

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE ATTORNEY GENERAL

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Public Advocacy Division
Housing and Environmental Justice Section

ELECTRONIC FILING

September 10, 2024

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

**Re: GD-2022-01-E – In the Matter of the Complaint and Investigation into the
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.**

Dear Ms. Westbrook-Sedgwick:

On behalf of the District of Columbia Government, please find its Statement in Response to Commissioner Beverly’s Inquiry in the above-captioned proceedings. If you have any questions regarding this filing, please do not hesitate to contact the undersigned.

Respectfully submitted,

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Attorney General

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the July 26, 2024 update. In sum, DCG finds that both the July 8, 2024 and July 26, 2024 filings by Pepco contain substantial and significant missing data required by the Order. DCG agrees that the data items identified as missing in paragraph 2 of Commissioner Beverly's Inquiry is correct.

B. Much of the Data Pepco Did Produce is Deficient.

In addition to the missing data items identified in Commissioner Beverly's Inquiry, DCG finds that Pepco's July 26, 2024 "update" is deficient in other respects. For example, Attachment 2 in the update entitled "PEPCO-CREF Meter Discrepancy Report Summary 7/25/24", at first blush appears to indicate that Pepco meters over-recorded generation as compared to CREF-owned meters. A closer examination, however, reveals that the "Discrepancy Report" is substantially incomplete, both in terms of the time-period covered (the "audit time period" starts in 2017, but the Order requires Pepco to start in 2015) and the amount of CREFs included in the Report.

Further, Attachment 5 entitled "PEPCO-CREF Meter Discrepancy Report 7/25/24" is in a format that is barely decipherable. But to the extent that anything can be gleaned from the document, it appears to be duplicative of data already produced in the July 8, 2024 "Summary" document that was resubmitted in the "Update." Moreover, Pepco has not provided Excel versions of any of the attachments, undermining their utility to the parties.

C. Pepco Should Have Notified the Commission and Parties of any Confidential Information Provided to WatsonRice.

DCG recognizes that it lacks visibility into any additional information that may have been exchanged between Pepco and WatsonRice. For example, Pepco's July 26, 2024 cover letter refers to a "complete data set" that the Company provided to WatsonRice on July 1, 2024. Further, Pepco states, "[d]ue to the large data set, the Company uploaded the summaries and data

to WatsonRice via a drop box.” However, Pepco’s provision of any additional data to WatsonRice is not a substitute for complying with Order No, 21600 and providing the requisite data in a public format so that the Commission and other stakeholders can conduct an appropriate review. At a bear minimum, Pepco should have included a privilege log identifying what information was withheld from public view. But they did not.

In fact, Pepco has failed to acknowledge, let alone provide an explanation for the missing data. It is possible, for example, that Pepco is withholding data that was provided to WatsonRice for a benign reason, such as to protect its customers’ identifying information. But in that case, in addition to filing a privilege log, Pepco should have informed the Commission and the parties of the need to modify Order No. 21600 and/or filed a redacted version to protect its customer privacy.

D. DCG Intends to File Motions to Address any Resulting Deficiencies in the Auditor’s Report.

In general, DCG is less concerned about whether Pepco provided each and every item of data listed in the Order (and in the format required by the Order) than whether – going back to 2015 – the auditor was provided with information sufficient to determine in its report as to *each* CREF: (1) the net amount of any underpayment of unsubscribed energy to a CREF owner, Subscriber Organization or any other legal entity assigned the right to receive these payments, including the Department of Energy and Environment (DOEE), and (2) the net amount of any under-credits that each and every CREF subscriber should have received for subscribed energy, including low-income subscribers participating in DOEE’s Solar for All program.

Therefore, DCG eagerly awaits the filing of WatsonRice’s audit report currently due September 13, 2024. If DCG determines that the audit report is deficient in the foregoing regard, or if it is unable to properly evaluate the report because of Pepco’s failure to provide necessary

data, DCG intends to seek immediate and appropriate relief, up to and including substantial penalties.

Respectfully submitted,

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September 10, 2024

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CERTIFICATE OF SERVICE

I hereby certify on this 10th day of September 2024, that I caused true and correct copies of the District of Columbia Government's Statement in Response to Commissioner Beverly's Inquiry to be emailed to the following:

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