FC1169 - 2023 - G - 242

RECEIVED 2023 SEP 1 10:44 AM

OPC-DC
Office of the People's Counsel
ADVOCACY | EDUCATION | PROTECTION

Sandra Mattavous-Frye, Esq.
People's Counsel

September 1, 2023

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

Re: Formal Case No. 1169, In the Matter of the Application of Washington Gas Light Company for Authority to Increase Existing Rates and Charges for Gas Service

Dear Ms. Westbrook-Sedgwick:

Enclosed for filing in the above-referenced proceeding, please find the *Office of the People's Counsel for the District of Columbia's Limited Brief*.

If there are any questions regarding this matter, please contact me at 202.727.3071.

Sincerely,

/s/ Laurence Daniels
Laurence Daniels
Director of Litigation

Enclosure

cc: Parties of record

BEFORE THE
PUBLIC SERVICE COMMISSION
OF THE DISTRICT OF COLUMBIA

In the Matter of	**)**	
	)	
THE APPLICATION OF	**)**	
WASHINGTON GAS LIGHT	**)**	**Formal Case No. 1169**
COMPANY REQUEST FOR	**)**	
AUTHORITY TO INCREASE	**)**	
EXISTING RATES AND CHARGES	**)**	
FOR GAS SERVICE		

LIMITED BRIEF OF THE OFFICE OF THE PEOPLE'S COUNSEL FOR THE DISTRICT OF COLUMBIA

655 15th Street, NW, Suite 200
Washington, D.C. 20005-5701
202-727-3071

September 1, 2023

TABLE OF CONTENTS

TABLE OF AUTHORITIES

CASES

ADMINISTRATIVE DECISIONS

STATUTES

Pursuant to Order No. 21885, the Office of People's Counsel for the District of Columbia ("OPC") submits this Limited Brief on issues it believes "are fundamental to the Commission's decisions in this proceeding" for discussion at the September 13, 2023 oral argument.[1]

I. **INTRODUCTION**

WGL has failed to meet its burden of proof to support its request for a $53.0 million increase in the Company's annual revenues.[2] As highlighted in this Limited Brief, WGL's Application includes rate mechanisms that WGL claims are related to the District's climate objectives, *i.e.*, a Climate Progress Adjustment ("CPA") and a Climate Action Recovery Tariff ("CART"), but which have not been demonstrated to advance those objectives and would instead pose a significant burden on customers. WGL's Application also significantly overstates its revenue deficiency, is based on an inflated request for a return on equity ("ROE") of 10.40%,[3] is based on a weather normalization study that is inconsistent with Commission precedent, and has not demonstrated that the Company's capital spending, including the substantial PROJECT*pipes* expenditure, has been reasonably tailored to produce the quality of service that meets generally accepted industry standards. Thus, to ensure just and reasonable rates, and consistent with the public interest, the Commission should reject WGL's CPA and CART proposals and make the other determinations and cost of service adjustments recommended by OPC.

---

[1] *Formal Case No. 1169*, Order No. 21885 ¶¶ 1, 28, rel. July 27, 2023. Due to the page limit in Order No. 21885, OPC has not addressed every issue and argument it has regarding Washington Gas Light Company's ("WGL" or "Company") Application and reserves its rights to brief them more fully in its brief due October 11, 2023. In addition, in this Limited Brief, OPC's citations to OPC's testimony in this proceeding include all applicable footnotes and citations referenced in the cited pages of the testimony and OPC respectfully requests that the Commission refer to those pages of the cited testimony for references to additional citations in support of the noted assertions.

[2] *See* Exhibit WG (D) (Tuoriniemi) at 3:8-19 (the $53.0 million revenue increase request is inclusive of WGL's request for transfer of $5.3 million collected from customers pursuant to the PROJECT*pipes* surcharge).

[3] Application at 3. *See also* Exhibit WG (D) (Tuoriniemi) at 4:19-21.

II. ARGUMENT

WGL bears the burden of providing substantial evidence to demonstrate the justness and reasonableness of its proposed rates and charges.[4] OPC has no formal burden; to prevail, OPC must present convincing "evidence and/or argument" on contested issues.[5] For its part, the Commission "must evaluate all the presentations and then fashion the most just and reasonable order."[6] This includes ensuring the Commission's factual and legal findings are supported by "reliable, probative, and substantial evidence"[7] and that any approved proposals are reasonable for consumers.[8] As demonstrated in the record, and highlighted in this Limited Brief, WGL fails to demonstrate with substantial evidence that a number of its rate proposals are just and reasonable and that the consumer interest and ratepayer impact were adequately considered.

A. WGL's Climate Proposals are Premature.

As an initial matter, OPC submits that WGL is prematurely seeking approval of the CPA and CART proposals.[9] The Company only recently filed its Energy Efficiency Program Application in Formal Case ("FC") 1160 on April 28, 2023, proposing to implement energy efficiency and demand response ("EEDR") programs in the District.[10] This is an ongoing proceeding that will require more time to evaluate the Company's EEDR proposals. It would be premature to approve the CPA now in this proceeding when the Commission has not had the

---

[4] D.C. Code § 2-509(b). *See also, e.g., Potomac Elec. Power Co. v. Pub. Serv. Comm'n*, 661 A.2d 131, 143 (D.C. 1995). ("[T]he burden of persuasion falls on the utility as the proponent of its cost recovery.")

[5] *Formal Case No. 787*, Order No. 7749, at 97-98, rel. Feb. 25, 1983.

[6] *Id.*

[7] D.C. Code § 2-509(e).

[8] *See* D.C. Code § 34-908.02 (requiring consideration of the economy and ratepayer impact); *FPC v. Natural Gas Pipeline Co.*, 315 U.S. 715 607 (1942) ("The consumer interest cannot be disregarded in determining what is a 'just and reasonable' rate.").

[9] *See* Exhibit OPC (2E) (Stanton) at 2:14-19. OPC raised this issue in its June 22, 2022 Motion for Partial Summary Judgment. Since then, the developments in the Commission's other climate dockets (or lack thereof, as these are ongoing proceedings) and the record in this proceeding have not alleviated OPC's concerns and OPC maintains that it would be premature to approve the Company's CPA and CART proposals in this proceeding.

[10] *Formal Case No. 1160*, WGL Application for Approval of Energy Efficiency Programs, filed April 28, 2023.

opportunity to fully review and evaluate the EEDR programs on which the Company relies to justify approval of the CPA. Regarding the CART proposal,[11] it would be premature to approve the proposed CART programs when the Commission is still: (1) developing its benefit cost analysis ("BCA") and analytical framework in Docket GD-2019-04-M for evaluating utilities' climate proposals; and (2) evaluating the Company's climate program proposals in FC 1167. In addition, the Commission has not decided whether it will follow the D.C. Department of Energy and Environment's planned pathway[12] for meeting the District's net zero greenhouse gas ("GHG") emissions goal or a different pathway. Without deciding on a preferred pathway, the Commission does not know, in evaluating WGL's climate proposals, which proposals will be cost-effective. The Commission should thus defer its decision on the CPA and CART proposals until it and the public have had an opportunity to fully evaluate the proposals pursuant to the analytical framework and metrics the Commission is developing in its other climate dockets. It would be in the public interest to defer such approval, particularly since nothing prohibits the Company "from initiating prudent actions immediately and later seeking [cost] recovery in a future rate proceeding."[13]

B. The Climate Progress Adjustment is Unjust and Unreasonable.

The Commission should reject the proposed CPA, a decoupling mechanism that would essentially guarantee WGL's revenue requirement.[14] This is an extraordinary request considering

---

[11] In this Limited Brief, the term "CART proposal" refers to both the CART mechanism and CART programs. The term "CART mechanism" refers to the cost recovery mechanism WGL proposes, while the term "CART programs" refers to the near-term climate action programs WGL proposes and seeks approval of in this proceeding (and for which WGL proposes cost recovery though the CART mechanism), which include: (1) ALD Pilot; (2) Direct Emissions Measurement Program; (3) Methane Capture and Reinjection Program; (4) Fleet CNG Infrastructure; (5) Hydrogen Fuel Cell Zero Emissions Mobility Pilot; (6) Hydrogen-Compatible Fuel Cell for Building Power Generation; and (7) Interconnection of RNG Supplies from wastewater Treatment Facilities and Landfills.

[12] *Formal Case No. 1167, In the Matter of the Implementation of Electric and Natural Gas Climate Change Proposals*, Department of Energy and Environment's Strategic Electrification Roadmap for Buildings and Transportation in the District of Columbia, filed April 5, 2023.

[13] Exhibit OPC (3A) (Dismukes) at 13:8-14.

[14] *See* Exhibit OPC (A) (Dismukes) at 23:12-16 (noting the CPA "sever[s] the link between revenues and sales altogether"). *See also Formal Case No. 1053, Phase II*, Order No. 15556, ¶ 30, rel. September 28, 2009 (noting that

WGL is also requesting approval of a surcharge recovery mechanism (*i.e.*, the CART) for certain proposed near-term climate actions *and* a significant rate increase.[15]

The Commission should reject the CPA for the same reasons it denied WGL's decoupling proposal in FC 1137.[16] First, WGL fails to demonstrate that any reductions in natural gas usage in the District were the result of the Company's efforts to promote energy efficiency.[17] Indeed, as noted by OPC Witness Stanton and WGL Witness Raab, WGL has not and is not implementing any energy efficiency programs in the District—the DCSEU is.[18] Witness Raab even acknowledges that any reductions are the result of "naturally occurring conservation."[19] While WGL provides its normal weather study to demonstrate reductions in customer usage, this study fails to link any reductions to the Company's efforts to promote energy efficiency.[20] Thus, WGL has not provided evidence indicating its energy efficiency efforts have caused declines in natural gas use.[21] Witness Raab claims the causes of usage reductions are "irrelevant,"[22] but such a claim contravenes the Commission's express concern in FC 1137 that WGL failed to demonstrate that

approving Pepco's decoupling mechanism results in ratepayers "essentially guaranteeing that the Company will collect its revenue requirement as determined in its last rate base case").

15 *See* Exhibit OPC (A) (Dismukes) at 8:3-6.

16 See *Formal Case No. 1137*, Order No. 18712 ¶¶ 224-29, rel. March 3, 2017.

17 *See Formal Case No. 1137*, Order No. 18712 ¶ 225, rel. March 3, 2017. *See* Exhibit OPC (3A) (Dismukes) at 15:6-16 (explaining that decoupling proposals are usually "accompanied by some positive action taken by [a company] to reduce natural gas usage," which WGL has not taken to justify approval of the CPA).

18 *See, e.g.*, Exhibit OPC (E)-4 ("Washington Gas is not currently offering energy efficiency programs within the District of Columbia."); Exhibit WG (2N) (Raab) at 45:18–46:1 ("[T]he promotion of energy efficiency in the District of Columbia is currently the responsibility of the District of Columbia Sustainable Energy Utility (SEU), and not the Company.").

19 Exhibit WG (2N) (Raab) at 58:7-11. *See also* Exhibit WG (2N) (Raab) at 46:1-2 (claiming WGL has shown that its "sales volumes and revenues are declining (for *whatever reason*)") (emphasis added).

20 *See* Exhibit OPC (E) at 71:15-17 ("[T]he normal weather study does not demonstrate the causes of those usage reductions."); Exhibit WG (N) (Raab) at 30:11-14.

21 Exhibit OPC (E) at 71:15-17. *See also* Exhibit WG (2N) (Raab) at 60:9-10.

22 Exhibit WG (2N) (Raab) at 60:9-10 (because the "CPA operates without concern for the cause of volume reductions").

any reductions in natural gas usage were the *"result of* any efforts by the Company to promote energy efficiency,"[23] which OPC submits WGL has again failed to demonstrate.

Second, the Company fails to sufficiently demonstrate that any reductions in natural gas usage have resulted in declining sales warranting approval of a decoupling mechanism or that it is incurring financial pressures due to the lack of a decoupling mechanism. WGL cannot provide any "District specific data about trends in average usage and related effects on the Company's financials"[24] because WGL has not yet implemented any energy efficiency programs in the District. Instead, WGL merely offers suppositions on how implementing energy efficiency programs will harm the Company's finances in the future.[25] While Witness Raab conducted a financial *simulation* to show the resulting decrease in revenues he believes will occur due to the Company's promotion of energy efficiency programs,[26] WGL has not sufficiently explained how this simulation demonstrates that any current financial pressures WGL is experiencing are *due to* the lack of a decoupling mechanism. OPC Witness Dismukes' analyses demonstrate that WGL has not experienced declining sales due to any reductions in natural gas usage, nor has the Company experienced financial pressure due to the lack of a decoupling mechanism. Instead, Witness Dismukes' analysis demonstrates that "the Company has seen growth in its revenue per customer [] and growth from new customers added to its system," which has led "to strong non-fuel revenue growth ranging from $79.8 million in 2010 to $94.9 million in 2020."[27] Witness

---

23 *Formal Case No. 1137*, Order No. 18712 ¶ 225 (emphasis added).

24 *See Formal Case No. 1137*, Order No. 18712 ¶ 225.

25 Exhibit WG (N) (Raab) at 29:4-7 (stating that, as WGL "does its part to achieve the goals of the [CleanEnergy Act], *it is likely* that the Company will be unable to recover Commission-authorized revenues based on test year conditions") (emphasis added). *See also* Exhibit WG (N) (Raab) at 42:21-24 ("Because the Company's rate structure is out of synch with its cost structure, *the chances* of recovering the Commission's authorized revenues in this case are diminished without the implementation of the proposed CPA.") (emphasis added).

26 Exhibit WG (N) (Raab) at 30-32.

27 Exhibit OPC (A) (Dismukes) at 23:8-11.

Dismukes also testified that the Company's efficiency activities have not challenged its ability to earn a reasonable return on its investments and Exhibit OPC (A)-4 shows a small impact on the Company's ability to earn its allowed ROE had decoupling been in place.[28]

Third, WGL fails to sufficiently alleviate the Commission's concern in FC 1137 that approval of a decoupling mechanism would increase month-to-month variations in customer bills. Indeed, Witness Raab acknowledged that the CPA could, "[i]n theory,"[29] result in month-to-month variations in customer bills. While WGL proposes a +/- 10% cap on the CPA,[30] Witness Dismukes explains that the Company's proposed cap is "limited" and "too high to adequately protect ratepayers from excessive rate volatility and even rate shock," and WGL "has also failed to limit the amount of revenues in excess of the cap that can be deferred for future recovery."[31] Further, proposing a cap is insufficient in and of itself to demonstrate that the CPA is just and reasonable and will mitigate any volatility in month-to-month bills. In FC 1137, for instance, WGL agreed to "the use of a cap on the level of charge in any particular month,"[32] yet the Commission still rejected the Revenue Normalization Adjustment ("RNA") decoupling mechanism because WGL failed to address the Commission's other concerns with its proposed decoupling mechanism.[33]

Fourth, WGL has not sufficiently explained how the CPA "signal[s] to the individual ratepayer that reduced consumption means a lower bill."[34] The CPA is based on the usage behavior of the customer classes in their entirety, meaning individual customers conserving energy may not

---

28 Exhibit OPC (A) (Dismukes) at 20:16–21:4, 21:7-8. *See also* Exhibit OPC (A)-4; Exhibit OPC (3A) (Dismukes) at 16:13-19 (emphasizing "that the difference in the resulting [ROE] from implementation of a lost revenue adjustment would be relatively small).

29 Exhibit WG (N) (Raab) at 38:3.

30 Exhibit WG (N) (Raab) at 38:4-5.

31 Exhibit OPC (A) (Dismukes) at 26:12-17.

32 *See Formal Case No. 1137,* Order No. 18712 ¶ 214.

33 *See Formal Case No. 1137,* Order No. 18712 ¶¶ 225-27.

34 *See Formal Case No. 1137,* Order No. 18712 ¶¶ 227.

see the resulting benefit from this decision. Indeed, Witness Raab concedes that the CPA "does not provide incentives for conservation by the Company's customers."[35] WGL has failed to explain how the CPA "signal[s] to the *individual* ratepayer that reduced consumption means a lower bill,"[36] as opposed to the customer class. WGL's response to the Commission's concern on price signals is that the "CPA has no impact on that portion of the individual customer's bill related to gas costs [b]ecause gas costs still comprise some 44% of a typical *residential* customer's annual bill."[37] But WGL does not explain why the 44% benchmark is sufficient to indicate to customers that lower consumption means a lower bill, nor has WGL demonstrated that the CPA will provide a similar price signal to *non-residential* customers. Even if the CPA "provides price signals that better reflect the costs of providing service" as WGL claims,[38] WGL still has not demonstrated that the CPA signals to individual ratepayers that lower consumption means a lower bill.

Moreover, WGL fails to establish by substantial evidence that the CPA is consistent with or will advance the District's climate goals. "[T]he CPA decouples volume and revenue regardless of the cause and in a way that benefits the Company by reducing its earnings volatility and sales risk, but with little demonstration of climate mitigation impact."[39] WGL claims the CPA will eliminate its throughput incentive "to increase the delivery of geologic natural gas,"[40] but provides no explanation on how the CPA will reduce this purported incentive in response to OPC data requests.[41] Indeed, WGL Witness Raab concedes that "nothing in the Company's direct case

---

35 Exhibit WG (2N) (Raab) at 56:4-12 ("The intent of the Company's proposed CPA mechanism is not to provide incentives for conservation by the Company's customers but rather to ensure that the Company is not harmed financially because of activities that it may undertake in support of conservation by the Company's customers.").

36 *See Formal Case No. 1137,* Order No. 18712 ¶¶ 227.

37 Exhibit WG (N) (Raab) at 38:12-14 (emphasis added).

38 Exhibit WG (N) (Raab) at 38:19-21.

39 Exhibit OPC (E) (Stanton) at 70:26–71:2. *See also* Exhibit OPC (A) (Dismukes) at 31:17-18.

40 Exhibit WG (M) (Yardley) at 23:10-4.

41 Exhibit OPC (E) (Stanton) at 64:17–65:17.

explicitly links, or conditions, the . . .proposed CPA mechanism to measurable progress toward the achievement of the climate goals."[42] Witness Raab also concedes that the CPA "does not provide incentives for conservation by the Company's customers."[43]

Finally, the Commission should reject the CPA because WGL offers no ratepayer benefits or protection mechanisms. The Commission has recognized the need to approve corresponding ratepayer benefits or protection mechanisms in return for approval of decoupling mechanisms.[44] This is consistent with the ratepayer protection mechanisms adopted in other jurisdictions that have approved decoupling mechanisms, as shown in Exhibit OPC (A)-6. That WGL has not offered any corresponding ratepayer benefits or protection mechanisms[45] is especially concerning given that decoupling mechanisms can lead to surcharges and even rate shock,[46] which Witness Raab has acknowledged.[47] Accordingly, the Commission should reject the CPA

C. The Climate Action Recovery Tariff is Unjust and Unreasonable.

The CART proposal is unjust, unreasonable, and not in the public interest and should be rejected because the Company has not sufficiently demonstrated that: (1) the CART programs will advance the District's climate goals; (2) the CART programs justify special cost recovery treatment through the CART mechanism; and (3) the CART mechanism will protect ratepayers.

---

42 Exhibit WG (2N) (Raab) at 52:3-15.

43 Exhibit WG (2N) (Raab) at 56:4-12 ("The intent of the Company's proposed CPA mechanism is not to provide incentives for conservation by the Company's customers but rather to ensure that the Company is not harmed financially because of activities that it may undertake in support of conservation by the Company's customers.").

44 *See, e.g., Formal Case No. 1053, Phase II,* Order No. 15556 ¶¶ 26, 30.

45 Instead, WGL Witness Raab merely questions whether WGL needs to offer any quid pro quo for the CPA. Exhibit WG (2N) (Raab) at 46:6-10 ("Does Washington Gas really need to give something up to receive what a vast majority of regulatory authorities already recognize as 'fair' regulatory treatment?"). Witness Raab fails to acknowledge or even address the Commission precedent approving corresponding ratepayer benefits or protection mechanisms in return for approval of decoupling mechanisms and, if the Commission approves the CPA, it should adhere to its precedent and reduce the Company's ROE.

46 Exhibit OPC (A) (Dismukes) at 27:6–28:19.

47 Exhibit WGL (2N) (Raab) at 58:24–59:2.

First, WGL fails to sufficiently demonstrate that the CART programs will advance the District's climate goals. OPC Witness Stanton testified that WGL's CART program proposals are insufficient to meet the District's goal of 60% emissions reduction by 2030 and carbon neutrality by 2045.[48] Witness Stanton also testified that WGL's Application does not provide information on the anticipated GHG emissions reductions from its climate proposals, nor has WGL conducted any emissions studies or BCAs on its proposed CART programs.[49] WGL acknowledges it has not conducted any studies on its CART programs and states it will provide additional information to the Commission *while* the programs are implemented.[50] OPC submits that the CART programs will not advance the District's climate goals and it would be premature to approve the CART programs that the Company has failed to fully study and evaluate.[51] Further, as discussed above, it would be premature to approve the CART programs when the Commission is still developing its analytical framework for evaluating such climate proposals.[52]

Second, the Company fails to sufficiently support its proposal to recover the costs of implementing the CART programs through the CART mechanism, as opposed to traditional cost recovery mechanisms. Trackers and surcharges like the CART mechanism are disfavored[53] and, as discussed in OPC Witness Dismukes' testimony, WGL fails to satisfy the traditional criteria

---

48 Exhibit OPC (2E) (Stanton) at 7:2-7, 17-19; Exhibit OPC (E) (Stanton) at 6:2-4, 57:6-15.

49 Exhibit OPC (2E) (Stanton) at 6:10-18; Exhibit OPC (E) (Stanton) at 37:1-4 (noting WGL does not provide a summary of the anticipated GHG emission reductions from its climate-related proposals in this proceeding); Exhibit OPC (E) (Stanton) at 49:12-16 (noting WGL does not know the anticipated emissions reductions from its End-Use and Sourcing and Supply initiatives); Exhibit OPC (E) (Stanton) at 54:4-8 ("WGL does not provide annual emission reductions for each of its near-term climate actions.").

50 Exhibit OPC (E)-17 (WGL "has not conducted any full studies and/or analyses to determine the impact of all of the items in its CART on the District's climate goals and policies, including as set forth in the CleanEnergy Act."). *See also* Exhibit OPC (2E) (Stanton) at 12:13–13:1 (explaining that WGL states it will provide additional information to the Commission "for each program for which it will seek cost recovery").

51 Exhibit OPC (2E) (Stanton) at 11:13–12:2; 13:3-9.

52 *See* Exhibit OPC (2E) (Stanton) at 2:14-17; 10:15–11:13.

53 *Formal Case No. 1093*, Order No. 17132 ¶¶ 271, 231, rel. May 15, 2013.

used to approve such mechanisms.[54] Specifically, the Company fails to demonstrate that the CART program costs: (1) are large or significant compared to the Company's overall cost structure; (2) will be beyond the utility's control; and (3) will be volatile in nature.[55] Instead of adhering to Commission precedent, the Company states that trackers should be approved based on whether the costs to be collected are for a public interest purpose and whether the tracker is the most appropriate or efficient tool for cost recovery.[56] The Company provides no citation supporting the use of this criteria.[57] As discussed in Witness Dismukes' surrebuttal testimony, the Company's attempt to satisfy its own proposed criteria is unpersuasive, as the Company fails to explain how the CART mechanism is "the most efficient tool to address a reduction in GHGs," among other failures.[58] The Commission should adhere to its precedent and traditional criteria for approving trackers like the CART mechanism and find that WGL has failed to meet its burden of proof in justifying approval of the CART mechanism.[59] Instead, the Company can recover CART program-related costs through "base rates as part of the Company's public service obligation."[60]

Further, the CART mechanism disincentivizes cost containment, undermines the positive effects of regulatory lag, and results in less information sharing, oversight by the Commission, and

---

[54] These traditional criteria are: (1) that the costs are large relative to a utility's overall cost structure; (2) that the costs are beyond the control of regulated utilities; and (3) that the costs are volatile in nature. Exhibit OPC (A) (Dismukes) at 44:8-11. These criteria are consistent with Commission precedent. *See Formal Case No. 1093*, Order No. 17132 ¶ 231 n.472, rel. May 15, 2013 ("Where utility surcharges have been approved, they generally have been used to recover externally-imposed costs that are volatile and difficult to control, or in other special circumstance where surcharges were necessary to ensure the utility's reasonable cost recovery.").

[55] Exhibit OPC (A) (Dismukes) at 44-46.

[56] Exhibit WG (2M) (Yardley) at 9:9-18.

[57] *See* Exhibit WG (2M) (Yardley) at 9:9-18. In Data Request No. 32-13, OPC asked Witness Yardley to provide a citation to support the criteria he includes in his rebuttal testimony, but Witness Yardley failed to provide any supporting citation. Exhibit OPC (3A)-2.

[58] Exhibit OPC (3A) (Dismukes) at 9:22–10:6.

[59] Exhibit OPC (3A) (Dismukes) at 13:14-16 (WGL "fails to convincingly demonstrate why CART-related costs are so unique that a departure from cost recovery pursuant to a traditional ratemaking approach is necessary.").

[60] Exhibit OPC (A) (Dismukes) at 37:19-20.

participation by stakeholders.[61] WGL does not identify any ratepayer benefits that will result from the CART mechanism, other than allowing WGL to recover costs in a more timely manner.[62] WGL also fails to propose any ratepayer protection mechanisms for the CART mechanism, such as performance measures, a review process, or sunset provision.[63] Accordingly, the Commission should reject the CART mechanism proposal. But if the Commission does approve the CART, which OPC submits the Commission should not do, it should condition such approval on the conditions identified in Witness Dismukes' testimony.[64] The Commission should also condition such approval on a showing of benefits commensurate with the costs and a reevaluation based on any determinations the Commission makes in FC 1167, GD-2019-04-M, and any other Commission docket in which the Commission provides guidance or direction impacting the climate measures proposed by WGL for recovery through the CART.[65]

D. WGL's Proposed Revenue Requirement is Overstated and Has Not Been Demonstrated to Be Just and Reasonable.

WGL significantly overstates its revenue deficiency and seeks to impose inflated and unreasonable revenue requirements on ratepayers based on unsupported and imprudent costs, as well as an excessive ROE. As OPC Witness Ostrander demonstrates in his direct and surrebuttal testimony, WGL's $53.0 million revenue increase request would have to be reduced to $10.1 million before it can be found to be just and reasonable.[66] While OPC Witness Ostrander's initial and surrebuttal testimony addresses each of the proposed adjustments to WGL's revenue

---

61 Exhibit OPC (A) (Dismukes) at 5:5-8; 38:15-20.
62 Exhibit OPC (A) (Dismukes) at 43:19–44:4.
63 Exhibit OPC (A) (Dismukes) at 46:14–47:14.
64 Exhibit OPC (A) (Dismukes) at 6:8-23 (recommending minimum monthly reporting requirements if the Commission approves the CART mechanism); 49:15–50:11 (same); 55:9-19 (recommending the Commission reject the regulatory asset but, if approved, recommending the Commission "cap the amount that may be included in the regulatory asset balance at 20 percent above the previous year's soft cap").
65 Exhibit OPC (A) (Stanton) at 7:2-7.
66 Exhibit OPC (2B) (Ostrander) at 2:12 to 3:13.

requirement proposal (including adjustments he incorporates from the testimony of other OPC witnesses),[67] for purposes of this Limited Brief, OPC highlights five of the major adjustments to the revenue requirements recommended by Witness Ostrander.

First, OPC recommends the reduction of WGL's projected Construction Work in Progress ("CWIP") and Gas Plant in Service ("GPIS"), resulting in a $160 million adjustment associated with removing all CWIP balances and all forecasted post-test period net plant additions (of $73 million).[68] This adjustment is appropriate because the Commission traditionally excludes CWIP from rate base, and WGL has failed to satisfy the three-prong standard required by the Commission for inclusion of CWIP in rate base.[69] Additional reasons for the adjustment include the PROJECT*pipes* implementation-related concerns identified by OPC Witness Walker and the Liberty Consulting Management Audit and delayed in-service dates,[70] uncertainty regarding when CWIP amounts will be included in GPIS,[71] and because WGL's forecasted post-test period GPIS costs are not known and measurable.[72] These concerns also support OPC's adjustment from end of period GPIS to a 13-month average.[73]

---

67 Other major adjustments to the revenue requirement that Mr. Ostrander incorporated from other OPC witnesses' testimony, included the weather normalization adjustment recommended by OPC Witness Dismukes and the rate of return proposed by OPC Witness Kevin O'Donnell as subsequently adopted by OPC Witness Rothschild.

68 Exhibit OPC (2B) (Ostrander) at 3:16-22; 22:15-29:20.

69 *See* Exhibit OPC (B) (Ostrander) at 13:24-22:2 (citing *Formal Case No. 1137, Application of Washington Gas Light Company for Authority to Increase Existing Rates and Charges for Gas Service*, Order No. 18712 ¶¶ 105, 107, 450, rel. March 3, 2017); Exhibit OPC (2B) (Ostrander) at 29:4-20. The three-prong standard by which the Commission determines if CWIP can be included in rate base includes: (1) projects that are not too remote in time from the test period; (2) costs that are known and certain, and which can be calculated with precision; and (3) costs that are needed, reasonable, and beneficial to ratepayers during the rate-effective period. Order No. 18712 ¶ 105.

70 Exhibit OPC (2B) (Ostrander) at 24:3-12; 25:10-12. *See also* Exhibit OPC (B) (Ostrander) at 15:10-16 (explaining that WGL failed to provide sufficient information regarding WGL's construction activity, including status of cost over-runs, implementation delays, and progress in meeting certain Liberty Consulting recommendations).

71 Exhibit OPC (2B) (Ostrander) at 24:14-25:4; 26:1-7.

72 Exhibit OPC (2B) (Ostrander) at 29:4-20.

73 Exhibit OPC (2B) (Ostrander) at 25:13-21; 26:8-15.

Second, OPC has demonstrated that WGL's proposed five-year amortization expense of $1.8 million related to the COVID-19 regulatory asset is unreasonable, results in an overstated revenue deficiency, and should be disallowed.[74] Among the concerns supporting this adjustment are: (1) the lack of detailed records to support the bad debt costs and the impact of the Call Center issues on bad debt;[75] (2) WGL's failure to prove it has been financially or operationally harmed in any significant manner by the incremental COVID-19 costs;[76] and (3) WGL's expensing of COVID-19 costs in the test period contrary to Order No. 20329's requirement that all COVID-19 costs be included in a regulatory asset.[77]

Third, WGL's non-labor inflation adjustment of $2.8M should be removed because it is not based on inflation, is unreasonable, and lacks supporting documentation. WGL does not explain the reasons for its increases in non-labor costs (which are not related to inflation); this is one of the many WGL-proposed regulatory lag/attrition post-test period adjustments that are without merit.[78] In response to WGL Witness Tuoriniemi's rejoinder testimony, OPC inquired why a WGL-proposed "inflation" adjustment would be appropriate in a rate proceeding in the D.C. jurisdiction but not in the Maryland jurisdiction. WGL answered by citing to differences in regulatory strategy and in the statutory time periods between Maryland the District for rate cases.[79] The difference in jurisdictional procedural schedules does not justify placing on District ratepayers the cost burden associated with WGL's unsupported non-labor inflation adjustment.

---

[74] Exhibit OPC (2B) (Ostrander) at 4:9-10; 33:11-40:9; Exhibit OPC (B) (Ostrander) at 25:9-37:2.

[75] Exhibit OPC (2B) (Ostrander) at 34:13-15; 38:10-39:10; Exhibit OPC (B) (Ostrander) at 25:18-26:6.

[76] Exhibit OPC (2B) (Ostrander) at 34:30-32; 39:11-40:9; Exhibit OPC (B) (Ostrander) at 26:8-13.

[77] Exhibit OPC (2B) (Ostrander) at 35:1-37:15; Exhibit OPC (B) (Ostrander) at 26:15-37:2 (citing *Case No. GD2020-01*, *In the Matter of the Establishment of Regulatory Assets For COVID-19 Related Incremental Costs*, Order No. 20329 ¶¶ 3-4, rel. April 15, 2020).

[78] Exhibit OPC (2B) (Ostrander) at 4:12-13; 40:10-44:4.

[79] Exhibit OPC-286 (WGL Response to OPC Data Request No. 37-1).

Fourth, OPC recommends (1) the reduction of short-term incentive expense by $1.8 million due to financial-related metrics which favor shareholders and provide no significant tangible benefit to customers; and (2) the removal of capitalized short-term incentives of $2.1 million for the most recent 10-year period for most of the same reasons.[80] Contrary to its claims of financial hardship, WGL has not reduced its short-term incentives paid to employees in 2020 and 2021.[81] While WGL provided a list of the measures used in 2020 and 2021 that were specific to safety, environmental stewardship, customer service, and operational efficiencies, WGL did not provide any analysis used to reconcile these metrics with the Company's goals.[82] Because these vague claims fail to meet WGL's evidentiary burden for demonstrating the reasonableness of its request and how it is consistent with consumer interests, which the Commission must bear in mind, OPC submits this warrants the recommended adjustment by OPC.

Finally, OPC recommends removal of one year of Call Center expenses of $1.2M for WGL's failure to comply with Merger Commitment 11 (due to violations of mandated service quality standards resulting from prolonged Call Center malfeasance).[83] Witness Ostrander demonstrated that this adjustment is reasonable when accounting for the Company's noncompliance with service quality standards and inferior service for most of two years.[84] While WGL's rejoinder claimed that WGL is not asking its customers to pay for any costs it incurred in the past when its Call Center operations were affected, it has not provided any evidence to demonstrate this fact. Indeed, WGL stated that since the current rates were settled in FC 1162, no

---

80 Exhibit OPC (2B) (Ostrander) at 4:15-19; 44:5-55:13.
81 Exhibit OPC (2B) (Ostrander) at 14:15-15:18.
82 Exhibit OPC-292 (WGL Response to OPC Data Request No. 37-7).
83 Exhibit OPC (2B) (Ostrander) at 4:29-31; 64:3-67:2.
84 Exhibit OPC (2B) (Ostrander) at 64:12-66:11.

specific amount of Call Center costs were identified.[85] Moreover, in response to OPC's question on whether it would be preferable for the Company if WGL was required to provide a one-time refund or a civil penalty similar to the one the Maryland Public Service Commission assessed on WGL for call center problems, WGL responded in the negative and argued that OPC's recommendation only leaves $162,732 of costs in the revenue requirement to fund the Call Center operation.[86] However, this response is belied by another response, where WGL recognizes that base rate cases "are not intended to provide specific recovery of any individual cost."[87] It is unreasonable for customers to have to pay for Call Center costs via rates when there is substantial service quality non-compliance.[88] Accordingly, WGL has not demonstrated that its request for recovery of Call Center costs is just, reasonable, or in the public interest and OPC's recommended adjustment should be adopted.

E. WGL's Proposed ROE is Excessive and WGL's Proposed Capital Structure is Inappropriate for Use in Setting Rates in this Proceeding.

WGL's ROE proposal is excessive and would significantly overcharge WGL's customers.[89] As OPC Witnesses O'Donnell and Rothschild demonstrated, the Company's analyses and models used in determining the requested 10.40% ROE inappropriately inflate WGL's ROE results.[90] The proposed ROE does not comport with the current economic reality

---

85 OPC-288 (WGL Response to OPC Data Request No. 37-3).
86 OPC 289 (WGL Response to OPC Data Request No. 37-4).
87 OPC 288 (WGL Response to OPC Data Request No. 37-3).
88 Exhibit OPC (2B) (Ostrander) at 4:29-31; 64:12-67:2.
89 Exhibit OPC (F) (Rothschild) at 5:10-12.
90 *See, e.g.*, Exhibit OPC (D) (O'Donnell) at 12:5-7 (explaining that WGL's Capital Asset Pricing Model ("CAPM") analysis is biased upwards and unrealistic); Exhibit OPC (F) (Rothschild) at 9:1-18; 10:11-28:10 (explaining that WGL Witness D'Ascendis' cost of equity models rely on overly-optimistic analysts' forecasts, and that the Discounted Cash Flow ("DCF") Models used by Mr. O'Donnell and Mr. Rothschild are more reflective of WGL's market-based cost of equity because they use a sustainable growth component whereas Mr. D'Ascendis uses 5-year projected earnings per share growth projections without holistically considering other factors that render his DCF unsustainably high (because he fails to investigate what percentage of the earnings of the companies in the proxy group are being retained in the business) and mechanically uses unsustainable growth rates as high as 7.8%. Mr. Rothschild also explains that Mr. D'Ascendis' risk premium model results are unreliable and significantly overstate

facing investor-owned utilities—despite lingering inflation and recent significant increases in interest rates, the stock prices of gas utility stocks remain attractive to investors and the cost of equity for gas utility stocks has been trending down in recent months.[91] WGL has also proposed adjustments for purported size, business, and credit risks, which are inappropriate for WGL.[92] WGL's ROE should be no higher than 8.75%, which reflects a 25 basis point reduction for substandard system performance and PROJECT*pipes* program implementation concerns referenced in Section G below.[93] To the extent the Commission approves the CPA over OPC's demonstrations, it should further reduce WGL's ROE.[94]

WGL's proposed capital structure of 53.69% common equity and 40.99% debt is also not appropriate for setting rates in this proceeding.[95] This capital structure contains significantly more common equity than the average common equity ratio used by other gas utility companies in the country (46.7%) and is not reflective of the capital structure ratio at the holding company level. Further, WGL's actual capital structure as of December 31, 2022 is nearly the same as OPC's recommended capital structure of 50% equity and 50% long-term debt.[96]

WGL's cost of equity and that Mr. D'Ascendis' CAPM results overstate the cost of equity because the market risk premium portion of his analysis is higher than investors' expectations).

91 Exhibit OPC (F) (Rothschild) at 5:12-18; 9:19-10:10; 31:1-54:2.

92 Exhibit OPC (F) (Rothschild) at 28:11-30:14 (demonstrating that the business risk adjustment is based on a quantification of risks of decarbonization that apply to all gas companies; the credit risk is inappropriate for ratepayers to bear as the risk was caused by the merger with AltaGas; and the size adjustment is inappropriate given WGL's affiliation with AltaGas that has a market capitalization of $5 billion in May 2023 and since investors do not demand a higher expected rate of return to invest in small companies as compared to large ones). *See also* Exhibit OPC (D) (O'Donnell) at 17:1-19:12.

93 Exhibit OPC (D) (O'Donnell) at 6:11-14; 31:6-7; 32:2-4; 58:11-21, 79:12-15.

94 *See* Exhibit OPC (A) (Dismukes) at 23:17-24:16 (citing Commission precedent reducing ROE to correspond with decreases in utility risk); Exhibit OPC (D) (O'Donnell) at 7:3-5; 79:12-15 (recommending adjustment if CPA is approved).

95 Exhibit OPC (F) (Rothschild) at 54:4-55:4.

96 Exhibit OPC (F) (Rothschild) at 5:19-6:4; 54:4-55:4; Exhibit OPC (D) (O'Donnell) at 6:18, 70:1-2.

F. The Commission Should Use a Simple 30-year Average for Weather Normalization and Reject WGL's ARCH/GARCH Methodology.

The Commission should approve a simple 30-year average weather normalization methodology—not the Company's generalized autoregressive conditional heteroskedasticity ("ARCH/GARCH") proposal.[97] The 30-year average is a transparent and replicable methodology that is consistent with the standard practice of the National Oceanic and Atmospheric Administration ("NOAA") and Commission precedent, as discussed below.[98] In contrast, the ARCH/GARCH methodology is not commonly used in base rate cases or regulatory proceedings, which the Company acknowledges.[99] WGL Witness Raab also concedes that he has not used the ARCH/GARCH methodology for the specific purpose of weather normalization of test year billing determinants.[100] Further, OPC Witness Dismukes testified that the ARCH/GARCH model is unreliable, unjustifiably increases the number of normal weather heating degree days ("HDDs"), and amplifies the magnitude of the overall rate increase requested.[101] In contrast, Witness Dismukes' weather normalization approach will increase WGL's test year non-gas revenues by approximately $5.2 million, thereby reducing the Company's revenue requirement.[102]

Moreover, the 30-year average methodology is consistent with Commission precedent. In FC 1093, the Commission approved a weather normalization methodology using 30 years of weather data independently generated by the NOAA.[103] In Order No. 17132, the Commission required WGL to "use the most recent 30 years to determine normal weather" in future cases, though the Commission remained open to the use of other approaches based on the most recent 30

---

97 Exhibit OPC (A) (Dismukes) at 7:1-2, 4-7; Exhibit OPC (3A) (Dismukes) at 1:14-15.
98 Exhibit OPC (A) (Dismukes) at 7:2-3, 61:11-13. Exhibit OPC (2A) at 6:7-11.
99 Exhibit OPC (A) (Dismukes) at 58:13, 15-17.
100 Exhibit WG (2N) (Raab) at 17:5-10.
101 Exhibit OPC (A) at 62:16-20; Exhibit OPC (2A) (Dismukes) at 5:1-3; Exhibit (3A) (Dismukes) at 4:7-13.
102 Exhibit OPC (A) (Dismukes) at 62:16-20; Exhibit OPC (3A) (Dismukes) at 6:11-18.
103 *Formal Case No. 1093*, Order No. 17132 ¶ 120, rel. May 15, 2013.

years of data.[104] In FC 1137, the Commission approved the Company's proposal to calculate normal weather based on an average of 30 years of temperature data.[105] Most recently, in FC 1162, the Commission approved a settlement in which normal weather was determined based on the ARCH/GARCH model, but the parties did not endorse any particular methodology and retained their rights to propose other weather normalization methodologies in future proceedings.[106] OPC's 30-year average approach proposed in this proceeding is consistent with Commission precedent and the very approach proposed by the Company and approved by the Commission in FC 1137.

While the Commission in Order No. 17132 remained open to other weather normalization approaches based on the most recent 30 years of data and stated "WGL is free to . . . refine and improve aspects of its weather normalization adjustment,"[107] OPC submits that using the 30-year average is more consistent with Commission than the ARCH/GARCH model, as the Company proposed and the Commission approved the use of a 30-year average in FC 1137. Further, while the Commission gave WGL flexibility to propose other weather normalization methodologies based on the most recent 30 years of data, the Commission's Orders should not be read to endorse the use of a complex approach based on "a series of 10,000 Monte Carlo simulation[s]"[108] when the Orders in FC 1093 and FC 1137 have approved simple methodologies based on 30-year averages. It would be more consistent with the Commission's precedent to approve the use of a 30-year average than the ARCH/GARCH model in this proceeding.

---

104 *Formal Case No. 1093*, Order No. 17132 ¶ 121, rel. May 15, 2013.
105 *Formal Case No. 1137*, Order No. 18712 ¶¶ 185-86, rel. March 3, 2017.
106 *Formal Case No. 1162*, Order No. 20705 ¶ 6, rel. February 24, 2021.
107 *Formal Case No. 1093*, Order No. 17132 ¶ 121, rel. May 15, 2013.
108 Exhibit OPC (3A) (Dismukes) at 4:9-10.

G. The Company's Substandard Operational Performance Warrants a 25 Basis Point Reduction to the Commission Approved ROE.

The record evidence in this proceeding demonstrates that the Company's service provided to District ratepayers is substandard, not in line with current industry performance standards, and lags well behind the performance of WGL's peer utilities. OPC Witness Walker conducted an analysis of WGL's operational performance and determined, among other key findings, that:

- In 2021, the Company's hazardous leaks and year-end leak inventory increased by 16% and 57 %, respectively, reversing the decrease seen in 2020;[109]
- Hazardous, Grade 1 leaks are worsening and now account for 71% of all leaks on the Company's system;[110]
- The Company's Lost and Unaccounted for Gas (LAUF) amount of 3.62% remains above the industry average of 2.16% and typical utility targets;[111] and
- The Company has not demonstrated an ability to replace significant amounts of leak-prone pipe (only 4 miles of cast iron/bare steel main in 2020 and 5 miles in 2021) and, at its current pace, will not complete the replacement until the year 2116.[112]

These subpar performance results persist despite WGL's significant safety and reliability capital expenditures ($648 million over the past 5 years alone)[113] that District ratepayers will bear.

The Company's failure to improve system performance and address hazardous leaks is highlighted by the fact that WGL failed to meet the commitments it made in connection with its merger with Alta Gas and instead paid a series of escalating penalties in 2020, 2021, and 2022.[114] As Witness Walker explains, WGL's failure to meet the modest 2% per year Grade 2 leak reduction target merger commitment "suggests…that the current threat of penalty assessment is

---

[109] Exhibit OPC (C) (Walker) at 15:14-16:2. Witness Walker notes that the reduction seen in 2020 may have caused by COVID-19 related factors including reduced demand for natural gas. *Id.* at 15:12-14.

[110] Exhibit OPC (C) (Walker) at 16:4-14.

[111] Exhibit OPC (C) (Walker) at 22:3-4.

[112] Exhibit OPC (C) (Walker) at 7:5-8.

[113] Exhibit OPC (C) (Walker) at 26:3-4.

[114] Exhibit OPC (C) (Walker) at 19:2 - 20:10.

not sufficient to improve the Company's performance with respect to leaks."[115] Moreover, any impetus that the merger commitments provided to address hazardous leaks on WGL's system will be eliminated after 2023 when those commitments expire by their terms.[116]

The Commission "has the power to award a lower ROE, within the range of reasonableness, to reflect disappointing service and reliability by [the utility]."[117] For the reasons explained herein, the Commission should exercise that discretion and impose a 25 basis point ROE reduction to account for WGL's substandard operational performance. Doing so would send a strong signal that would help align the Company's interests with the District's environmental and safety goals, which are incompatible with the current state of the WGL gas distribution system.

III. CONCLUSION

WHEREFORE, OPC respectfully requests that the Commission consider the foregoing fundamental issues as part of its review of WGL's Application and adopt the recommendations proposed by OPC in this proceeding.

Respectfully submitted,

/s/ Sandra Mattavous-Frye

Sandra Mattavous-Frye, Esq.
People's Counsel
D.C. Bar No. 375833

Karen R. Sistrunk, Esq.
Deputy People's Counsel
D.C. Bar No. 390153

OFFICE OF THE PEOPLE'S COUNSEL
655 15th Street, N.W., Suite 200
Washington, D.C. 20005
(202) 727-3071

Dated: September 1, 2023

115 Exhibit OPC (C) (Walker) at 21:3-4.
116 Exhibit OPC (C) (Walker) at 21:4-6.
117 *See* Exhibit OPC (D) (O'Donnell) at 31:14-17, n.51.

CERTIFICATE OF SERVICE

Formal Case No. 1169, In the Matter of the Application of Washington Gas Light Company for Authority to Increase Existing Rates and Charges for Gas Service

I certify that on September 1, 2023, a copy of the *Office of the People's Counsel for the District of Columbia's Limited Brief* was served on the following parties of record by hand delivery, first class mail, postage prepaid or electronic mail:

Brinda Westbrook-Sedgwick
Commission Secretary
Christopher Lipscombe
General Counsel
Lara Walt
Assistant General Counsel
Public Service Commission of the District of Columbia
1325 G Street, NW, Suite 800
Washington, DC 20005
bwestbrook@psc.dc.gov
CLipscombe@psc.dc.gov
lwalt@psc.dc.gov

Karl A. Racine
Attorney General
Kathleen Konopka
Deputy Attorney General
Public Advocacy Division
Jennifer Berger
Chief, Social Justice Section
Brian Caldwell
Assistant Attorney General
Office of the Attorney General
for the District of Columbia
400 6th Street, N.W., 10th floor
Washington, DC 20001
Brian.caldwell@dc.gov

Cathy Thurston-Seignious
Supervisor, Administrative and Associate General Counsel
Karen Hardwick
Senior Vice President and General Counsel
John Dodge
Associate General Counsel
Meera Ahamed
Associate General Counsel
Robert Cain
Associate General Counsel
Paul Buckley
Counsel
Washington Gas Light Company
1000 Maine St. SW, Suite 700
Washington, DC 20024
Cthurstoneignious@washgas.com
khardwick@washgas.com
Jdodge@washgas.com
MeeraAhamed@washgas.com
Rcain@washgas.com
AlBalow@washgas.com

Frann G. Francis
Apartment and Office Building Assoc.
1025 Connecticut Ave. NW, Suite 1005
Washington, DC 20036
ffrancis@aoba-metro.org

Bruce R. Oliver
Revilo Hill Associates, Inc.
7103 Laketree Drive
Fairfax Station, Virginia, 22039
revilohill@verizon.net

Kristi Singleton
Assistant General Counsel
The U.S. General Services Administration
1800 F Street NW #2016
Washington DC, 20405
Kristi.Singleton@gsa.gov

Kelly Y. Burnell
Assistant General Counsel
General Services Administration
1800 F Street, N.W., Room 2012A
Washington, DC 20405-0001
kelly.burnell@gsa.gov

Jessica Gunzel
The U.S. General Services Administration
1800 F Street NW #2018
Washington DC, 20405
Jessica.Gunzel@gsa.gov

Lariza Sepulveda
Economist
Assistant General Counsel
Public Utility Rates and Regulations
Energy Division, U.S. GSA
1800 F Street, NW, Room 5122
Washington, DC 20405
Lariza.Sepulveda@gsa.gov

Dennis Goins
Potomac Management Group
302255801 Westchester St.
Alexandria, Virginia 22310
dgoinspmg@verizon.net

Timothy Oberleiton
Susan Miller
Deena Tumeh
Earthjustice on behalf of Sierra Club
1001 G St. NW, Ste. 1000
Washington, D.C. 20001
Toberleiton@earthjustice.org
smiller@earthjustice.org
dtumeh@earthjustice.org

Michael R. Engleman, Esq.
Robert C. Fallon, Esq.
Engleman Fallon, PLLC on behalf of the
District of Columbia Water and Sewer
Authority
1717 K Street NW, Suite 900
Washington, DC 20006
mengleman@efenergylaw.com
rfallon@efenergylaw.com

Barbara K. Mitchell, Esq.
Assistant General Counsel
Office of Legal Affairs
District of Columbia Water and Sewer
Authority
1385 Canal Street SE
Washington, D.C. 20003
Barbara.mitchell@dcwater.com

<u>/s/ Laurence Daniels</u>
Laurence Daniels
Director of Litigation