

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

ORDER

January 12, 2024

**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. 21944**

I. INTRODUCTION

1. By this Order, the Public Service Commission of the District of Columbia ("Commission") directs the Potomac Electric Power Company ("Pepco" or "Company") to deposit \$200,000 via ACH/wire transfer to the Treasury of the District of Columbia, as shown in Attachment A of this Order, no later than five (5) days from the date of this Order.

II. BACKGROUND

2. The instant matter is an active proceeding before the Commission regarding the Joint Complaint and Petition for an Investigation into Pepco's Community Renewable Energy Facility ("CREF") Practices and adherence to the Commission's Community Net Metering ("CNM") regulations ("Joint Petition") filed by the Office of the People's Counsel for the District of Columbia and the District of Columbia Government ("DCG").¹ By Order No. 21600, Pepco was directed to conduct a reconciliation of all CREF crediting from May 8, 2015, the date of the promulgation of the Commission's CREF regulations.² Commission Staff was also directed to appoint an independent auditor, paid by Pepco, to oversee a metering and billing reconciliation process performed by the Company, within 120 days of the Order.

3. On December 20, 2023, the Commission issued a Notice of Agency Fund Requirements ("NOAFR") in this proceeding proposing to assess Pepco \$200,000, payable

¹ *GD-2022-01-E, In the Matter of the Complaint and Investigation Into Potomac Electric Power Company's Community Renewable Energy Facility Practices ("GD-2022-01-E")*, the Office of the People's Counsel for the District of Columbia and the District of Columbia Government's Joint Complaint and Petition into the Potomac Electric Power Company's Community Renewable Energy Facility Practices, filed March 23, 2022.

² *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")*, Order No. 21600, issued April 24, 2023 ("Order No. 21600").

in one installment.³ On December 28, 2023, the District of Columbia Government (“DCG”) filed comments in response to the NOAFR.⁴ On January 5, 2024, Pepco filed a letter in response to DCG’s comments.⁵

III. DISCUSSION

4. In its comments, DCG recommends that the assessment be used to pay for an auditor to oversee the reconciliation performed by Pepco. Moreover, DCG believes that the Commission should not allow Pepco to recover the assessment from ratepayers since the Commission determined that Pepco had violated the CREF metering statute.⁶

5. In response, Pepco argues that the Commission will decide how the assessment funds will be used, not DCG. Furthermore, DCG’s proposal is premature and unnecessary because, given its timing, this assessment is not reflected in Pepco’s Multi-Year Plan that is before the Commission in *Formal Case No. 1176*.⁷

6. The Commission clarifies that the NOAFR for \$200,000 issued in this matter on December 20, 2023, will cover the Commission’s cost of retaining an independent auditor per Order No. 21600 to oversee a metering and billing reconciliation process performed by Pepco.⁸

7. The Commission’s most recent determination of the Company’s District of Columbia jurisdictional valuation is \$2,472,300,000.⁹ Calculation of this jurisdictional valuation against the “one-twentieth of one percent” limitations set out in D.C. Code § 34-912(a)(3) yields a maximum individual non-rate case assessment of \$1,236,000. The Commission has determined that *GD-2022-01-E* and *Formal Case No. 1171* are non-rate case proceedings or other investigations. Thus far in calendar year 2023, the Commission

³ *GD-2022-01-E* and *Formal Case No. 1171*, Notice of Agency Fund Requirements, rel. December 20, 2023.

⁴ *GD-2022-01-E* and *Formal Case No. 1171*, District of Columbia Government’s Comments in Response to the Notice of Agency Fund Requirements, filed December 28, 2023 (“DOEE Comments”).

⁵ *GD-2022-01-E* and *Formal Case No. 1171*, Potomac Electric Power Company’s Response to the District of Columbia Government’s Comments in Response to the Notice of Agency Fund Requirements, filed January 5, 2024 (“Pepco Response”).

⁶ DOEE Comments at 2-3.

⁷ Pepco Response at 1-2.

⁸ See Order No. 21600, ¶ 40 (We direct the Commission Staff to appoint an independent auditor, paid by Pepco, to oversee the reconciliation performed by Pepco, within 120 days of this Order).

⁹ See *Formal Case No. 1156, In the Matter of the Application of Potomac Electric Power Company for Authority to Implement a Multiyear Rate Plan for Electric Distribution Service in the District of Columbia* Order No. 20755, rel. June 8, 2021.

has assessed Pepco \$60,000 in non-rate case proceedings or other investigations. Accordingly, the Commission's Agency Fund Requirements of \$200,000 will not cause the Commission to exceed its statutory millage limit for non-rate case proceedings or other investigations.

THEREFORE, IT IS ORDERED THAT:

8. The Potomac Electric Power Company is **DIRECTED** to deposit \$200,000 via ACH/wire transfer into the Treasury of the District of Columbia, as shown in Attachment A of this Order, no later than five (5) days from the date of this Order; and

9. The Potomac Electric Power Company is **DIRECTED** to provide confirmation of the ACH/wire transfer payment by sending an email to the Commission addressed to pscpcwires@psc.dc.gov, within 24 hours from the date the payment was made indicating the following information pertaining to the ACH/wire transfer:

1. Case Number;
2. Company Name;
3. PSC Order No.;
4. Wire Transfer Submitted Date;
5. Wire Transfer Confirmation Number; and
6. Wire Transfer Amount.

A TRUE COPY:

BY DIRECTION OF THE COMMISSION:



CHIEF CLERK:

**BRINDA WESTBROOK-SEDGWICK
COMMISSION SECRETARY**

Please find below, the two options you can choose to make your NOAFR payment to the Office of the People's Counsel for the District of Columbia:

Checks/ACH/Wire Instructions:

Bank Name: Wells Fargo Bank, N.A.
Bank Address: 420 Montgomery Street, San Francisco, CA 94104
Account Name: Government of the District of Columbia – DCRA-DHO-DJO
Type of Account: Checking
ABA Routing Number: 1210-00248
Account Number: 412-2766090

If you should have any questions, please contact Gurmeet Scoggins at (W): (202) 626-5133 or email at gscoggins@psc.dc.gov.