN**  
10 **WORKING GROUP TO MONITOR THE IMPACT ON CUSTOMERS**  
11 **AND THE DISTRICT’S CLEAN ENERGY GOALS.**

12 **Q Please summarize Pepco’s proposals for a new residential TOU rate and new**  
13 **commercial EV TOU rates.**

14 A Pepco proposes two new kinds of rate offerings: a residential TOU and a suite of  
15 commercial EV charging rates.<sup>52</sup> The residential TOU rate would replace Pepco’s  
16 undersubscribed R-PIV rate and would be available as an optional (opt-in) rate for all  
17 residential electricity usage. It has an on-peak period of 5:00 p.m. to 10:00 p.m. Monday-  
18 Fridays (excluding federal holidays), and an off-peak period of all other days/times.  
19 Pepco states that the proposed residential TOU rate is designed to be revenue neutral for  
20 a typical residential customer before any load shifting occurs.<sup>53</sup> The residential TOU rate

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<sup>52</sup> Bonikowski Direct Testimony at 42-43.

<sup>53</sup> *Id.* at 48.

1 contains separate time-varying components for distribution, generation, and transmission,  
2 described in greater detail in the Direct Testimony of Witness Bonikowski.<sup>54</sup>

3 Pepco also proposes a suite of new TOU rates for commercial EV charging that would be  
4 optional (opt-in) rates, have an on-peak window of 6:00 a.m. to 8:00 p.m., and include  
5 energy and demand charges that are generally two-times the cost during the peak period  
6 relative to the off-peak period. Other important components of the proposal include the  
7 division of demand charges into an On-Peak Demand Charge and a Maximum Demand  
8 Charge, and a requirement for EV charging and related ancillary load to be separately  
9 metered from other commercial load.

10 **Q How does Pepco characterize the potential benefits of the two new rate offerings?**

11 A Witness Bonikowski states that the new residential TOU and commercial EV charging  
12 TOU rates will “encourage customers to shift energy use to times when the distribution  
13 system is less constrained,” thereby enhancing “customer choice and affordability while  
14 supporting the District’s decarbonization goals.”<sup>55</sup> Likewise, Witness Hightower’s  
15 rebuttal testimony suggests that the proposed TOU rate and EV charging TOU rates will  
16 advance affordability and equity and the District’s climate goals by incentivizing  
17 customers to shift energy consumption to off-peak periods and help customers realize  
18 savings on their bills.<sup>56</sup>

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<sup>54</sup> *Id.* at 43-48.

<sup>55</sup> Bonikowski Direct Testimony at pg. i.

<sup>56</sup> Hightower Rebuttal Testimony at pgs. 5-6.



1 **Q What steps should the Commission take to ensure Pepco's new TOU rates will**  
2 **advance affordability and equity?**

3 A If the Commission approves Pepco's TOU rates, it should take two steps to ensure the  
4 rates meet their intended objectives. First, the Commission should direct Pepco to file an  
5 annual report evaluating the impact of time-varying rates on customer usage, grid  
6 constraints, and the deployment of clean energy technologies. For example, Pepco should  
7 study the impacts of the new rates on customer behavior, assess the potential for  
8 improvements, and implement any changes that would maximize the benefits of TOU  
9 rates. This process of review and improvement should happen on a regular and expedited  
10 timeframe to ensure Pepco's rate design keeps pace with changing technologies and  
11 appropriately responds to lessons learned both in the District and around the country. For  
12 example, investor-owned utilities in California have in recent years shifted from relying  
13 upon opt-in TOU rates to opt-out (default) TOU rates as a result of lessons learned  
14 regarding consumer acceptance of TOU rates and the importance of the opt-out model to  
15 their success. It is important that Pepco and other stakeholders in D.C. engage in that kind  
16 of regular, productive review of Pepco's TOU rates to ensure future iterations of the rate  
17 design incorporate beneficial improvements in a timely fashion.

18 Second, the Commission should reconvene the Rate Design Working Group and task the  
19 group with (1) monitoring the implementation of the new TOU rates, and (2) identifying  
20 and developing any suggested improvements to those rate designs. The Commission  
21 should direct Pepco to provide a draft version of its annual report on the new TOU rate  
22 designs to the Rate Design Working Group at least two months before the annual filing  
23 date.

1   **Q**    **Does this conclude your surrebuttal testimony?**

2   **A**    Yes, it does.

## CERTIFICATE OF SERVICE

I hereby certify on this 22nd day of April 2024, that I caused true and correct copies of the Surrebuttal Testimony of Courtney Lane on behalf of the District of Columbia Government to be emailed to the following:

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