



June 17, 2025

**VIA ELECTRONIC FILING**

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

**Re:** Formal Case No. 1180, *In the Matter of the Application of Washington Gas Light Company for Authority to Increase Existing Rates and Charges for Gas Service*

Dear Brinda Westbrook-Sedgwick:

Attached for filing please find Sierra Club's *Motion to Compel* Responses to certain Follow-up Data Requests regarding Sierra Club's Data Request No. 2 to Washington Gas Light Company

Thank you for your attention to this matter. Should you have any questions, please contact me.

Sincerely,

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Timothy Oberleiton  
Senior Attorney  
Earthjustice  
1001 G St. NW, Ste. 1000  
Washington, D.C. 20001  
(202) 667-4500  
[toberleiton@earthjustice.org](mailto:toberleiton@earthjustice.org)

*Counsel for Sierra Club*

**BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF THE DISTRICT OF COLUMBIA**

<b>IN THE MATTER OF THE</b>	)	
<b>APPLICATION OF WASHINGTON GAS</b>	)	<b>Formal Case No. 1180</b>
<b>LIGHT COMPANY FOR AUTHORITY TO</b>	)	
<b>INCREASE EXISTING RATES AND</b>	)	
<b>CHARGES FOR GAS SERVICE</b>	)	

**SIERRA CLUB’S MOTION TO COMPEL  
WASHINGTON GAS LIGHT COMPANY’S RESPONSE TO  
FOLLOW-UP DATA REQUEST NOS. 2-1 TO 2-4, 2-7, 2-8, 2-16 AND 2-17**

Pursuant to Rule 123.2 of the Rules of Practice and Procedure (“Rules”)<sup>1</sup> of the Public Service Commission of the District of Columbia (“Commission” or “PSC”), Sierra Club submits this *Motion to Compel*, seeking an order requiring Washington Gas Light Company (“Washington Gas” or the “Company”) to respond to Sierra Club Follow-up Data Request Nos. 2-1 to 2-4, 2-7, 2-8, 2-16, and 2-17.<sup>2</sup> Washington Gas filed its Notice of Objection to Sierra Club’s data requests on June 10, 2025.<sup>3</sup> Counsel for Washington Gas and Sierra Club conferred in advance of Washington Gas’ filing but could not come to resolution on these follow-up requests. Sierra Club files the instant *Motion to Compel*, requesting the Commission issue an order compelling Washington Gas to respond in full to Sierra Club Data Request Nos. 2-1 to 2-4, 2-7, 2-8, 2-16, and 2-17.

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<sup>1</sup> 15 D.C.M.R. § 123.2 (2025).

<sup>2</sup> Sierra Club’s June 5, 2025 *Follow-up Questions to Washington Gas Light Company’s Compelled Response to Sierra Club’s Data Request No. 2* are attached as “Attachment A”.

<sup>3</sup> WGL’s June 10, 2025 Notice of Objection is attached as “Attachment B”.

## **I. STANDARD OF REVIEW**

The Commission has repeatedly held that the scope of discovery in Commission proceedings is broad.<sup>4</sup> According to the Commission, “[d]iscovery is appropriate so long as the information appears reasonably calculated to lead to the discovery of admissible evidence.”<sup>5</sup> In the instant context, the Commission has maintained that “[i]n resolving discovery disputes, the concept of relevancy is very broad. Discovery is appropriate so long as the information appears reasonably calculated to lead to the discovery of admissible evidence.”<sup>6</sup> The Commission provides a mechanism for issuing follow-up data requests where a “party to whom a response is provided who believes that the data needs clarification . . . provided, that the information is within the scope of the original request.”<sup>7</sup> The party objecting to disclosure has the burden in “justifying any restrictions on disclosure of relevant and material information.”<sup>8</sup>

## **II. ARGUMENT**

### **A. Follow-up Data Requests Nos. 2-1 to 2-4**

Sierra Club issued follow-up request nos. 2-1 to 2-4 to ensure that Washington Gas fulfills its obligations to comply with Commission Order No. 22423 compelling discovery in this

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<sup>4</sup> See, e.g., *Formal Case No. 1005, In the Matter of Verizon Washington, D.C. Inc.’s Price Cap Plan 2002 for the Provision of Local Telecommunications Services in the District of Columbia*, Order No. 12801 ¶ 5, rel. July 30, 2003.

<sup>5</sup> *Formal Case No. 850, In the Matter of Investigation into the Reasonableness of the Authorized Return on Equity, Rate of Return, and Current Charges and Rates for Telecommunications Services Offered by the Chesapeake & Potomac Telephone Co.*, Order No. 9699, rel. April 19, 1991

<sup>6</sup> *Id.* at 5-6. See also *Formal Case No. 1053, In the Matter of the Application of the Potomac Electric Power Company for Authority to Increase Existing Retail Rates and Charges for Electric Distribution Service*, Order No. 14259 at 3, rel. April 19, 2007.

<sup>7</sup> 15 D.C.M.R. § 122.6 (2025).

<sup>8</sup> *Formal Case No. 1137, In the Matter of the Application of Washington Gas Light Company for Authority to Increase Existing Rates and Charges for Gas Service*, Order No. 18255, at 10, 11, rel. June 24, 2016 (“we reserve judgment as to whether the information should be included in the evidentiary record, we are persuaded that the request is relevant and material to OPC’s review of WGL’s rate application. The Commission finds further that OPC’s questions are limited in nature and directly relate to the exhibits in WGL’s follow-up response. Therefore, a response to the follow-up DRs could aid OPC in the development of its case in this proceeding.”).

case. Washington Gas’ characterization of Sierra Club’s follow-up discovery as a “fishing expedition” is as disingenuous as it is incorrect. As the Commission noted, Sierra Club’s discovery “raises an important issue regarding litigation and lobbying expenses that we have not previously addressed.”<sup>9</sup> The Commission was clear when it ordered:

In the interest of transparency and to ensure that ratepayers are not paying an expense that solely benefits shareholders, we direct WGL to answer these data requests, and the answers shall be considered automatically on the record of this case. We are not disallowing the expenses at this juncture but rather directing the Company to identify the expenses and putting the Company on notice that it has the burden of showing that it is in the public interest to include these expenses in the rate base.<sup>10</sup>

In stark contrast, Washington Gas’ answers are unclear, unresponsive, and contrary to the Commission’s instructions. Washington Gas’ responses do not provide any additional clarity regarding the amount of ratepayer money that the Company has spent to litigate cases to invalidate regional climate laws. Washington Gas unilaterally decided to only provide the “cost of the cases referenced in SC 2-1 and 2-2 to DC in the historic test year[.]” Contrary to the Company’s assertions, the ordering language above does not limit Washington Gas’ response to litigation expenses in the test year. To justify this approach, the Company’s June 10, 2025 Notice of Objection conveniently leaves out the prefatory language regarding the purpose of compelling Washington Gas’ responses—(1) “the interest of transparency;” (2) “to ensure that ratepayers are not paying an expense that solely benefits shareholders;” and (3) “identify the expenses.” This straightforward instruction is not modified by the Commission reminding Washington Gas that it retains the burden of showing its rate application is in the public interest. Washington Gas twists

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<sup>9</sup> *Formal Case No. 1180, In the Matter of the Application of Washington Gas Light Company for Authority to Increase Existing Rates and Charges for Gas* (“*Formal Case No. 1180*”), Order No. 22423 at ¶ 12, rel. May 21, 2025.

<sup>10</sup> *Id.* (emphasis added).

the meaning of the last clause to create a legally untenable landing pad for its insufficient responses.

Washington Gas has already admitted that it is using ratepayer funds to finance litigation to invalidate laws that may negatively impact Washington Gas's profitability and AltaGas' shareholders' interests. It is inconvenient for Washington Gas that regional climate laws are the product of a legitimate legislative process and demonstrate a public will to change the status quo to address the climate crisis. However, as a matter of basic transparency, ratepayers are entitled to know the full extent to which Washington Gas is using ratepayer money to finance its legal challenges. The Commission recognized this in its Order compelling responses, and Washington Gas should not be allowed to disregard the Commission's directives.

Further, Washington Gas failed to provide documents that Sierra Club sought in follow-up discovery. Sierra Club asked for detailed ledger entries to show how Washington Gas is ensuring proper cost allocation among jurisdictions for these legal expenses. Washington Gas failed to provide any attachment to its responses in this regard. Instead, Washington Gas provided a general description of its "reasonable assurance" that costs are recorded in appropriate accounts. This nonresponse is unresponsive to Sierra Club's follow-up discovery requests. The Commission should require Washington Gas to provide specific documentary evidence to show that it is properly allocating costs.

Washington Gas's responses to 2-2 to 2-4 are also unresponsive to Commission Order No. 22423, and otherwise impermissibly reference prior discovery responses and exhibits in previously filed testimony. For example, Washington Gas' responses to Sierra Club Data Request No. 2-2 and 2-2.a read: "Please see the response to SC Data Request No. 2-1" and "Please see the response to SC Data Request No. 2-1.a," respectively. Washington Gas' responses to 2-3

and 2-4 similarly cross-reference prior discovery responses and are also unresponsive to the Commission's direction to "identify the expenses" in Order No. 22423. Accordingly, Sierra Club issued follow-up discovery in light of the Commission's Order and the Commission's prior discovery directive that "[t]he Commission considers DR responses that only cite previous responses or filed testimony to be unresponsive and burdensome on the Commission and the party receiving the response."<sup>11</sup> Washington Gas' failure to comply with these precepts warrants an ordering compelling more complete responses to the root data requests and Sierra Club's follow-up questions.

The Commission should order Washington Gas to fully respond to Sierra Club Follow-up Data Request Nos. 2-1 to 2-4.

#### **B. Follow-up Data Request Nos. 2-7 and 2-8**

Washington Gas merely repeats its responses to initial Data Request Nos. 2-7 and 2-8 in response to Follow-up Data Request Nos. 2-7 and 2-8. However, Sierra Club asked for specific clarifying information that would build upon Washington Gas' curt initial responses. As to 2-7, Sierra Club specifically asked Washington Gas to confirm whether the intent of its initial answer was that Washington Gas had not *reviewed* any studies regarding the issues described. As to 2-8, Sierra Club specifically asked Washington Gas to confirm whether the intent of its initial answer was that Washington Gas had not itself *commissioned* any studies regarding the issues described. Sierra Club also asked Washington Gas to clarify its response to both questions. Washington Gas' verbatim responses are unresponsive to Sierra Club's follow-up questions. Washington Gas did not object to answering these follow-ups and the Commission has already resolved

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<sup>11</sup> *Formal Case No. 1179, In the Matter of the Investigation Into Washington Gas Light Company's Strategically Targeted Pipe Replacement Plan*, Order No. 22354, ¶ 3 (rel. Jan. 14, 2025) (emphasis added).

objections to these questions in instructing Washington Gas to respond to them. Washington Gas' failure to respond to these follow-ups is evasive, and the Commission should compel Washington Gas to respond.

**C. Follow-up Data Request Nos. 2-16 and 2-17**

Washington Gas failed to provide responses to initial data requests 2-16 and 2-17 pursuant to Order No. 22423.<sup>12</sup> The Commission was unambiguous in requiring Washington Gas to fully respond to initial Data Request Nos. 2-16 and 2-17 and their relevant sub-parts, again in “the interest of transparency,” “to ensure that ratepayers are not paying an expense that solely benefits shareholders” and “identify the expenses.”

In initial Data Request No. 2-16, Sierra Club asked:

Please provide the Company's budget for lobbying activities, regulatory advocacy, public opinion research, public relations relating to regulatory issues— whether directly or through trade associations, community organizations or other groups.

- a. Provide the answer to the above for the test year;
- b. Provide the answer to the above for the current budget year;
- c. Provide the answer to the above for planned future spending

Washington Gas did not provide a single budget figure in response to these straightforward questions. Instead, Washington Gas makes reference to the FERC USOA Account 426.4, in violation of the Commission's discovery sufficiency parameters. Washington Gas then again attempts to justify its noncompliance with the Commission's directives based on the Company's unilateral interpretation of the Order. Accordingly, Sierra Club issued follow-up discovery, giving Washington Gas yet another opportunity to “respond in full to the request in Sierra Club Data Request No. 2-16,” and to provide the Commission-ordered budgets for “all lobbying activities, regulatory advocacy, public opinion research, [and] public relations relating to

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<sup>12</sup> *Formal Case No. 1180*, Order No. 22423 at ¶ 12.

regulatory issues.”<sup>13</sup> Washington Gas is clearly avoiding answering these basic requests, and the Commission should order the Company to respond.

Washington Gas similarly failed to respond to the Commission’s unambiguous instruction to answer Sierra Club’s inquiries about the Company’s lobbying staff. In initial Data Request No. 2-17, Sierra Club asked:

Please disclose the names and titles of the Company’s employees responsible for lobbying and government affairs on behalf of the Company, including salaries and expenses reflected in (1) the test year; (2) current operating budget; and (3) projected or planned expenditure.

Washington Gas did not identify the names and titles of its lobbyists and did not state their salaries and expenses, as requested by Sierra Club. Again, Sierra Club gave Washington Gas another opportunity to respond by issuing Sierra Club Follow-up Data Request No. 2-17, which was further tempered by the clear instruction from the Commission in Order No. 22423 for Washington Gas to directly answer the questions.

The Commission has already ruled that the above-requested information is relevant and found Washington Gas’ arguments against providing this information unpersuasive. The Commission should accordingly compel Washington Gas to respond.

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<sup>13</sup> Sierra Club Follow-up Data Request No. 2-16.



### III. CONCLUSION

**WHEREFORE**, for the reasons stated above, Sierra Club respectfully requests that the Commission enter an order compelling Washington Gas to respond to Sierra Club Data Request Nos. 2-1 to 2-4 and 2-7, 2-8, 2-16 and 2-17.

Respectfully submitted,



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[toberleiton@earthjustice.org](mailto:toberleiton@earthjustice.org)

*Counsel for Sierra Club*

Dated: June 17, 2025

# **Attachment A**



June 5, 2025

**VIA ELECTRONIC SERVICE**

John C. Dodge, Esq.  
Washington Gas Light Co.  
1000 Maine Street, S.W.  
Washington, D.C. 20080

***Re: Formal Case No. 1180, In the Matter of the Application of Washington Gas Light Company for Authority to Increase Existing Rates and Charges for Gas***

Dear Mr. Dodge:

Enclosed for service in the above-referenced proceeding please find *Sierra Club's Follow-up Questions to Washington Gas Light Company's Compelled Response to Sierra Club's Data Request No. 2*.

Should you have any questions, please contact me at [toberleiton@earthjustice.org](mailto:toberleiton@earthjustice.org).

Sincerely,

Timothy R. Oberleiton  
DC Bar No. 1617107  
Earthjustice  
1001 G St. NW, Ste. 1000  
Washington, D.C. 20001  
(202) 793-5820  
[toberleiton@earthjustice.org](mailto:toberleiton@earthjustice.org)

*Counsel for Sierra Club*

Enclosure

cc: Formal Case No. 1180 service list

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE DISTRICT OF COLUMBIA**

<b>IN THE MATTER OF THE APPLICATION</b>	)	
<b>THE APPLICATION OF WASHINGTON</b>	)	
<b>GAS LIGHT COMPANY FOR</b>	)	<b>Formal Case No. 1180</b>
<b>AUTHORITY TO INCREASE EXISTING</b>	)	
<b>RATES AND CHARGES FOR GAS</b>	)	

**SIERRA CLUB’S FOLLOW-UP QUESTIONS TO WASHINGTON GAS’  
COMPELLED RESPONSE SIERRA CLUB DATA REQUEST NO. 2**

Sierra Club, by and through undersigned counsel, hereby serves the following data requests on Washington Gas Light Company ("WGL" or the "Company").

**I) Communications and Due Date**

Please provide electronic copies of all responses and objections via email to the following individuals:

Susan Stevens Miller: [smiller@earthjustice.org](mailto:smiller@earthjustice.org)  
Timothy R. Oberleiton: [toberleiton@earthjustice.org](mailto:toberleiton@earthjustice.org)

Pursuant to PSC Rule 122.6, please provide responses to these data requests by **June 12, 2025**.

**II) Definitions & Instructions**

Please refer and adhere to the definitions and instructions stated in Sierra Club’s Data Requests No. 1 to Washington Gas Light Company dated April 3, 2025.

**PUBLIC SERVICE COMMISSION  
OF THE DISTRICT OF COLUMBIA**

**FORMAL CASE NO. 1180**

**SIERRA CLUB'S FOLLOW-UP QUESTIONS TO WASHINGTON GAS'  
COMPELLED RESPONSE SIERRA CLUB DATA REQUEST NO. 2**

**QUESTION NO. 2-1**

Q: Is Washington Gas using ratepayer funds to finance the Company's litigation in the matter it filed in the United States District Court for the District of Columbia in *Washington Gas Light, et al. v. D.C., et al.*, 24-cv-02942? If no, indicate if Washington Gas is funding the lawsuit, yes or no. If no, please indicate who is funding the lawsuit on behalf of Washington Gas Light and plaintiffs.

- a. How is WGL ensuring proper cost allocation among jurisdictions for these legal expenses? Please provide detailed ledger entries

**WASHINGTON GAS'S OBJECTION**

**4/8/2025**

Washington Gas objects to this data request on the grounds that information sought is not relative to Rebuttal Testimony, as required by Commission Order No. 22311, Attachment A, Item 14. No Washington Gas witness raised or discussed the subject of this data request—litigation costs—in their Rebuttal Testimony filed on March 25, 2025 and the data request does not refer to the Company's rebuttal case nor does it contain a citation to specific testimony nor does the data request refer to a specific witness.

- A. How is WGL ensuring proper cost allocation among jurisdictions for these legal expenses? Please provide detailed ledger entries

Washington Gas objects to this data request on the grounds that information sought is not relative to Rebuttal Testimony, as required by Commission Order No. 22311, Attachment A, Item 14. No Washington Gas witness raised or discussed the subject of SC Data Request No. 2-1 in their Rebuttal Testimony filed on March 25, 2025 and the data request does not refer to the Company's rebuttal case nor does it contain a citation to specific testimony nor does the data request refer to a specific witness.

**COMMISSION ORDER NO. 22423**

**5/21/2025**

**P12** - In the interest of transparency and to ensure that ratepayers are not paying an expense that solely benefits shareholders, we direct WGL to answer these data requests, and the answers shall be considered automatically on the record of this case. We are not disallowing the expenses at this juncture but rather directing the Company to identify the expenses and putting the Company on notice that it has the burden of showing that it is in the public interest to include these expenses in the rate base.

## WASHINGTON GAS'S COMPELLED RESPONSE

5/29/2025

- A. Yes. The cost of the litigation is included in FERC Uniform System of Accounts ("USOA") account 923.000. These costs were incurred in the interests of Washington Gas customers to defend against complaints intended to dismantle service in the District, contravening federal law. See, [ Attachment 1 ]1 In the test year, the cost of litigation in the referenced matter was among the costs included in Account 923.000, a portion of which were allocated using the Three Part Factor (Exhibit F-2, Schedule AL, Page 5, Line 30) to DC. The allocated cost of the cases referenced in SC 2-1 and 2-2 to DC in the historic test year was \$14,189.
- a. For expenses, the Company's system of internal controls provides reasonable assurance that costs are recorded to the appropriate accounts. An example of the most relevant control is that invoices are reviewed and approved by management personnel in accordance with the Company's Delegation of Authority.

Whether costs are directly assigned or allocated to a jurisdiction depends on how they are coded and in what account they are recorded. If an invoice is coded directly to D.C., then there generally is no allocation applied unless it is recorded to an account that is fully allocated as noted in the Company's Jurisdictional Allocation Study (Exhibit WG F-2). The Company has used this methodology for many years, and this methodology has been found acceptable by the Commission past rate case proceedings.

SPONSOR: James D. Steffes  
Senior VP, Regulatory, Policy and Advocacy

## SIERRA CLUB'S FOLLOW-UP REQUEST

6/5/2025

- Q:** Pursuant to Commission Order No. 22432, provide WGL's total funding of the litigation in the matter it filed in the United States District Court for the District of Columbia in *Washington Gas Light, et al. v. D.C., et al.*, 24-cv-02942, to date, not just what is included in the allocated cost in the historic test year. Please also name other parties that are funding the litigation.

**PUBLIC SERVICE COMMISSION  
OF THE DISTRICT OF COLUMBIA**

**FORMAL CASE NO. 1180**

**SIERRA CLUB'S FOLLOW-UP QUESTIONS TO WASHINGTON GAS'  
COMPELLED RESPONSE SIERRA CLUB DATA REQUEST NO. 2**

**SIERRA CLUB DATA REQUEST NO. 2**

**QUESTION NO. 2-2**

- Q: Is Washington Gas using ratepayer funds to finance the Company's litigation in the matter it filed in the United States District Court for the District of Maryland in *Washington Gas Light, et al. v. Montgomery County, et al.*, 24-cv-03024? If no, indicate if Washington Gas is funding the lawsuit, yes or no. If no, please indicate who is funding the lawsuit on behalf of Washington Gas Light and plaintiffs.
- a. How is WGL ensuring proper cost allocation among jurisdictions for these legal expenses? Please provide detailed ledger entries.

**WASHINGTON GAS' OBJECTION**

**4/8/2025**

Washington Gas objects to this data request on the grounds that information sought is not relative to Rebuttal Testimony, as required by Commission Order No. 22311, Attachment A, Item 14. No Washington Gas witness raised or discussed the subject of this data request—litigation costs—in their Rebuttal Testimony filed on March 25, 2025 and the data request does not refer to the Company's rebuttal case nor does it contain a citation to specific testimony nor does the data request refer to a specific witness.

- B. How is WGL ensuring proper cost allocation among jurisdictions for these legal expenses? Please provide detailed ledger entries.

Washington Gas objects to this data request on the grounds that information sought is not relative to Rebuttal Testimony, as required by Commission Order No. 22311, Attachment A, Item 14. No Washington Gas witness raised or discussed the subject of SC Data Request No. 2-2 in their Rebuttal Testimony filed on March 25, 2025 and the data request does not refer to the Company's rebuttal case nor does it contain a citation to specific testimony nor does the data request refer to a specific witness.

**COMMISSION ORDER NO. 22423 COMPELLING RESPONSES**

**5/21/2025**

**P12** - In the interest of transparency and to ensure that ratepayers are not paying an expense that solely benefits shareholders, we direct WGL to answer these data requests, and the answers shall be considered automatically on the record of this case. We are not disallowing the expenses at this juncture but rather directing the Company to identify the

expenses and putting the Company on notice that it has the burden of showing that it is in the public interest to include these expenses in the rate base.

## **WASHINGTON GAS' COMPELLED RESPONSE**

**5/29/2025**

B. Please see the response to SC Data Request No. 2-1.

Please see the response to SC Data Request Nos. 2-1.a.

SPONSOR: James D. Steffes  
Senior VP, Regulatory, Policy and Advocacy

## **SIERRA CLUB'S FOLLOW-UP REQUEST**

**6/5/2025**

**Q:** Please provide WGL's total funding of the litigation in the matter it filed in the United States District Court for the District of Columbia in *Washington Gas Light, et al. v. Montgomery County*, et al., 24-cv-03024, to date, not just what is included in the allocated cost in the historic test year. Please also provide a full, separate response to this question.<sup>1</sup> Please also name other parties that are funding the litigation

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<sup>1</sup> In responding to this question, please accord WGL's response to the guidance provided the Commission in Order No. 22354, paragraph 3, where the Commission noted "[t]he Commission considers DR responses that only cite previous responses or filed testimony to be unresponsive and burdensome on the Commission and the party receiving the response." *Formal Case No. 1179, In the Matter of the Investigation Into Washington Gas Light Company's Strategically Targeted Pipe Replacement Plan*, Order No. 22354, ¶ 3 (rel. Jan. 14, 2025) (emphasis added).



**PUBLIC SERVICE COMMISSION  
OF THE DISTRICT OF COLUMBIA**

**FORMAL CASE NO. 1180**

**SIERRA CLUB'S FOLLOW-UP QUESTIONS TO WASHINGTON GAS'  
COMPELLED RESPONSE SIERRA CLUB DATA REQUEST NO. 2**

**SIERRA CLUB DATA REQUEST NO. 2**

**QUESTION NO. 2-3**

- Q: Is Washington Gas using ratepayer funds to finance the Company's litigation in the matter it filed in the United States District Court for the *District of Maryland in Washington Gas Light, et al. v. McIlwain*, 25-cv-113? If no, indicate if Washington Gas is funding the lawsuit, yes or no. If no, please indicate who is funding the lawsuit on behalf of Washington Gas Light and plaintiffs.
- a. How is WGL ensuring proper cost allocation among jurisdictions for these legal expenses? Please provide detailed ledger entries.

**WASHINGTON GAS' OBJECTION**

**4/8/2025**

Washington Gas objects to this data request on the grounds that information sought is not relative to Rebuttal Testimony, as required by Commission Order No. 22311, Attachment A, Item 14. No Washington Gas witness raised or discussed the subject of this data request—litigation costs—in their Rebuttal Testimony filed on March 25, 2025 and the data request does not refer to the Company's rebuttal case nor does it contain a citation to specific testimony nor does the data request refer to a specific witness.

- a. How is WGL ensuring proper cost allocation among jurisdictions for these legal expenses? Please provide detailed ledger entries.

Washington Gas objects to this data request on the grounds that information sought is not relative to Rebuttal Testimony, as required by Commission Order No. 22311, Attachment A, Item 14. No Washington Gas witness raised or discussed the subject of SC Data Request No. 2-3 in their Rebuttal Testimony filed on March 25, 2025 and the data request does not refer to the Company's rebuttal case nor does it contain a citation to specific testimony nor does the data request refer to a specific witness.

**COMMISSION ORDER NO. 22423 COMPELLING RESPONSES**

**5/21/2025**

**P12** - In the interest of transparency and to ensure that ratepayers are not paying an expense that solely benefits shareholders, we direct WGL to answer these data requests, and the answers shall be considered automatically on the record of this case. We are not disallowing the expenses at this juncture but rather directing the Company to identify the

expenses and putting the Company on notice that it has the burden of showing that it is in the public interest to include these expenses in the rate base.

## **WASHINGTON GAS' COMPELLED RESPONSE**

**5/29/2025**

- A. The Company notes that the matter referenced is litigation outside the District of Columbia and not subject to the jurisdiction of the Commission or the courts of the District of Columbia. Further, please see the response to SC Data Request No. 2- 1.
- a. Please see the response to SC Data Request Nos. 2-1.a and 2-3.

SPONSOR: James D. Steffes  
Senior VP, Regulatory, Policy and Advocacy

## **SIERRA CLUB'S FOLLOW-UP REQUEST**

**6/5/2025**

**Q:** Please provide WGL's total funding of the litigation in the matter it filed in the United States District Court for the District of Columbia in *District of Maryland in Washington Gas Light, et al. v. McIlwain*, 25-cv-113, to date, not just what is included in the allocated cost in the historic test year. Please also provide a full, separate response to this question.<sup>2</sup> Please also name other parties that are funding the litigation.

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<sup>2</sup> In responding to this question, please accord WGL's response to the guidance provided the Commission in Order No. 22354, paragraph 3, where the Commission noted "[t]he Commission considers DR responses that only cite previous responses or filed testimony to be unresponsive and burdensome on the Commission and the party receiving the response." *Formal Case No. 1179, In the Matter of the Investigation Into Washington Gas Light Company's Strategically Targeted Pipe Replacement Plan*, Order No. 22354, ¶ 3 (rel. Jan. 14, 2025) (emphasis added).

**PUBLIC SERVICE COMMISSION  
OF THE DISTRICT OF COLUMBIA**

**FORMAL CASE NO. 1180**

**SIERRA CLUB'S FOLLOW-UP QUESTIONS TO WASHINGTON GAS'  
COMPELLED RESPONSE SIERRA CLUB DATA REQUEST NO. 2**

**SIERRA CLUB DATA REQUEST NO. 2**

**QUESTION NO. 2-4**

Q: Is Washington Gas using ratepayer funds to finance the Company's litigation in the matter it filed in the United States District Court for the District of Maryland in *Washington Gas Light, et al. v. Montgomery County, et al.*, 25-cv-01019? If no, indicate if Washington Gas is funding the lawsuit, yes or no. If no, please indicate who is funding the lawsuit on behalf of Washington Gas Light and plaintiffs.

a. How is WGL ensuring proper cost allocation among jurisdictions for these legal expenses? Please provide detailed ledger entries.

**WASHINGTON GAS' OBJECTION**

**4/8/2025**

Washington Gas objects to this data request on the grounds that information sought is not relative to Rebuttal Testimony, as required by Commission Order No. 22311, Attachment A, Item 14. No Washington Gas witness raised or discussed the subject of this data request—litigation costs—in their Rebuttal Testimony filed on March 25, 2025 and the data request does not refer to the Company's rebuttal case nor does it contain a citation to specific testimony nor does the data request refer to a specific witness.

a. How is WGL ensuring proper cost allocation among jurisdictions for these legal expenses? Please provide detailed ledger entries.

Washington Gas objects to this data request on the grounds that information sought is not relative to Rebuttal Testimony, as required by Commission Order No. 22311, Attachment A, Item 14. No Washington Gas witness raised or discussed the subject of SC Data Request No. 2-4 in their Rebuttal Testimony filed on March 25, 2025 and the data request does not refer to the Company's rebuttal case nor does it contain a citation to specific testimony nor does the data request refer to a specific witness.

**COMMISSION ORDER NO. 22423 COMPELLING RESPONSES**

**5/21/2025**

**P12** - In the interest of transparency and to ensure that ratepayers are not paying an expense that solely benefits shareholders, we direct WGL to answer these data requests, and the answers shall be considered automatically on the record of this case. We are not disallowing the expenses at this juncture but rather directing the Company to identify the

expenses and putting the Company on notice that it has the burden of showing that it is in the public interest to include these expenses in the rate base.

## **WASHINGTON GAS' COMPELLED RESPONSE**

**5/29/2025**

A. The Company notes that the matter referenced is litigation outside the District of Columbia and not subject to the jurisdiction of the Commission or the courts of the District of Columbia. Further, please see the response to SC Data Request No. 2- 1.

a. Please see the response to SC Data Request Nos. 2-1.a and 2-4.

SPONSOR: James D. Steffes  
Senior VP, Regulatory, Policy and Advocacy

## **SIERRA CLUB'S FOLLOW-UP REQUEST**

**6/5/2025**

**Q:** Please provide WGL's total funding of the litigation in the matter it filed in the United States District Court for the District of Columbia in *Washington Gas Light, et al. v. Montgomery County, et al.*, 25-cv-01019, to date, not just what is included in the allocated cost in the historic test year. Please also provide a full, separate response to this question.<sup>3</sup> Please also name other parties that are funding the litigation.

---

<sup>3</sup> In responding to this question, please accord WGL's response to the guidance provided the Commission in Order No. 22354, paragraph 3, where the Commission noted "[t]he Commission considers DR responses that only cite previous responses or filed testimony to be unresponsive and burdensome on the Commission and the party receiving the response." *Formal Case No. 1179, In the Matter of the Investigation Into Washington Gas Light Company's Strategically Targeted Pipe Replacement Plan*, Order No. 22354, ¶ 3 (rel. Jan. 14, 2025) (emphasis added).

**PUBLIC SERVICE COMMISSION  
OF THE DISTRICT OF COLUMBIA**

**FORMAL CASE NO. 1180**

**SIERRA CLUB'S FOLLOW-UP QUESTIONS TO WASHINGTON GAS'  
COMPELLED RESPONSE SIERRA CLUB DATA REQUEST NO. 2**

**SIERRA CLUB DATA REQUEST NO. 2**

**QUESTION NO. 2-7**

**Q:** Please provide a list of all studies on the impacts of electrification out to the year 2045 of residential and commercial gas uses on gas distribution utility sales, customer counts, revenues, earnings, and other key factors relating to gas utility performance that WGL has reviewed. Please indicate which studies WGL considered authoritative and why.

**WASHINGTON GAS' OBJECTION**

**4/8/2025**

Washington Gas objects to this data request on the grounds that information sought is not relative to Rebuttal Testimony, as required by Commission Order No. 22311, Attachment A, Item 14. No Washington Gas witness raised or discussed the subject of this data request—electrification impacts—in their Rebuttal Testimony filed on March 25, 2025 and the data request does not refer to the Company's rebuttal case nor does it contain a citation to specific testimony nor does the data request refer to a specific witness.

Washington Gas objects to this data request on the grounds that it is overbroad and unduly burdensome as it asks for "all" studies.

Washington Gas objects to this data request on the grounds that it is vague and unduly burdensome as it asks for the studies considered "authoritative" which is unspecified and undefined.

**WASHINGTON GAS' COMPELLED RESPONSE**

**5/29/2025**

**A.** Washington Gas has not reviewed the described studies.

**SPONSOR:** James D. Steffes  
Senior VP, Regulatory, Policy and Advocacy

**SIERRA CLUB'S FOLLOW-UP REQUEST**

**6/5/2025**

**Q.** Please confirm whether the intent of the response is that Washington Gas has not reviewed *any* studies on the impacts of electrification on residential and commercial gas uses on gas distribution utility sales, customer counts, revenues, earnings, and other key factors relating to gas utility performance. If this is not the intent of the response, please specifically explain why and clarify the response.

**PUBLIC SERVICE COMMISSION  
OF THE DISTRICT OF COLUMBIA**

**FORMAL CASE NO. 1180**

**SIERRA CLUB'S FOLLOW-UP QUESTIONS TO WASHINGTON GAS'  
COMPELLED RESPONSE SIERRA CLUB DATA REQUEST NO. 2**

**SIERRA CLUB DATA REQUEST NO. 2**

**QUESTION NO. 2-8**

**Q:** Please provide details of all studies conducted or commissioned by WGL relating to the company-specific impacts that WGL could reasonably expect to experience as a result of electrification out to the year 2045 of residential and commercial gas uses on gas distribution utility sales, customer counts, revenues, earnings, and other key factors relating to gas utility performance.

**WASHINGTON GAS' OBJECTION**

**4/8/2025**

Washington Gas objects to this data request on the grounds that information sought is not relative to Rebuttal Testimony, as required by Commission Order No. 22311, Attachment A, Item 14. No Washington Gas witness raised or discussed the subject of this data request—electrification impacts—in their Rebuttal Testimony filed on March 25, 2025 and the data request does not refer to the Company's rebuttal case nor does it contain a citation to specific testimony nor does the data request refer to a specific witness.

Washington Gas objects to this data request on the grounds that it is overbroad and unduly burdensome, as it is not limited to studies prepare for this case or for testimony.

**WASHINGTON GAS' COMPELLED RESPONSE**

**5/29/2025**

**B.** Washington Gas has not commissioned the described studies.

**SPONSOR:** James D. Steffes  
Senior VP, Regulatory, Policy and Advocacy

**SIERRA CLUB'S FOLLOW-UP REQUEST**

**6/5/2025**

**Q:** Please whether the intent of the response is that Washington Gas has not conducted or commissioned *any* studies on the impacts that WGL could reasonably expect to experience as a result of electrification of residential and commercial gas uses on gas distribution utility sales, customer counts, revenues, earnings, and other key factors relating to gas utility performance. If this is not the intent of the response, please specifically explain why and clarify the response.

**PUBLIC SERVICE COMMISSION  
OF THE DISTRICT OF COLUMBIA**

**FORMAL CASE NO. 1180**

**SIERRA CLUB'S FOLLOW-UP QUESTIONS TO WASHINGTON GAS'  
COMPELLED RESPONSE SIERRA CLUB DATA REQUEST NO. 2**

**SIERRA CLUB DATA REQUEST NO. 2**

**QUESTION NO. 2-16**

- Q: Please provide the Company's budget for lobbying activities, regulatory advocacy, public opinion research, public relations relating to regulatory issues—whether directly or through trade associations, community organizations or other groups.
- a. Provide the answer to the above for the test year.
  - b. Provide the answer to the above for the current budget year.
  - c. Provide the answer to the above for planned future spending.

**WASHINGTON GAS' OBJECTION**

**4/8/2025**

Washington Gas objects to this data request on the grounds that information sought is not relative to Rebuttal Testimony, as required by Commission Order No. 22311, Attachment A, Item 14. No Washington Gas witness raised or discussed the subject of this data request—lobbying activities and costs—in their Rebuttal Testimony filed on March 25, 2025 and the data request does not refer to the Company's rebuttal case nor does it contain a citation to specific testimony nor does the data request refer to a specific witness.

- a. Provide the answer to the above for the test year.

Washington Gas objects to this data request on the grounds that information sought is not relative to Rebuttal Testimony, as required by Commission Order No. 22311, Attachment A, Item 14. No Washington Gas witness raised or discussed the subject of this data request—lobbying activities and costs—in their Rebuttal Testimony filed on March 25, 2025 and the data request does not refer to the Company's rebuttal case nor does it contain a citation to specific testimony nor does the data request refer to a specific witness.

- b. Provide the answer to the above for the current budget year.

Washington Gas objects to this data request on the grounds that information sought is not relative to Rebuttal Testimony, as required by Commission Order No. 22311, Attachment A, Item 14. No Washington Gas witness raised or discussed the subject of SC Data Request No. 2-16 in their Rebuttal Testimony filed on March 25, 2025 and the data request does not refer to the Company's rebuttal case nor does it contain a citation to specific testimony nor does the data request refer to a specific witness.

- c. Provide the answer to the above for planned future spending.

Washington Gas objects to this data request on the grounds that information sought is not relative to Rebuttal Testimony, as required by Commission Order No. 22311, Attachment A, Item 14. No Washington Gas witness raised or discussed the subject of SC Data Request No. 2-16 in their Rebuttal Testimony filed on March 25, 2025 and the data request does not refer to the Company's rebuttal case nor does it contain a citation to specific testimony nor does the data request refer to a specific witness.

## **WASHINGTON GAS' COMPELLED RESPONSE**

**5/29/2025**

- A. Lobbying costs are recorded in FERC USOA Account 426.4 (Expenditures for certain civic, political and related activities), and this account is not included in Utility Net Operating Income. Specifically, FERC's Uniform System of Account defines Account 426.4 as follows.

426.4      Expenditures for certain civic, political and related activities. This account shall include expenditures for the purpose of influencing public opinion with respect to the election or appointment of public officials, referenda, legislation, or ordinances (either with respect to the possible adoption of new referenda, legislation or ordinances or repeal or modification of existing referenda, legislation or ordinances) or approval, modification, or revocation of franchises; or for the purpose of influencing the decisions of public officials, but shall not include such expenditures which are directly related to appearances before regulatory or other governmental bodies in connection with the reporting utility's existing or proposed operations.

Typically, accounts not included in Utility Net Operating Income are said to be below-the-line and are not included in the cost of service. Accordingly, and consistent with the Company's accounting treatment in prior rate cases, these costs are not included in the test year in this case nor are they included in the revenue requirement, and are not therefore reflected in amounts proposed to be recovered from ratepayers in the revenue requirement proposed in this case.

- a. The amounts reflected in Account 426.4 were excluded from the revenue requirement established using the twelve-months-ended March 2024.
- b. The amounts reflected in Account 426.4 are not budgeted such that there is a separate DC budget, because the costs are not included in rates and not subject to jurisdictional rate treatment.
- c. The amounts that will be reflected in Account 426.4 are not budgeted such that there is a separate DC budget, because the costs are not included in rates and not subject to jurisdictional rate treatment.



SPONSOR: James D. Steffes  
Senior VP, Regulatory, Policy and Advocacy

**SIERRA CLUB'S FOLLOW-UP REQUEST**

**6/5/2025**

**Q:** Please respond in full to the request in Sierra Club Data Request No. 2-16 and provide budgets for all lobbying activities, regulatory advocacy, public opinion research, public relations relating to regulatory issues—whether directly or through trade associations, community organizations or other group, and not just for spending recorded in FERC USOA Account 426.4.<sup>4</sup>

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<sup>4</sup> In responding to this question, please accord WGL's response to the guidance provided the Commission in Order No. 22354, paragraph 3, where the Commission noted "[t]he Commission considers DR responses that only cite previous responses or filed testimony to be unresponsive and burdensome on the Commission and the party receiving the response." *Formal Case No. 1179, In the Matter of the Investigation Into Washington Gas Light Company's Strategically Targeted Pipe Replacement Plan*, Order No. 22354, ¶ 3 (rel. Jan. 14, 2025) (emphasis added).

**PUBLIC SERVICE COMMISSION  
OF THE DISTRICT OF COLUMBIA**

**FORMAL CASE NO. 1180**

**SIERRA CLUB'S FOLLOW-UP QUESTIONS TO WASHINGTON GAS'  
COMPELLED RESPONSE SIERRA CLUB DATA REQUEST NO. 2**

**SIERRA CLUB DATA REQUEST NO. 2**

**QUESTION NO. 2-17**

**Q:** Please disclose the names and titles of the Company's employees responsible for lobbying and government affairs on behalf of the Company, including salaries and expenses reflected in (1) the test year; (2) current operating budget; and (3) projected or planned expenditure.

**WASHINGTON GAS' OBJECTION**

**4/8/2025**

Washington Gas objects to this data request on the grounds that information sought is not relative to Rebuttal Testimony, as required by Commission Order No. 22311, Attachment A, Item 14. No Washington Gas witness raised or discussed the subject of this data request—lobbying and government affairs personnel—in their Rebuttal Testimony filed on March 25, 2025 and the data request does not refer to the Company's rebuttal case nor does it contain a citation to specific testimony nor does the data request refer to a specific witness.

**WASHINGTON GAS' COMPELLED RESPONSE**

**5/29/2025**

A. The Company had two registered lobbyists operating in the District during the test year whose lobbying activities were included in Account 426.4. The costs of Account 426.4 are not included in this case, and are not budgeted in future years to reflect jurisdiction specific activities and operations.

SPONSOR: James D. Steffes  
Senior VP, Regulatory, Policy and Advocacy

**SIERRA CLUB'S FOLLOW-UP REQUEST**

**6/5/2025**

**Q:** Please respond full to the request in Sierra Club Data Request No. 2-17 and provide the names and titles of the Company's employees responsible for lobbying and government affairs on behalf of the Company, including salaries and expenses reflected in (1) the test year; (2) current operating budget; and (3) projected or planned expenditure, and not just for spending recorded in FERC USOA Account 426.4.<sup>5</sup>

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<sup>5</sup> In responding to this question, please accord WGL's response to the guidance provided the Commission in Order No. 22354, paragraph 3, where the Commission noted "[t]he Commission considers DR responses that only cite previous responses or filed testimony to be unresponsive and burdensome on the Commission and the party receiving the response." *Formal Case No. 1179, In the Matter of the Investigation Into Washington Gas Light Company's Strategically Targeted Pipe Replacement Plan*, Order No. 22354, ¶ 3 (rel. Jan. 14, 2025) (emphasis added).

**Dated:** June 5, 2025



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*Counsel for Sierra Club*

## **CERTIFICATE OF SERVICE**

I hereby certify that on this 5<sup>th</sup> day of June 2025, I caused copies of the foregoing to be electronically delivered to the following:

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D.C. Public Service Commission  
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*/s/ Timothy R. Oberleiton*  
Timothy R. Oberleiton  
Senior Attorney  
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# **Attachment B**



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June 10, 2025

**VIA ELECTRONIC FILING**

Brinda Westbrook-Sedgwick  
Commission Secretary  
Public Service Commission  
of the District of Columbia  
1325 "G" Street, N.W., 8th Floor  
Washington, D.C. 20005

**Re: FC 1180 - Washington Gas [Notices of Objection]**

Dear Ms. Westbrook-Sedgwick:

Washington Gas Light Company ("Washington Gas") hereby transmits its Notices of Objection to Sierra Club's Data Request No. 2, Follow Up Data Request dated June 5, 2025, in the above-referenced proceeding. Washington Gas initially conferred with Sierra Club on June 10, 2025 regarding the attached objections.

Kindly direct any questions about this matter to the undersigned.

Sincerely,

John C. Dodge  
Associate General Counsel and  
Director, Regulatory Matters

Per Certificate of Service

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

WASHINGTON GAS LIGHT COMPANY

FORMAL CASE NO. 1180

WASHINGTON GAS'S RESPONSE

AND/OR NOTICE OF OBJECTION/UNAVAILABILITY TO

SIERRA CLUB

FOLLOW-UP DATA REQUEST

FOLLOW-UP QUESTION NO. 2-1

2-1

**SIERRA CLUB'S FOLLOW-UP REQUEST 6/5/2025**

**Q: Pursuant to Commission Order No. 22432, provide WGL's total funding of the litigation in the matter it filed in the United States District Court for the District of Columbia in *Washington Gas Light, et al. v. D.C., et al.*, 24-cv-02942, to date, not just what is included in the allocated cost in the historic test year. Please also name other parties that are funding the litigation.**

Washington Gas Objects to the follow-up data request as follows:

Washington Gas objects to this data request on the grounds that the information sought is not relevant and not likely to produce evidence relevant to the issues in this proceeding.

Washington Gas further objects to this data request on the grounds that it is improper, mischaracterizes the Commission's Order No. 22432, and is outside the scope of that Order. The Commission did not order, as suggested by Sierra Club in its follow-up, that the Company provide the total funding for the litigation in the *Washington Gas Light, et al. v. D.C., et al.*, 24-cv-02942. Order No. 22423 provides "[the Commission is] not disallowing the expenses at this juncture but rather directing the Company to identify the expenses and putting the Company on notice that it has the burden of showing that it is in the public interest to include these expenses in the rate base."<sup>1</sup> The Commission's order does not direct the provision of information related

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<sup>1</sup> Formal Case No. 1180, *In the Matter of the Application of Washington Gas Light Company for Authority to Increase Existing Rates and Charges for Gas*, Order No. 22423, ¶12, entered May 21, 2025 ("Order No. 22423").

to litigation expenses that are not in rates. There is no basis to seek information regarding litigation expenses that are not included in the rates, as they are irrelevant to this proceeding.

As to the request for information on parties funding litigation, Washington Gas objects on the basis that is speculative, irrelevant, outside the scope of this proceeding, improper, and further objects to the extent it seeks information or materials protected as privileged attorney work product. Other jurisdictions have found that litigation funding agreements not relevant, and/or protected as privileged work product, and therefore in either event, are not discoverable.<sup>2</sup> This is instructive for the instant case. Whether other parties are funding the litigation is irrelevant to the rates at issue. Indeed, this speculative request is exactly the kind of fishing expedition the Commission has indicated it will not endorse.<sup>3</sup> The Company objects to the request in its entirety.

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<sup>2</sup> See *Trustees of Purdue Univ. v. STMicroelectronics, Inc.*, 2023 WL 11917023, at \*3 (W.D. Tex. Jan. 18, 2023) (in patent infringement action, magistrate held that communications with entity offering significant legal services that went beyond merely litigation funding were not responsive nor proportional to the needs of the case and stating, “Courts, in this district and elsewhere, have routinely held that information about litigation funding is largely irrelevant and thus beyond the scope of discovery absent a compelling showing of a legitimate concern (such as standing or conflicts of interest).”); *Coronado v. Veolia N. Am. Inc. & Subsidiaries*, 2021 WL 1374261, at \*1 (N.Y. Sup. Ct. N.Y. Cty. Oct. 5, 2021) (trial court denied discovery of litigation funding in personal injury case, holding that “litigation funding is generally not discoverable” and “disclosure of this information is not likely to result in relevant evidence or lead to information bearing on plaintiff’s claim for damages.”); *Ashghari-Kamrani v. United Servs. Automobile Ass’n*, 2016 WL 11642670, at \*4 (E.D.V.A. May 31, 2016) (magistrate judge denied motion to compel response to interrogatory seeking litigation funding information in a patent infringement case, stating: “Litigation funding is merely a relevancy issue: Information about a party’s litigation funding is only relevant (and ultimately discoverable) if the requesting party has an actual basis for the relevancy of the information other than mere speculation or fishing.”); *United States v. Homeward Residential, Inc.*, No. 4:12-CV-461, 2016 WL 1031154, at \*6 (E.D. Tex. Mar. 15, 2016) (“The Court finds that the litigation funding information is protected by the work product doctrine.”).

<sup>3</sup> Formal Case No. 1119, *In the Matter of the Joint Application of Exelon Corporation, Pepco Holdings, Inc., Potomac Electric Poer Company, Exelon Energy Delivery Company, LLC, and New Special Purpose Entity, LLC for Authorization and Approval of Proposed Merger Transaction*, Order No. 17619, ¶ 23 (“Order No. 17619”), rel. Sept. 4, 2014 (citing authorities) (“[A]lthough Courts should read ‘relevance’ broadly, they should not endorse ‘fishing expeditions,’ discovery abuse and inordinate expense involved in overbroad and far-ranging discovery requests.”)



## FOLLOW-UP QUESTION NO. 2-2

2-2

### SIERRA CLUB'S FOLLOW-UP REQUEST 6/5/2025

**Q: Please provide WGL's total funding of the litigation in the matter it filed in the United States District Court for the District of Columbia in *Washington Gas Light, et al. v. Montgomery County, et al.*, 24-cv-03024, to date, not just what is included in the allocated cost in the historic test year. Please also provide a full, separate response to this question. Please also name other parties that are funding the litigation.**

Washington Gas Objects to the follow-up data request as follows:

Washington Gas objects to this data request on the grounds that the information sought is not relevant and not likely to produce evidence relevant to the issues in this proceeding.

Washington Gas further objects to this data request on the grounds that it is improper, mischaracterizes the Commission's Order No. 22432, and is outside the scope of that Order. The Commission did not order, as suggested by Sierra Club in its follow-up, that the Company provide the total funding for the litigation in the *Washington Gas Light, et al. v. Montgomery County, et al.*, 24-cv-03024. Order No. 22423 provides, "[the Commission is] not disallowing the expenses at this juncture but rather directing the Company to identify the expenses and putting the Company on notice that it has the burden of showing that it is in the public interest to include these expenses in the rate base."<sup>4</sup> The Commission's order does not direct the provision of information related to litigation expenses that are not in rates. There is no basis to seek information regarding litigation expenses that are not included in the rates, as they are irrelevant to this proceeding.

As to the request for information on parties funding litigation, Washington Gas objects on the basis that is speculative, irrelevant, outside the scope of this proceeding, improper, and further objects to the extent it seeks information or materials protected as privileged attorney work product. Other jurisdictions have found that litigation funding agreements not relevant, and/or protected as privileged work product, and therefore, in either event, are not discoverable.<sup>5</sup> This is instructive for the instant case. Whether other parties are funding the litigation is irrelevant to the rates at issue. Indeed, this speculative request is exactly the kind of fishing expedition the Commission has indicated it will not endorse.<sup>6</sup> The Company objects to the request in its entirety.

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<sup>4</sup> Order No. 22423, ¶12.

<sup>5</sup> See fn 2 *supra*.

<sup>6</sup> No. 17619, ¶ 23.

## FOLLOW-UP QUESTION NO. 2-3

2-3

### SIERRA CLUB'S FOLLOW-UP REQUEST 6/5/2025

**Q: Please provide WGL's total funding of the litigation in the matter it filed in the United States**

**District Court for the District of Columbia in *District of Maryland in Washington Gas Light, et al. v. McIlwain*, 25-cv-113, to date, not just what is included in the allocated cost in the historic test year. Please also provide a full, separate response to this question. Please also name other parties that are funding the litigation.**

Washington Gas Objects to the follow-up data request as follows:

Washington Gas objects to this data request on the grounds that the information sought is not relevant and not likely to produce evidence relevant to the issues in this proceeding.

Washington Gas further objects to this data request on the grounds that it is improper, mischaracterizes the Commission's Order No. 22432, and is outside the scope of that Order. The Commission did not order, as suggested by Sierra Club in its follow-up, that the Company provide the total funding for the litigation in the *District of Maryland in Washington Gas Light, et al. v. McIlwain*, 25-cv-113. Order No. 22423 provides that, "[the Commission is] not disallowing the expenses at this juncture but rather directing the Company to identify the expenses and putting the Company on notice that it has the burden of showing that it is in the public interest to include these expenses in the rate base."<sup>7</sup> The Commission's order does not direct the provision of information related to litigation expenses that are not in rates. There is no basis to seek information regarding litigation expenses that are not included in the rates, as they are irrelevant to this proceeding.

As to the request for information on parties funding litigation, Washington Gas objects on the basis that is speculative, irrelevant, outside the scope of this proceeding, improper, and further objects to the extent it seeks information or materials protected as privileged attorney work product. Other jurisdictions have found that litigation funding agreements not relevant, and/or protected as privileged work product, and therefore, in either event, are not discoverable.<sup>8</sup> This is instructive for the instant case. Whether other parties are funding the litigation is irrelevant to the rates at issue. Indeed, this speculative request is exactly the kind of fishing expedition the Commission has indicated it will not endorse.<sup>9</sup> The Company objects to the request in its entirety.

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<sup>7</sup> Order No. 22423, ¶12.

<sup>8</sup> See fn 2 *supra*.

<sup>9</sup> No. 17619, ¶ 23.

## FOLLOW-UP QUESTION NO. 2-4

2-4

**Q: Please provide WGL's total funding of the litigation in the matter it filed in the United States District Court for the District of Columbia in *Washington Gas Light, et al. v. Montgomery County, et al.*, 25-cv-01019, to date, not just what is included in the allocated cost in the historic test year. Please also provide a full, separate response to this question. 3 Please also name other parties that are funding the litigation.**

Washington Gas Objects to the follow-up data request as follows:

Washington Gas objects to this data request on the grounds that the information sought is not relevant and not likely to produce evidence relevant to the issues in this proceeding.

Washington Gas further objects to this data request on the grounds that it is improper, mischaracterizes the Commission's Order No. 22432, and is outside the scope of that Order. The Commission did not order, as suggested by Sierra Club in its follow-up, that the Company provide the total funding for the litigation in the *Washington Gas Light, et al. v. Montgomery County, et al.*, 25-cv-01019. Order No. 22423 provides, "[the Commission is] not disallowing the expenses at this juncture but rather directing the Company to identify the expenses and putting the Company on notice that it has the burden of showing that it is in the public interest to include these expenses in the rate base."<sup>10</sup> The Commission's order does not direct the provision of information related to litigation expenses that are not in rates. There is no basis to seek information regarding litigation expenses that are not included in the rates, as they are irrelevant to this proceeding.

As to the request for information on parties funding litigation, Washington Gas objects on the basis that is speculative, irrelevant, outside the scope of this proceeding, improper, and further objects to the extent it seeks information or materials protected as privileged attorney work product. Other jurisdictions have found that litigation funding agreements not relevant, and/or protected as privileged work product, and therefore, in either event, are not discoverable.<sup>11</sup> This is instructive for the instant case. Whether other parties are funding the litigation is irrelevant to the rates at issue. Indeed, this speculative request is exactly the kind of fishing expedition the Commission has indicated it will not endorse.<sup>12</sup> The Company objects to the request in its entirety.

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<sup>10</sup> Order No. 22423, ¶12.

<sup>11</sup> See fn 2 *supra*.

<sup>12</sup> No. 17619, ¶ 23.

FOLLOW-UP QUESTION NO. 2-7

**2-7**

**Q. Please confirm whether the intent of the response is that Washington Gas has not reviewed any studies on the impacts of electrification on residential and commercial gas uses on gas distribution utility sales, customer counts, revenues, earnings, and other key factors relating to gas utility performance. If this is not the intent of the response, please specifically explain why and clarify the response.**

**A.** Washington Gas has not reviewed the described studies.

SPONSOR: James D. Steffes

Senior VP, Regulatory, Policy and Advocacy

FOLLOW-UP QUESTION NO. 2-8

2-8

**Q: Please whether the intent of the response is that Washington Gas has not conducted or commissioned *any* studies on the impacts that WGL could reasonably expect to experience as a result of electrification of residential and commercial gas uses on gas distribution utility sales, customer counts, revenues, earnings, and other key factors relating to gas utility performance. If this is not the intent of the response, please specifically explain why and clarify the response.**

**A:** Washington Gas has not commissioned the described studies.

SPONSOR: James D. Steffes

Senior VP, Regulatory, Policy and Advocacy

## FOLLOW-UP QUESTION NO. 2-16

2-16

### SIERRA CLUB'S FOLLOW-UP REQUEST 6/5/2025

**Q: Please respond in full to the request in Sierra Club Data Request No. 2-16 and provide budgets for all lobbying activities, regulatory advocacy, public opinion research, public relations relating to regulatory issues—whether directly or through trade associations, community organizations or other group, and not just for spending recorded in FERC USOA Account 426.4.**

Washington Gas Objects to the follow-up data request as follows:

Washington Gas objects to this data request on the grounds that the information sought is not relevant, overbroad, not within Washington Gas's custody or control, and not likely to produce evidence relevant to the issues in this proceeding.

Washington Gas further objects to this data request on the grounds that it is improper, mischaracterizes the Commission's Order No. 22432, and is outside the scope of that Order. Order No. 22423 provides , "[the Commission is] not disallowing the expenses at this juncture but rather directing the Company to identify the expenses and putting the Company on notice that it has the burden of showing that it is in the public interest to include these expenses in the rate base."<sup>13</sup> The Commission's order does not direct the provision of information related to lobbying except as it impacts rates. Lobbying expenses that are not included in the rates are irrelevant to this proceeding.

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<sup>13</sup> Order No. 22423, ¶12

## FOLLOW-UP QUESTION NO. 2-17

2-17

### SIERRA CLUB'S FOLLOW-UP REQUEST 6/5/2025

**Q: Please respond full to the request in Sierra Club Data Request No. 2-17 and provide the names and titles of the Company's employees responsible for lobbying and government affairs on behalf of the Company, including salaries and expenses reflected in (1) the test year; (2) current operating budget; and (3) projected or planned expenditure, and not just for spending recorded in FERC USOA Account 426.4**

Washington Gas Objects to the follow-up data request as follows:

Washington Gas objects to this data request on the grounds that the information sought is not relevant and not likely to produce evidence relevant to the issues in this proceeding.

Washington Gas further objects to this data request on the grounds that it is improper, mischaracterizes the Commission's Order No. 22432, and is outside the scope of that Order. Order No. 22423 provides, "[the Commission is] not disallowing the expenses at this juncture but rather directing the Company to identify the expenses and putting the Company on notice that it has the burden of showing that it is in the public interest to include these expenses in the rate base."<sup>14</sup> The Commission's order does not direct the provision of information related to lobbying except as it impacts rates. Lobbying expenses, including salaries, that are not included in the rates are irrelevant to this proceeding.

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<sup>14</sup> Order No. 22423, ¶12.

## **CERTIFICATE OF SERVICE**

I, the undersigned counsel, hereby certify that on this 10th day of June 2025, I caused copies of the foregoing document to be hand-delivered, mailed, postage-prepaid, or electronically delivered to the following:

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A handwritten signature in blue ink, appearing to read "JDodge", is positioned above a horizontal line.

---

JOHN C. DODGE

## **CERTIFICATE OF SERVICE**

I hereby certify that on this 17<sup>th</sup> day of June 2025, I caused copies of the foregoing to be electronically delivered to the following:

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