

**PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA  
1325 G STREET, N.W., SUITE 800  
WASHINGTON, D.C. 20005**

**ORDER**

**September 28, 2023**

**GD-2022-01-E, IN THE MATTER OF THE COMPLAINT AND INVESTIGATION INTO  
POTOMAC ELECTRIC POWER COMPANY’S COMMUNITY RENEWABLE ENERGY  
FACILITY PRACTICES, and**

**FORMAL CASE NO. 1171, IN THE MATTER OF THE INVESTIGATION INTO  
COMMUNITY RENEWABLE ENERGY FACILITY PRACTICES IN THE DISTRICT,  
Order No. 21908**

**I. INTRODUCTION**

1. By this Order, the Public Service Commission of the District of Columbia (“Commission”) denies the Motion of the Potomac Electric Power Company (“Pepco” or “Company”) for Enlargement of Time to Provide Additional Optionality for Meter Removal Solutions that relies on the CREF owners to provide data in a spreadsheet format to Pepco as statutorily noncompliant; however the Commission grants Pepco’s request for additional time until November 15, 2023, to remove the Company’s meters.<sup>1</sup> The Commission accepts the Chesapeake Solar and Storage Association’s (“CHESSA”) proposal as an interim solution and directs Pepco to request access from the CREF owner to the cellular or wireless connection on CREF meters to obtain the production data or comply with the statute by reading the CREF meters. The Commission directs the Company to comply with D.C. Code § 34-1518(b)(5)(H) or be subject to penalties under D.C. Code § 34-706. Pepco is directed to immediately cease the use of its own meters and is not permitted to pause the flow of CREF credits or unsubscribed energy payments. Pepco may not delay the operation of CREFs coming online. If Pepco does not read or cannot read a CREF meter for any reason, the Company shall rely on the most recent recorded monthly (August 2023) generation data on record for the CREF. Pepco shall provide a report and other information on meter reading and removal to the Commission as prescribed in this Order.

**II. BACKGROUND**

2. On March 23, 2022, the Office of the Attorney General for the District of Columbia (“OAG”) and the Office of the People’s Counsel for the District of Columbia (“OPC”)

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<sup>1</sup> *GD-2022-01-E, In the Matter of the Complaint and Petition for an Investigation into Potomac Electric Power Company’s Community Renewable Energy Facility Practices (“GD-2022-01-E”); and Formal Case No. 1171, In the Matter of the Investigation into Community Renewable Energy Facility Practices in the District (“Formal Case No. 1171), Motion of Potomac Electric Power Company to Amend its Motion for Enlargement of Time to Provide Additional Optionality for Meter Removal Solutions (“Pepco Amendment”), filed August 18, 2023.*

(collectively, “Joint Petitioners”) filed a Joint Complaint and Petition for an Investigation into Pepco’s CREF practices.<sup>2</sup> By Order No. 21600, the Commission found that Pepco is currently in violation or has been in violation of relevant laws and regulations as identified in 3 of the 7 Counts in the Petition.<sup>3</sup> With regard to Count 1, the Commission found that, by law, Pepco can only use CREF production meters and directed Pepco to remove its own production meters from CREF property within 45 days, unless it presented a “detailed legal argument that it needs the meter on the customer’s property even though, by statute, only the CREF production meter can be used for billing or alternatively, that it has some other lawful right to keep the production meter there.”<sup>4</sup> Pepco filed an Objection on May 4, 2023.<sup>5</sup> Pepco also filed a Motion for Reconsideration of Order No. 21600 on May 24, 2023.<sup>6</sup>

3. By Order No. 21648, the Commission denied Pepco’s Motion for Reconsideration of Order No. 21600 and dismissed Pepco’s Objection to the same Order. The Commission directed Pepco to remove its production meters within 45 days of the Order and file a report to the Commission 15 days thereafter detailing the dates and locations of each removal and meter number for each meter. However, if Pepco needed additional time beyond the 45 days, the Order allowed the Company to file a Motion for Enlargement of Time that was to be accompanied by a spreadsheet for each CREF identifying: 1) location; 2) meter make and model; 3) how the Company is accessing the meter data; and 4) date of removal of the Pepco meter. In any motion, the Company was also to detail the timeline to complete automated reads of all CREF meters and the removal of all Pepco meters. Any motion was also to specify whether Pepco has installed any Pepco meters on CREFs after the Commission’s April 24 Order No. 21600.<sup>7</sup>

4. Pepco subsequently filed a motion for enlargement of time on July 10, 2023.<sup>8</sup> Responses to Pepco’s Motion were filed by DC Solar United Neighbors (“SUN”),<sup>9</sup> Joint

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<sup>2</sup> *GD-2022-01-E*, Office of the People’s Counsel for the District of Columbia and the District of Columbia Government’s Joint Complaint and Petition for Investigation into Potomac Electric Power Company’s Community Renewable Energy Facility Practices (“Complaint/Petition”), filed March 23, 2022.

<sup>3</sup> *GD-2022-01-E* and *Formal Case No. 1171*, Order No. 21600, ¶ 1, rel. April 24, 2023.

<sup>4</sup> *Id.*

<sup>5</sup> *Formal Case No. 1171*, Objection of Potomac Electric Power Company to Order No. 21600 and Request to Convene a Working Group (“Pepco Objection”), filed May 4, 2023.

<sup>6</sup> *Formal Case No. 1171*, Application of Potomac Electric Power Company for Reconsideration of Order No. 21600, filed May 24, 2023.

<sup>7</sup> *GD-2022-01-E* and *Formal Case No. 1171*, Order No. 21648 (“Order No. 21648”), ¶ 9, rel. June 23, 2023.

<sup>8</sup> *Formal Case No. 1171*, Motion of Enlargement of Time of the Potomac Electric Power Company (“Pepco Motion”), filed July 10, 2023.

<sup>9</sup> *Formal Case No. 1171*, Solar United Neighbors’ Response to Pepco’s Motion for Enlargement of Time (“SUN Response”), filed July 20, 2023.

Petitioners,<sup>10</sup> and the Chesapeake Solar and Storage Association (“CHESSA”).<sup>11</sup> Pepco filed a Motion and Reply Comments.<sup>12</sup> The District of Columbia Government (“DCG”) and SUN filed Motions and Replies to Pepco’s Reply Comments.<sup>13</sup> Pepco filed an amendment to its Motion on August 18, 2023.<sup>14</sup> DCG filed a response to Pepco’s Amended Motion on August 28, 2023.<sup>15</sup> CHESSA filed a response to Pepco’s Amended Motion on September 1, 2023.<sup>16</sup> OPC filed a letter in support of DCG’s response on September 1, 2023.<sup>17</sup> On its own volition, Pepco filed a bi-monthly progress report on September 15, 2023.<sup>18</sup>

### III. DISCUSSION

5. **Pepco’s Motion:** Order No. 21648 required Pepco to provide for each CREF’s: 1) location; 2) meter make and model; 3) how the Company is accessing the meter data; and 4) date of removal of the Pepco meter in any motion for any extension of time. Instead of providing information regarding the make and model of the CREF meters, Pepco interpreted the Order as a direction to provide the make and model of its own meters indicating that it “is in the process of requesting it from CREFs and can provide the information that it receives from the CREFs if the

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<sup>10</sup> *GD-2022-01-E and Formal Case No. 1171*, Joint Response of the District of Columbia Government and Office of the People’s Counsel to the Potomac Electric Power Company’s Motions for Enlargement of Time and Clarification and Joint Motion to Implement Alternative Interim Solution (“Joint Response”), filed July 20, 2023.

<sup>11</sup> *Formal Case No. 1171*, Comments of the Chesapeake Solar and Storage Association on Potomac Electric Power Company’s July 10, 2023, Motion for Enlargement of Time and Request for the Public Service Commission to Approve its Plan for Removal of its Meters on Community Renewable Energy Facilities (“CHESSA Response”), filed July 20, 2023.

<sup>12</sup> *Formal Case No. 1171*, Motion of Potomac Electric Power Company for Leave to File a Reply to Comments on Motion for Enlargement of Time (“Pepco Reply”), filed July 28, 2023.

<sup>13</sup> *GD-2022-01-E and Formal Case No. 1171*, District of Columbia Government’s Motion for Leave to File a Surreply to the Potomac Electric Power Company’s Motion for Extension of Time and Surreply (“DCG Reply”). August 7, 2023; *Formal Case No. 1171*, Solar United Neighbors’ Motion for Leave to Reply and Reply (“SUN Reply”), filed August 7, 2023.

<sup>14</sup> Pepco Amendment.

<sup>15</sup> *GD-2022-01-E and Formal Case No. 1171*, Response of the District of Columbia Government to the Potomac Electric Power Company’s Motion to Amend its Motion for Enlargement of Time to Provide Additional Optionality for Meter Removal Solutions (“DCG Response to Pepco Amendment”), filed August 28, 2023.

<sup>16</sup> *Formal Case No. 1171*, Chesapeake Solar and Storage Association Comments (“CHESSA Comments”), filed September 1, 2023.

<sup>17</sup> *See Formal Case No. 1171*, Office of the People’s Counsel for the District of Columbia’s Letter in Support of the District of Columbia’s Response to the Potomac Electric Power Company’s Motion to Amend its Motion for Enlargement of Time to Provide Additional Optionality, filed September 1, 2023.

<sup>18</sup> *Formal Case No. 1171*, Bi-Monthly Report of Potomac Electric Power (“Bi-Monthly Report”), filed September 15, 2023.

Commission requests.”<sup>19</sup> Pepco’s Motion does not explain how the Company is currently accessing the CREF meter data but now estimates it can remove its meters by November 15, 2023, and outlines a process that it states may require de-energizing CREF systems and potentially disrupt the flow of credits to subscribers.<sup>20</sup> Additionally, Pepco estimates it will take 16-20 months for the Company to automate its CREF meter reading practices. Pepco also states that it has installed 11 of its meters on CREFs since Order No. 21600, but before the Company’s motion for reconsideration was denied by Order 21648.<sup>21</sup>

6. Pepco, in rejecting the “Cell Pack” interim solution, states that, rather than physically reading the CREF meters, “as an interim solution, Pepco will capture CREF generation data through a download by the Subscriber Organization (‘SO’) from the CREF meter into a standard format provided by Pepco. This interim solution is intended to be used until Pepco implements a permanent automated solution...”<sup>22</sup> The Company further states that “[u]nder the interim solution, CREFs or the SO will download monthly and interval data into a standard form and transmit that form to Pepco for Pepco to manually input that data into the Pepco system.”<sup>23</sup> (“Spreadsheet Solution”). Pepco also asks for clarification from the Commission on how to proceed with Virtual CREFs (“VCREF”) and with systems that do not have revenue-grade metrology installed.<sup>24</sup>

7. **SUN’s Response:** SUN avers that Pepco’s “scoping” meetings with solar providers followed by multiple site visits are placing an undue burden on the solar providers for Pepco’s mistake. SUN contends that at a minimum, “CREF owners and operators should be reasonably compensated for these onsite meetings that are caused by Pepco’s conduct and are only necessitated by Pepco’s need to remedy a situation that it created.” Similarly, SUN argues that Pepco’s proposed interim solution shifts the burden of Pepco’s error onto the solar providers. SUN also states that solar providers have had to spend \$3,000 to be able to install Pepco’s meters at their sites and should be reimbursed.<sup>25</sup> Regarding Pepco’s rejection of the “Cell Pack” solution for transmitting data, SUN avers that while Pepco found it technologically possible, they balked at the expense and effort. Pepco would later recant this view in their subsequent amendment to their

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<sup>19</sup> Pepco Motion at 4.

<sup>20</sup> Pepco Motion at 8.

<sup>21</sup> Pepco Motion at 10.

<sup>22</sup> Pepco Motion at 5-6.

<sup>23</sup> Pepco Motion at 1.

<sup>24</sup> Pepco Motion at 11-12.

<sup>25</sup> SUN Response at 1-2.

initial motion for enlargement of time.<sup>26</sup> SUN finds that this expense and effort should be Pepco's to bear, not the solar providers.<sup>27</sup>

8. **Joint Petitioners' Response:** Joint Petitioners argue that Pepco's interim solution shifts the burden to read and report CREF generation data from Pepco to CREF owners and SOs (collectively, "CREF owners") and demonstrates that Pepco still fails to appreciate what the CREF metering laws require of the Company. Further, Joint Petitioners contend that Pepco's timeline could extend the implementation of an automated solution to obtain generation data from CREFs to March 2025 or later, thus allowing Pepco to continue a pattern of consequence-free requests for an indefinite time to conform the Company's operations to the District's CREF metering laws.<sup>28</sup> Joint Petitioners ask the Commission to swiftly reject Pepco's proposed interim "Spreadsheet Solution" as statutorily noncompliant.<sup>29</sup> Joint Petitioners propose their own alternative interim solution using cellular data packs for Pepco to use to collect the CREF meter data<sup>30</sup> and ask that the Commission pause the removal of Pepco meters until Pepco implements their proposed solution due to a concern that Pepco's solution will disrupt the flow of CREF credits to subscribers, including those enrolled in Solar for All. Joint Petitioners report that Pepco has already begun to remove meters from Solar for All projects without a workable interim solution to read the meters, causing alarm about the potential disruption of credits flowing to subscribers of the program.<sup>31</sup>

9. Joint Petitioners also state "the lessons learned from Pepco's past experience should provide an extremely cautionary tale about the perils of relying on manual entry of CREF generation data into Excel spreadsheets." Joint Petitioners contend it was precisely this practice that was largely to blame for Pepco's inability to accurately or timely credit subscriber bills or issue unsubscribed energy checks for nearly 2 years.<sup>32</sup>

10. **CHESSA's Response:** CHESSA details multiple concerns with Pepco's Motion. First, CHESSA describes the significant amount of financial burden that Pepco's meter removal process places on the CREF owners because Pepco often does not arrive on time or at all to scheduled appointments. CHESSA prefers that the Commission set a deadline for Pepco to *read* the CREF meter rather than focus on the deadline to *remove* the Pepco meter which would cause less of a burden by rushing developers through the removal process.<sup>33</sup>

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<sup>26</sup> Pepco Amendment at 2-4

<sup>27</sup> SUN Response at 2-3.

<sup>28</sup> Joint Response at 1-2.

<sup>29</sup> Joint Response at 6.

<sup>30</sup> Joint Response at 9-12.

<sup>31</sup> Joint Response at 5.

<sup>32</sup> Joint Response at 7.

<sup>33</sup> CHESSA Response at 3-4.

11. CHESSA asks the Commission to reject Pepco's proposed interim "Spreadsheet Solution," which is estimated to take 20-30 minutes to fill out per CREF. For those CREF owners that own several CREFs, this could easily add up to a week or more of work, which would likely require hiring outside consultants to develop Application Programming Interfaces ("APIs") for data pulls from meters and automatic conversion into spreadsheet format. CHESSA avers that Pepco should bear this burden rather than the CREF owners since Pepco will have to develop these APIs itself anyway to automate its solution. Rather than shifting the responsibility for reading CREF meters as Pepco proposes, CHESSA recommends that the Commission require Pepco to collect the meter brand and type for each CREF, start developing an automated solution beginning with the most common meter brands used by CREFs in the District, and implement the automated solution on a rolling basis as it is developed.<sup>34</sup>

12. CHESSA requests direction from the Commission regarding how projects that are currently nearing "authorization to operate" ("ATO") will be addressed noting that these projects will not have Pepco meters installed per the Commission's orders but may come online before any deadline to begin reading CREF meters take effect. Some may also require a second electrical inspection, as they have passed a temporary pending final inspection with schematics showing two meters, one of which will not be present at the final inspection. CHESSA asserts that this will delay ATO timelines and require additional costs to be incurred for those projects due to the delay as well as the re-inspection."<sup>35</sup>

13. Finally, CHESSA requests cost reimbursement for developers based on \$3,000 that had to be spent at each CREF to accommodate Pepco's meters that were illegally installed. "CHESSA members also believe they may have been billed during the CREF interconnection process by Pepco for Pepco's meter installation and associated engineering work, although without itemized invoices it is difficult to determine what precisely the payments to Pepco went toward."<sup>36</sup>

14. **Replies:** Pepco, in its reply, again opposes DCG's proposed "cell pack" solution as "inefficient," and states that "Pepco is amenable to leaving its meters in place to record generation data pending implementation of an automated solution."<sup>37</sup>

15. SUN raised additional concerns, including that the National Housing Trust ("NHT") states that almost all of its CREFs do not show up on Pepco's list of 371 CREFs. SUN also reports that subscribers to NHT's Genesis House on 6925 Georgia Ave NW have yet to receive any credits.<sup>38</sup>

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<sup>34</sup> CHESSA Response at 4-5.

<sup>35</sup> CHESSA Response at 6.

<sup>36</sup> CHESSA Response at 6-7.

<sup>37</sup> Pepco Reply at 6-8.

<sup>38</sup> SUN Reply at 3.

16. **Pepco's Amended Motion:** In response to the commenters, Pepco filed an Amendment to its Motion. Pepco now proposes to offer the "Cell Pack" data solution proposed by DCG and SUN, where cellular data packs are installed onto preexisting CREF-owned meters (with compatible meter configurations) and used to wirelessly transmit data to Pepco without the need for manual reading or burdensome spreadsheet forms.<sup>39</sup> This proposal is to be used alongside and parallel to their original proposed "Spreadsheet Solution."<sup>40</sup> According to Pepco, the cellular data pack option would require CREFs to have a production meter with an available ethernet port in which to install the cellular pack; have adequate cellular reception to permit the reliable transfer of data; provide access to a nearby power source to energize the cellular data pack; provide Pepco access to the CREF meter; and be available to assist in the configuration and testing of the cellular pack as part of the installation.<sup>41</sup> Additionally, Pepco states that "unless the Commission directs Pepco to implement DCG's proposal for a cellular data pack 'verification period' for CREFs with pending applications to become operational, Pepco proposes offering the above options as well as giving these CREFs the option to wait to become operational until implementation of a permanent solution."<sup>42</sup> Pepco also provides an update on two permanent automated solutions it is considering.<sup>43</sup> The first option, deemed "Aggregator Solution" in Pepco's Amended Motion, Pepco sees as "agile" and involves integrating CREF meters with Pepco's own API to automatically communicate data to Pepco's system.<sup>44</sup>

17. Pepco also recommends an alternative permanent solution that allows CREFs to purchase meters directly from distributors that are "compatible and capable of communicating with Pepco's systems for new CREFs, CREFs without meters or with non-compliant meters, or for CREFs that choose to do so."<sup>45</sup> Pepco offers to provide information on these meters to CREFs who are interested.

18. **DCG's Response:** While DCG welcomes Pepco's proposal to use cellular data packs, DCG objects to the use of the proposed spreadsheet solution, even as an option. DCG also continues to express concerns that Pepco is moving too slowly in developing an automated solution for reading the CREF meters.<sup>46</sup> DCG also objects to Pepco's proposal to delay the operation start date for CREFs while Pepco implements the meter reading solutions, stating that it will financially

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<sup>39</sup> Pepco Amendment at 2-4.

<sup>40</sup> Pepco Amendment at 4.

<sup>41</sup> Pepco Amendment at 3.

<sup>42</sup> Pepco Amendment at 4.

<sup>43</sup> Pepco Amendment at 5.

<sup>44</sup> Pepco Amendment at 5.

<sup>45</sup> Pepco Amendment at 5.

<sup>46</sup> DCG Response to Pepco Amendment at 2.

harm CREFs as well as future SFA subscribers.<sup>47</sup> DGG proposes that the Commission enforce Pepco's compliance with the statute by: 1) requiring Pepco to verify that the cellular packs can produce two months' of accurate subscribed and unsubscribed energy payments; 2) requiring Pepco to file reports during the two-month "verification period;" 3) impose civil penalties on Pepco for failure to act in good faith during said "verification period;" 4) direct Pepco to convert 10% of CREFs to the interim solution per month; and 5) suspend meter removal for certain CREFs until the automated solution is completed.<sup>48</sup>

19. In response to Pepco's recommendation regarding CREFs purchasing meters that are compatible with the Company's billing systems, DCG reminds Pepco that under the CREF law and regulations, Pepco is responsible for making any permanent solution work for all meter types. DCG argues that it should be within the sole discretion of a CREF without a compatible meter to purchase a second Pepco-recommended meter. DCG also contends that Pepco shouldn't wait for CREFs to ask for information about compatible meters, but rather the Commission should require Pepco to provide a publicly available resource that lists which meters are compliant with its billing system so that all developers can know with confidence which meters it can purchase and install at CREFs that will successfully integrate with the Pepco's billing system.<sup>49</sup>

20. **CHESA's Response:** CHESA responds that Pepco sent its list of CREF owners an email offering the alternative cellular data pack option, provided the CREF meter has an available port, and asking CREF owners to identify whether they select the data pack or spreadsheet reporting as their interim option by August 31.<sup>50</sup> According to CHESA, the cellular data pack option will not be viable for most CREFs.<sup>51</sup> CHESA explains that most types of revenue-grade meters have only one ethernet port, which a cellular data pack would need to connect with the CREF and this single ethernet port is already in use by CREF owners' own similar cellular or wireless data devices. These devices communicate the meter data to CREF owners about the operation and generation of the CREF modules and inverters, just as Pepco's proposed cellular data pack would communicate such data to Pepco. For these reasons, they cannot be removed to allow Pepco to install their own cellular data packs. Further, the ethernet port cannot be split to support two ethernet ports, as the wireless networks created by two cellular devices installed on a meter would compete with each other such that likely neither would operate properly.<sup>52</sup> Additionally, CHESA explains that "installation of a Pepco cellular data pack is unnecessary and redundant when most CREF owners already have such equipment installed on

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<sup>47</sup> DCG Response to Pepco Amendment at 7.

<sup>48</sup> DCG Response to Pepco Amendment at 3-5.

<sup>49</sup> DCG Response to Pepco Amendment at 10. On September 1, 2023, OPC filed a letter in support of DCG's Response.

<sup>50</sup> CHESA Comments at 2.

<sup>51</sup> CHESA Comments at 4.

<sup>52</sup> CHESA Comments at 4.

their meters. CREF owners can simply provide Pepco access to the cellular or wireless connection the meter already has, and Pepco can develop an API to put the data in its desired format, similar to the API it likely already has in place for its own meters.<sup>53</sup> CHESSA contends its proposal shares many of the same components as Pepco's permanent "Aggregator Solution." CHESSA also suggests that with the limited number of CREF owners/operators who don't have revenue-grade meters, Pepco could potentially even transfer ownership of its meters to those CREF owners/operators, provided they consent. According to CHESSA, this option would prevent Pepco from having to develop a new API to communicate with those meters and prevent those CREF owners without revenue-grade meters from having to purchase and install new meters, although there would likely be some work involved in transferring the meter accounts/data access to those CREF owner/operators.<sup>54</sup>

21. **Pepco's Bi-Monthly Report:** In a bi-monthly report filed on its own volition, Pepco notes that the Company has removed 8 meters, and the CREFs will transmit the interval generation data to Pepco using the Spreadsheet Solution. According to Pepco, for six (6) of the eight (8) meters, the CREF-owned meter type does not have the capability to communicate with Pepco's MV-90 system rendering the cellular pack option infeasible, and Pepco needs information from the CREF owners on the other two meters to determine cellular pack feasibility.<sup>55</sup>

#### IV. DECISION

22. D.C. Code §34-1518(b)(5)(H) states "it shall be the electric company's responsibility to read the meter." There is no statutory exception for expense or inconvenience. The statute is clear and unambiguous, and as such, there is nothing left for the Commission to do but apply the law according to its terms.

23. Pepco requests until November 15, 2023, to remove its meters and during the interim, proposed two options for the Company to obtain the production data from CREFs, 1) Spreadsheet Option, and 2) installation of a cellular data pack on the CREF meter. Pepco also proposed a permanent solution to be implemented in the future. DCG proposed a variation of Pepco's cellular data pack option that includes a verification period to ensure Pepco can obtain accurate production data from the CREF meter. CHESSA opposes the cellular data pack option as infeasible because most CREF owners already have such equipment installed on their meters and can simply provide Pepco access to the cellular or wireless connection the meter already has. Both DCG and CHESSA oppose Pepco's Spreadsheet Option since it would require CREF owners to read the meters and provide information to Pepco.

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<sup>53</sup> CHESSA Comments at 4.

<sup>54</sup> CHESSA Comments at 6.

<sup>55</sup> Pepco's Bi-Monthly Report at 1. According to Pepco, MV-90 is the Company's meter data system that is a pre-AMI technology from the 1990s that the cell pack would need to communicate with. Pepco's Bi-Monthly Report at 1, n. 1.

24. While several options have been presented to the Commission all parties oppose, and we reject, Pepco's Spreadsheet Option because the statute is clear - - Pepco must read CREF meters, and Pepco's proposal shifts that burden to the CREF owners. CHESSA indicates that the cellular data pack alternative will not work for most CREF owners because the data pack would need to use the same ethernet port that CREF owners use for their own cellular or wireless devices. According to CHESSA, the port cannot be split because the two competing wireless networks would likely prevent both devices from operating properly. Plus, the installation of a cellular data pack would be unnecessary and redundant because most CREF owners already have such equipment installed on their meters. For those reasons, CHESSA maintains that the cellular data pack option is "an inefficient use of time and resources."<sup>56</sup> CHESSA suggests that the CREF owners simply "provide Pepco access to the cellular or wireless connection the meter already has, and Pepco can develop an API to put the data in its desired format, similar to the API it likely already has in place for its own meters." CHESSA's proposal is similar to Pepco's proposed permanent Aggregator Solution. We agree with CHESSA's interim solution and direct Pepco to request access to the CREF meters that already have cellular or wireless data capability in order to obtain the production data from those CREF meters. However, for any CREF meter without cellular or wireless data capability, per the statute, we direct Pepco to apply a default meter reading as prescribed below.

25. If, at any point during this process, the CREF industry representatives have concerns about the meter reading/removal or the flow of CREF credits, the Commission encourages those concerns to be raised in this proceeding as soon as possible. CHESSA also indicates that there may be some non-revenue-grade CREF meters, and in those situations, the Commission should consider allowing Pepco to transfer ownership of the Pepco meters to those CREF owners/operators, provided they consent. According to CHESSA, transferring the meters would prevent a CREF owner/operator from the expense of installing a new meter. The statute requires all CREFs to install a "revenue-quality" production meter. However, in those limited circumstances where a CREF may not have installed a revenue-quality production meter, the Commission directs Pepco to file within 10 days of the date of this Order a statement as to why the Commission shouldn't allow a transfer of the Pepco meter to a CREF owner/operator that does not have a revenue-grade production meter and who desires to obtain the Pepco meter. Pepco's meter transfer may also be offered to virtual CREF owners/operators. All Commission metering rules and reporting applicable to CREFs are also applicable to VCREF solar energy production.

26. To ensure the Commission and all parties and stakeholders are aware of the process that Pepco is using to comply with our directive, we direct that technical conferences be scheduled and facilitated by Commission Staff within 15 days of the date of this Order. The technical conferences will help parties and stakeholders to establish a protocol and flush out details of any issues experienced in Pepco bringing its CREF metering practices into compliance with the law and our directives. The technical conferences are also to be used as a vehicle to explore and propose permanent automated solutions.

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CHESSA Comments at 4.

27. The Commission will require Pepco to report on its efforts in complying with this Order. We direct Pepco to submit bi-weekly reports on its progress in implementing our directives to ensure that no unwarranted delays are occurring. The initial report shall be filed two weeks after the date of this Order and every two weeks thereafter. The reports shall detail the previous two weeks' activities until further notice. Each report shall contain the following: 1) the number of CREF meters with cellular or wireless devices that Pepco is reading; 2) the number of CREF meters being read by Pepco (and its make/model), along with the change from the prior week; 3) a spreadsheet showing each CREF owner/SO in the District and the number of hours the SO has spent in meetings and site visits with Pepco regarding CREF meter reading and/or removal, to date; and 4) an excel spreadsheet attached that includes location, meter make/model, whether Pepco read the meter the previous month or relied on default values, number of total subscribers, number of subscribers that received a monthly credit, and whether an unsubscribed energy payment was made for the previous month. The Commission suggests that the CREF owners/SOs review these reports for accuracy.

28. We find Pepco's efforts to comply with its obligation to read the CREF meters wanting, and, in fact, Pepco has installed 11 more of its own meters with the apparent intent to keep reading them, even though we told the Company their meters should be removed and that no more Pepco meters should be installed on CREFs. Effective immediately, Pepco may no longer read its own meters on CREFs. Pepco is not permitted to pause or stop the monthly flow of CREF credits to subscribers, nor unsubscribed energy payments to SOs.<sup>57</sup> Pepco is similarly barred from delaying the ATO of CREFs coming online or offering the Spreadsheet Solution or the option for a CREF developer to wait to become operational until the implementation of a permanent solution as a "solution" to the CREF developers. If Pepco does not or cannot read a meter, there should be a default meter reading. Specifically, to ensure that there will be no pause to the flow of CREF credits, where Pepco does not or cannot read a CREF meter Pepco shall rely on the most recent recorded monthly (August 2023) generation data on record for the CREF to calculate the CREF's monthly generation per MW of capacity. The default generation amount should be used for determining subscriber credits and should also be used to determine the hourly PJM rate at which unsubscribed energy should be credited.

29. We grant Pepco's request for additional time until November 15, 2023, to remove the meters. However, we still require the information that Pepco has yet to provide. Specifically, within 30 days of this Order, Pepco is directed to provide to the Commission: 1) CREF locations; 2) make and model of CREF meters; 3) how Pepco is reading the CREF meters in accordance with D.C. Code § 34-1518(b)(5)(H); 4) an itemized list of any costs required to accommodate a Pepco meter on a CREF, and whether the cost was borne by Pepco or the CREF; and 5) the date of completed or estimated Pepco meter removal.

30. SUN asserts that NHT's CREFs are not captured in Pepco's CREF list and that one of NHT's CREFs has had zero credits remitted to subscribers. However, the Commission reviewed NHT's applications (including Genesis House, located at 6925 Georgia Ave NW) and they appear

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<sup>57</sup> Under D.C. Code § 34-1518(b)(5)(H), Pepco must remit both monthly.

to be standard Level 2 applications and not CREF applications. Commission Rule 2902.12 requires District-certified generating facilities to notify the Commission of any substantive changes in information provided in an original or amended application within thirty (30) days, or in any planned substantive changes in the operating characteristics of a certified generating facility.<sup>58</sup> The Commission has not received any such notification from NHT of any changes to its approved standard Level 2 applications.

31. Finally, Pepco recommends that the Company provides a list of compatible meters and CREFs purchase meters directly from distributors that are compatible and capable of communicating with Pepco's systems for new CREFs, CREFs without meters or with non-compliant meters, or for CREFs that choose to do so. However, because of Pepco's statutory obligation to read all CREF meters to obtain generation data and Pepco's responsibility under 15 DCMR § 907.4 to determine that the revenue quality interval meter has been properly installed, the Commission assumed that in implementing the statute initially, Pepco should have approved the installation of CREF meters that allowed the Company to obtain the generation data to meet its statutory obligations.<sup>59</sup> Therefore, the Commission is perplexed as to why Pepco is proposing this option at this juncture. In any event, at the initial technical conference, Pepco shall provide a distributor resource list of publicly available meters that are compatible and capable of communicating with Pepco's systems so that all developers can know with confidence which meters it can purchase and install at CREFs that will successfully integrate with the Pepco's billing system. Going forward, the Commission reminds Pepco that the Company's approval of any installation of a CREF meter under 15 DCMR § 907.4 should allow the Company to obtain generation data from the CREF meter to meet its statutory obligations. Finally, we remind Pepco that failure to abide by the directives in this Order may result in the imposition of penalties under D.C. Code § 34-706.

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<sup>58</sup> 15 DCMR § 2902.12 states in part:

“Upon approval of an application, the Commission shall assign a unique GATS certificate number to the eligible renewable energy generating resource. (a) The Commission shall be notified of any planned substantive changes in the operating characteristics of a certified generating facility at least thirty (30) days prior to the effective date of such changes. Substantive changes include, but are not limited to, changes in fuel type, fuel mix, generating capacity, generating resource tilt and/or azimuth, and generator type. (b) A revised application or amendments shall be submitted for Commission review, subject to the time periods prescribed in § 2902.7. In addition, applicants and District-certified generating facilities shall notify the Commission of any substantive changes in information provided in an original or amended application within thirty (30) days.”

<sup>59</sup> See 15 DCMR § 907.4 (After installation of the interval meter, it shall be the Electric Company's responsibility to determine that the revenue quality interval meter has been properly installed, in accordance with industry standards. It shall also be the responsibility of the Electric Company to read the revenue quality interval meter. In no event shall the electricity generated by a CREF be eligible for net energy billing).

**THEREFORE, IT IS ORDERED THAT:**

32. The Motion of Potomac Electric Power Company Motion for Enlargement of Time, as amended, to Provide Additional Optionality for Meter Removal Solutions that rely on the Community Renewable Energy Facility owners providing data in a spreadsheet is **DENIED**;

33. The Commission **ACCEPTS** the Chesapeake Solar and Storage Association's recommendation as an interim solution set forth in paragraphs 24 and 25 of this Order;

34. The Potomac Electric Power Company is **DIRECTED** to provide additional information and reports in accordance with paragraphs 27 and 29 of this Order;

35. The Commission **GRANTS** the Potomac Electric Power Company's request for additional time until November 15, 2023, to remove the meters in accordance with paragraph 29 of this Order; and

36. The Commission **DIRECTS** a technical conference(s) to be scheduled within 15 days of the date of this Order as set forth in paragraph 26.

**A TRUE COPY:**

**BY DIRECTION OF THE COMMISSION:**



**CHIEF CLERK:**

**BRINDA WESTBROOK-SEDGWICK  
COMMISSION SECRETARY**

**PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA  
1325 G STREET, N.W., SUITE 800  
WASHINGTON, D.C. 20005**

**September 28, 2023**

**GD-2022-01-E, IN THE MATTER OF THE COMPLAINT AND INVESTIGATION INTO  
POTOMAC ELECTRIC POWER COMPANY'S COMMUNITY RENEWABLE ENERGY  
FACILITY PRACTICES, and**

**FORMAL CASE NO. 1171, IN THE MATTER OF THE INVESTIGATION INTO  
COMMUNITY RENEWABLE ENERGY FACILITY PRACTICES IN THE DISTRICT,**

**CONCURRING STATEMENT OF COMMISSIONER RICHARD BEVERLY**

I agree that we should impose the use of default generation values in this interim period while Pepco removes its meters and gains access to remotely read the CREF meters in a manner similar to how it reads its own. August 2023 will be one of the highest generation months, so I agree with using this month as the default.

I note that the original Complaint in this case was filed, in part, because the Complainants alleged that there were several Pepco monthly meter readings that recorded zero generation when the CREF owners say a zero reading cannot possibly be correct. I expect that Pepco will not carry forward zero or negative generation readings for CREFs and instead will default to the last actual generation reading. That month will likely be June or July, which are still among the highest generation months so I'm not opposed to using these months either.

I note that Pepco has installed 11 more of its own meters with the apparent intent to keep reading them, even though we told the Company their meters should be removed and that no more Pepco meters should be installed on CREFs. Apparently, Pepco viewed the directive as stayed while it sought reconsideration. This act, coupled with Pepco's onerous spreadsheet alternative, highlights how any loose language in our Orders can work to the detriment of CREF owners and subscribers. If the parties believe that any part of our Order can be interpreted to allow Pepco to keep reading its meters contrary to law, then they should bring the problem to our attention so it can be addressed.

Pepco has had 10 years to figure out how to read the CREF meters by using what is supposedly a "smart grid." The fact that the grid is not able to handle a data transmission from a CREF meter after all this time (while simultaneously being able to receive data transmittals from Pepco's own meters) is disturbing and a reason to investigate the existing and planned capabilities of the system (through a proceeding to pursue integrated resource planning). This ongoing situation regarding the meters, and the solar industry's concerns about what their interconnection fees have paid for, are indicative of interconnection issues that have been flying below the radar for too long. It underscores the need for us to grant OPC's request for an investigation into Pepco's interconnection processes, and to consider substantially revising our interconnection regulations. I also encourage solar industry representatives to respond to what Pepco files on the itemized interconnection costs to accommodate Pepco's meters on CREFs.

Finally, I am concerned with SUN's assertion that NHT's CREFs are not captured in Pepco's CREF list, as well as SUN's assertion that one of NHT's CREFs has had zero credits remitted to subscribers. No other party has rebutted SUN's assertion. I believe the Commission should direct Pepco to provide the most up-to-date version it has of the Confidential Generator list typically provided in *Formal Case No. 1050* filings with an additional column that denotes whether the generator is a CREF, a VCREF, or a net-metered ("NEM") system.