

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

ORDER

April 10, 2025

**FORMAL CASE NO. 1154, IN THE MATTER OF WASHINGTON GAS LIGHT
COMPANY'S APPLICATION FOR APPROVAL OF PROJECTPIPES 2 PLAN,**

and

**FORMAL CASE NO. 1179, IN THE MATTER OF THE INVESTIGATION INTO
WASHINGTON GAS LIGHT COMPANY'S STRATEGICALLY TARGETED PIPE
REPLACEMENT PLAN, Order No. 22402¹**

I. INTRODUCTION

1. By this Order, the Public Service Commission of the District of Columbia ("Commission") denies the Sierra Club and the District of Columbia Government's ("DCG") Joint Application for Reconsideration of Order No. 22367.²

II. BACKGROUND

2. PROJECTpipes is Washington Gas Light Company's ("WGL") proposed 40-year Accelerated Pipe Replacement Plan, devised to replace aging, leak-prone pipeline structures with the highest risks on the District's natural gas distribution system. The second iteration of PROJECTpipes ("PIPES 2") was initially approved for a period between 2020 and 2023.³ On December 22, 2022, WGL filed an application for the third installment of the PROJECTpipes program ("PIPES 3") to be implemented after PIPES 2 ended.⁴ By Order No. 21960, the Commission extended PIPES 2 until February 28, 2025.⁵ On June 12, 2024, by Order No. 22003,

¹ Commissioner Richard A. Beverly voted no to the approval of this Order.

² *Formal Case No. 1179, In the Matter of the Investigation Into Washington Gas Light Company's Strategically Targeted Pipes Replacement Plan ("Formal Case No. 1179")*, Joint Application for Reconsideration of Order No. 22367, filed March 21, 2025 ("Joint Application").

³ *Formal Case No. 1154 In the Matter of Washington Gas Light Company's Application for Approval of PROJECTpipes 2 Plan ("Formal Case No. 1154")*, Order No. 20671, rel. December 11, 2020.

⁴ *Formal Case No. 1175, In the Matter of Washington Gas Light Company's Application for Approval of PROJECTpipes 3 Plan*, Washington Gas's Application for Approval of PROJECTpipes 3 Plan, filed December 22, 2022.

⁵ *Formal Case No. 1154*, Order No. 21960, ¶ 20, rel. February 23, 2024.

the Commission rejected WGL's PIPES 3 proposal as deficient and directed WGL to file a restructured plan ("District SAFE Plan" or "Plan").⁶

3. On September 27, 2024, WGL filed its restructured District SAFE Plan proposal.⁷ On October 8, 2024, WGL requested an extension of PIPES 2,⁸ which the Commission granted to April 30, 2025, to allow additional time for testimony on the District SAFE Plan.⁹ On November 20, 2024, WGL filed an application for partial reconsideration of Order No. 22317, seeking to extend PIPES 2 until December 31, 2025.¹⁰

4. On January 9, 2025, the Office of the People's Counsel for the District of Columbia ("OPC"), the DCG, the Sierra Club, and the Apartment and Office Building Association of Metropolitan Washington ("AOBA") filed a Joint Motion to Dismiss WGL's District SAFE proposal due to noncompliance with Order No. 22003.¹¹ By Order No. 22367, the Commission denied the Joint Motion to Dismiss and: (1) extended PIPES 2 until December 31, 2025; (2) decided that WGL did not need further rebuttal testimony to comply with the directives in paragraphs 52(h), (j), (n), (o), (q), and (r) of Order No. 22003; (3) removed the requirement that WGL incorporate the nineteen (19) recommendations from the Continuum Audit report in the District SAFE Plan; (4) decided that WGL's District SAFE application encompassed a sufficient number of directives from Order No. 22003 to survive Joint Petitioner's Motion to Dismiss; and (5) granted two additional rounds of comments and discovery.¹²

5. On March 21, 2025, the Sierra Club and the DCG filed a Joint Application for Reconsideration of Order No. 22367, urging the Commission to reconsider the decision because the Commission erroneously extended PIPES 2 and did not adequately explain the basis of its overall decision, including the failure to justify the denial of the Joint Motion to Dismiss and the Commission's decision granting two additional rounds of comments and discovery.¹³ By Order

⁶ *Formal Case No. 1179*, Order No. 22003, ¶ 49, rel. June 12, 2024.

⁷ *Formal Case No. 1179*, Washington Gas's Revised Application for Approval of the District Strategic Accelerated Facility Enhancement Plan, filed September 27, 2024.

⁸ *Formal Case No. 1179*, Washington Gas's Opposition to the Joint Motion for Enlargement of Time to File Direct Testimony of the District of Columbia Government and Office of the People's Counsel for the District of Columbia, filed October 8, 2024.

⁹ *Formal Case No. 1179*, Order No. 22317, ¶ 21, rel. October 24, 2024.

¹⁰ *Formal Case No. 1179*, Washington Gas's Application for Partial Reconsideration of Order No. 22317, filed November 20, 2024.

¹¹ *Formal Case No. 1179*, Office of the People's Counsel, District of Columbia Government, Apartment and Office Building Association of Metropolitan Washington, and the Sierra Club's Joint Response to Washington Gas Light's Motion for Evidentiary Hearing and Joint Motion to Dismiss the Application Due to Noncompliance With Order No. 22003/Motion for Enlargement of Time filed January 9, 2025.

¹² *Formal Case No. 1154* and *Formal Case No. 1179*, Order No. 22367.

¹³ Joint Application at 16-17.

No. 22389,¹⁴ the Commission granted WGL's Motion for an Enlargement of Time to respond to the Joint Application.¹⁵ WGL opposed the Joint Application, arguing that the decisions referenced by the Joint Petitioners are neither final for the purpose of statutory reconsideration nor do they otherwise warrant reconsideration in an interlocutory review and that the decision to extend PIPES 2 did not meet the legal standards for reconsideration as it was not arbitrary or capricious for "accepting previously rejected arguments."¹⁶

III. DECISION

6. As recognized by WGL, there are two types of reconsideration: one is the reconsideration of a final decision, which is governed by statute, and the other is the inherent authority to reconsider any decision before it becomes final.¹⁷ Although granting a motion to dismiss would be final, denying the motion allows the case to proceed until a final decision on the merits is reached. None of the other decisions referenced by the Joint Petitioners are final either (in the sense of the last step before judicial review), nor have the Joint Petitioners given us a compelling reason to reverse the decisions with an interlocutory ruling.¹⁸

7. Moreover, our decision to extend PIPES 2 and surcharge through December 31, 2025, was a reasonable exercise of our discretion to control our calendar and complements our decision rendered today, providing DCG additional time to conduct discovery on WGL's March 6, 2025, project list.¹⁹ Extending the time of the PIPES 2 Plan allows the Commission time to

¹⁴ *Formal Case No. 1179*, Order No. 22389, ¶ 6, rel. March 26, 2025.

¹⁵ *Formal Case No. 1179*, Washington Gas' Motion for an Enlargement of Time to File a Response to the Joint Petition for Reconsideration filed by Sierra Club and the District of Columbia Government, filed March 25, 2025.

¹⁶ *Formal Case No. 1179*, Washington Gas Light Company's Response, at 7-8, citing Joint Application at 8, filed April 1, 2025.

¹⁷ *Formal Case No. 1167*, *In the Matter of the Implementation of Electric and Natural Gas Climate Change Proposals*, Order No. 22339, ¶ 26, rel. December 10, 2024 (the Commission has previously noted it has the authority to modify its orders at any time). *See also 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. 20676, ¶ 5, rel. December 16, 2020 (citing D.C. Code § 34-602).

¹⁸ *See* D.C. Code § 34-604(b) (2001). A final agency order is one that is subject to immediate judicial review if it denies a right and the impact of the order is sufficiently direct and immediate as to render the issue appropriate for judicial review. *Formal Case No. 1145*, *In the Matter of Applications for Approval of Biennial Underground Infrastructure Improvement Projects Plans and Financing Orders*, Order No. 19212, ¶¶ 8-10, rel. December 20, 2017 (an interlocutory Order is not a final order, and does not impose any obligation, or deny any right or fix some legal relationship as consummation of the administrative process). Order No. 22367 is merely interlocutory, not final because it only denied the motions to dismiss, extended Pipes 2 for a third time, and outlined additional procedural matters in consideration of WGL's SAFE application but it did not address the merits of the SAFE application.

¹⁹ *Formal Case No. 1154*, Order No. 22401, rel. April 10, 2025. The Commission has broad authority in managing its calendar. *See Washington Urban League, Inc. v. Public Service Commission*, 295 A.2d 906, 908 (D.C. 1972) (*per curiam*) (quoting *City of San Antonio v. C.A.B.*, 126 U.S. App. D.C. 112, 115, 374 F.2d 326, 329 (1967) (No principle of administrative law is more firmly established than that of an agencies control of its calendar.); *see also Cutler v. Hayes*, 260 U.S. App. D.C. 230, 247, 818 F.2d 879, 896 (1987)(any change in calendaring, consolidation of issues, the scope of inquiry, and similar questions are housekeeping details left to the sound discretion of the

review the SAFE Plan, the successor plan to the PIPES 2 Plan, while facilitating the continued pipe replacement work approved in PIPES 2, ensuring the reliability and safety of the gas distribution system.²⁰ For the reasons stated above, the Commission denies the Joint Application for Reconsideration.

THEREFORE, IT IS ORDERED THAT:

8. The Joint Petitioners' Application for Reconsideration is **DENIED**.

A TRUE COPY:

BY DIRECTION OF THE COMMISSION:



CHIEF CLERK:

**BRINDA WESTBROOK-SEDGWICK
COMMISSION SECRETARY**

agency).

²⁰ See Formal Case No. 1179, Order No. 22367, ¶¶ 29-30.

COMMISSION ACTION

FORMAL CASE NO. 1154, IN THE MATTER OF WASHINGTON GAS LIGHT COMPANY'S APPLICATION FOR APPROVAL OF PROJECT PIPES 2 PLAN,

and

FORMAL CASE NO. 1179, IN THE MATTER OF THE INVESTIGATION INTO WASHINGTON GAS LIGHT COMPANY'S STRATEGICALLY TARGETED PIPE REPLACEMENT PLAN,

Date 4/10/25 Formal Case Nos. 1154 & 1179 Tariff No. Order No. 22402

	Approve Initial & Date	Disapprove Initial & Date	Abstain Initial & Date
Chairman Emile Thompson	<u>ET/CL 4/10/25</u>	<u> </u>	<u> </u>
Commissioner Richard A. Beverly	<u> </u>	<u>RB/CL 4/10/25</u>	<u> </u>
Commissioner Ted Trabue	<u>TT/CL 4/10/25</u>	<u> </u>	<u> </u>

Certification of Action

C. Lipscombe
General/Deputy General Counsel

Kimberly Lincoln-Stewart
OGC Counsel/Staff