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July 25, 2024

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

**Re: Formal Case No. 1171 – In the Matter of the Investigation into the Community Renewable Energy Facilities Practices in the District**

**Notice to the Commission of Default and Termination of Interconnection Agreement and Disconnection of Community Renewable Energy Facilities That Have Not Provided Information Needed for Meter Reading**

Dear Ms. Westbrook-Sedgwick:

Potomac Electric Power Company (Pepco or Company) files this letter with the Commission to provide notification of Pepco's intent to terminate the Interconnection Agreement (IA) and disconnect from the Company's distribution system Community Renewable Energy Facilities (CREFs) who have provided insufficient information or no information, to the Company's multiple communication attempts to obtain the information necessary to integrate the CREF meter into Pepco's permanent meter reading solution.

The Company is a committed partner to the District of Columbia's CREF program and the Solar for All program and takes this notification step as a last resort measure to obtain the information necessary to integrate the third-party meters and enable accurate meter readings. Accurate meter readings are crucial for the proper allocation of credits to subscribers and compensation to CREFs for unallocated energy. The Company has engaged in numerous outreach attempts to obtain the information necessary to integrate the CREF meters, and for affected CREFs that participate in the Solar for All program, the Company has worked with both the District Department of Energy and Environment and the District of Columbia Sustainable Energy Utility to obtain the necessary information for the integration of metering. Importantly, the disconnection notice that the Company will provide to CREFs is not an immediate disconnection notice. Instead, it creates a 60-day window for the CREFs to provide the necessary information and end the disconnection notice.

Beginning next week, Pepco will be sending to 22 CREFs a notice of default advising of the CREF of termination pursuant to Section 6.5.2 of the IA, unless the default is cured within 60 days. It is possible that as Pepco continues its attempts to obtain this information, some of these CREFs will provide Pepco with the needed information to integrate the CREF into the

permanent meter reading solution (Meter Information).<sup>1</sup> However, if the CREF does not provide the required Meter Information by September 30, 2024, Pepco will terminate the IA and disconnect the CREF from the distribution system pursuant to Section 3.3.2 of the IA. Pepco will file with the Commission in early September a list of the CREFs that will be subject to disconnection by September 30, 2024. Again, Pepco is taking this action as a last resort, after extensive communication attempts, because it will be unable to read these CREF meters, which would not comport with the Commission's direction in Order No. 21985 that Pepco read all CREF meters by September 30, 2024.<sup>2</sup>

## I. History

On April 24, 2023, the Commission issued Order No. 21600, which *inter alia* directed the Company to remove meters that the Company had installed at CREFs in the District of Columbia within 45 days of that order and prohibited Pepco from delaying ATOs to CREFs who did not install a Pepco-owned meter.<sup>3</sup> On June 23, 2023, in Order No. 21648, the Commission directed Pepco to remove its meters within 45 days of that order, and invited the Company to submit a Motion for Enlargement of Time if it needed additional time to remove meters beyond 45 days.<sup>4</sup> On July 10, 2023, the Company submitted a Motion for Enlargement of Time, seeking an extension until November 15, 2023 to remove its meters, given the analysis, planning and work needed to remove the Pepco meters from CREFs, as well the time necessary to allow the Company to develop a solution that would enable it to read the CREF meters.

On September 28, 2023, the Commission issued Order No. 21908, which granted Pepco's November 15, 2023 extension request. Order No. 21908 also directed that if the Company could not read the CREF meter, then the Company was to rely on the CREF's August 2023 generation. At the October 11, 2023 Technical Conference in this case, Pepco informed the parties that it would use the National Renewable Energy Laboratory's industry-standard PV Watt calculator to estimate generation data for new CREFs that did not have August 2023 data.<sup>5</sup> The PV Watt calculator leverages the size of the CREF and other details to form a generation profile upon which Pepco could form an estimate of the CREF's production.<sup>6</sup>

On May 1, 2024, the Commission issued Order No. 21985, which directed the Company to use the PV Watt calculator from June through September 2024 for CREF meters that cannot be read, and further directed the Company to read all CREF meters by September 30, 2024 and that any delay in compliance after September 30, 2024 may result in penalties under D.C. Code §34-706.<sup>7</sup> On July 15, 2024 the Company submitted a Data Access Agreement

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<sup>1</sup> This information includes for example, meter make and model and credentials for Pepco to access the meter generation data.

<sup>2</sup> Formal Case No. 1171, Order No. 21985 at ¶18 ("The Potomac Electric Power Company is DIRECTED to comply with D.C. Code § 34-1518 (b)(5)(H) by September 30, 2024, and SHALL read all CREF meters and not rely on default generation readings after that date").

<sup>3</sup> Formal Case No. 1171, Order No. 21600 at ¶16 (April 24, 2023).

<sup>4</sup> Formal Case No. 1171, Order No. 21648 (June 23, 2023).

<sup>5</sup> See Meeting Minutes from the October 11, 2023 Technical Conference at 2 (October 19, 2023).

<sup>6</sup> Id.

<sup>7</sup> Order No. 21985 at ¶¶16, 18.

following two meetings (June 13, 2024 and July 8, 2024) to provide stakeholders with additional notice of the Meter Information needed to ensure a CREF meter is readable.

In order to comply with its statutory and regulatory obligation under D.C. Code § 34-1518 (b)(5)(H) and 15 D.C.M.R. § 907.4 to read CREF meters and Order No. 21985 to read those meters by September 30, 2024, CREFs must provide their Meter Information to Pepco so that Pepco can develop the pathway to obtain generation data from the CREF. If the CREF has not provided its Meter Information, it thwarts Pepco's ability to comply with its meter reading responsibilities.

## **II. Contractual Authority for Termination and Disconnection**

To permit Pepco to comply with its meter reading responsibilities, Pepco must remove from its distribution system, CREFs that have not given Pepco the meter necessary to determine if it is able to read through its permanent solution on September 30, 2024.<sup>8</sup> Pepco derives the authority for the termination and disconnection of CREFs from the IA.

Section 1.5.1 of the IA states that the parties to the IA must perform all obligations in accordance with applicable laws and regulations. The Commission has directed Pepco to read all meters by September 30, 2024, and the non-responsive CREFs' failure to provide meter data will place the parties in breach of this provision to take actions in accordance with the law.

Section 6.5.2 of the IA permits the non-defaulting party, this instance, Pepco, to provide written notice to the defaulting party, the CREF, giving the CREFs 60 days to cure the default. It is this written notice that Pepco intends to send to CREFs beginning next week.<sup>9</sup>

Section 3.3.2 of the IA states that a party may terminate the IA after default. Finally, Section 3.3.5 states that upon termination of the IA, the interconnection customer will be disconnected from the utility's distribution system.

Disconnection from the distribution system makes sense for the additional reason that the Commission has previously held that SOS customers will benefit from the electric supply from CREFs. See e.g., Formal Case No. 1050, Order No. 21099 at ¶11 (January 14, 2022)(Commission holding that "SOS customers will benefit from the exported energy supply and the entire City will benefit from the proliferation of CREFs, which assist the District in meeting its clean energy goals"). Thus, this action is necessary to prevent the CREF from flowing power to the grid without a benefit to SOS customers that can be measured and power flowing to the grid without providing value to subscribers.

Estimating meters in lieu of termination and disconnection is not a viable alternative. Pepco notes that the estimation methodology through PV Watts does not allow Pepco to know

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<sup>8</sup> Pepco also will not provide authorizations to install for new CREFs if they have not given Pepco Meter Information or do not have a Pepco-approved meter.

<sup>9</sup> Section 6.5.2 of the IA permits the CREF up to 6 months to cure the default if it continuously and diligently completes the cure after receipt of the default notice.

whether a CREF's facility goes offline or becomes inoperable, because the CREF is not connected to Pepco's permanent solution to read meters. Put another way, a CREF could cease to provide generation, and Pepco would unknowingly be providing credits to customers based on estimated generation that does not exist.

### **III. Pepco Communications with Impacted CREFs**

For the 22 CREFs, Pepco has engaged in multiple contacts. These contacts included contacts via email, virtual meetings, contacts via phone, and on-site visits. While the Company is engaged in contact with the large majority of these CREFs, the CREFs have not been responding in a timely or consistent manner, which to date, as not yielded the requisite Meter Information needed for Pepco to meet its statutory obligation to read the CREF meters. Pepco does anticipate that it will ultimately be able to secure the data from most of the CREFs; however, it must notify of the CREFs of disconnection at this stage, 60 days before disconnection. An in-person site visit to compile the CREF's meter make/model is not viable, as Pepco conducted assessments of the sites in third quarter 2023 and has already included the makes and models of all accessible meters. The remaining meters without make and model information are either inaccessible or the make and model cannot be determined via visual inspection.<sup>10</sup>

The Company is continuing the targeted outreach to the impacted CREFs that the Company has engaged to date. That communications plan is described below:

- **CREFs, Developers, Subscriber Organizations**
  - Email messages from Green Power Connections Community Solar Program Management Team (Weekly)
  - Connect The Grid Message Center Updates from Green Power Connection Community Solar Program Management Team (Weekly)
  - Phone calls executed by the Green Power Connection Community Solar Program Management Team (Weekly)
  - Technical Conferences

Pepco will continue this plan up to termination of the IA and disconnection to maximize the opportunity for CREFs to respond to Pepco with the required Meter Information. Pepco will notify the Commission in early September of those CREFs who will be disconnected by September 30, 2024.

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<sup>10</sup> See Formal Case No. 1171, Bi-Weekly report of Pepco at 3 (May 23, 2024).

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#### **IV. Conclusion**

Beginning next week, the Company will send notices of disconnection to CREFs who have not provided Meter Information because the CREF has not adhered to the terms of the IA. Pepco is not taking this action lightly; rather, as a last resort, as it nears exhaustion of its options to gather the information from CREFs to permit it to read the CREF meter by September 30, 2024.

Sincerely,

*/s/ Kunle Adeyemo*

Kunle Adeyemo

Enclosures

cc: All parties of record

## CERTIFICATE OF SERVICE

I hereby certify that a copy Potomac Electric Power Company's Notice to Commission of Disconnection was served this July 25, 2024 on all parties in Case No. FC1171 by electronic mail:

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/s/ Kunle Adeyemo  
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