

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

ORDER

August 5, 2025

**FORMAL CASE NO. 1180, IN THE MATTER OF THE APPLICATION OF
WASHINGTON GAS LIGHT COMPANY FOR THE AUTHORITY TO INCREASE
EXISTING RATES AND CHARGES FOR GAS SERVICE, Order No. 22696**

I. INTRODUCTION

1. By this Order, the Public Service Commission of the District of Columbia (“Commission”) provides additional details regarding the August 14, 2025, evidentiary hearing in this proceeding. The Commission accepts the order of witnesses as outlined in the Joint Cross-Examination Matrix filed by Washington Gas Light Company (“WGL”) on behalf of the Parties.¹ The Commission also excuses all witnesses not included in the Joint Cross-Examination Matrix from the evidentiary hearing. The Commission does not excuse WGL Witness Morrow and the Office of the People's Counsel for the District of Columbia (“OPC”) Witness Fitzhenry, since the Commission may have questions for these witnesses. The Commission also grants permission for Witnesses Aaron Gibson, Ronald E. White, Patrick Baryenbruch, Bion C. Ostrander, Colin T. Fitzhenry, and Brian C. Andrews to testify virtually. The Commission admits into the evidentiary record all pre-filed and conformed testimony already filed by OPC, Apartment and Office Building Association of Metropolitan Washington (“AOBA”), the District of Columbia Government (“DCG”), and the Sierra Club, subject to the reservation of substantive rights. The conformed testimony of WGL shall be admitted into the evidentiary record when filed on August 8, 2025, subject to the reservation of substantive rights. Parties should file their cross-examination exhibits by 5:30 p.m. on August 13, 2025. Parties shall inform the other Parties and the Commission if any cross-examination involves confidential information by 5:30 p.m. on August 13, 2025.

II. BACKGROUND

2. On August 5, 2024, WGL filed an Application requesting authority to increase existing rates and charges for gas service in the District of Columbia.² The requested rates are designed to collect approximately \$257.2 million in total revenue, representing a \$45.6 million increase in weather-normalized annual revenue. This includes the transfer of \$11.7 million in costs associated with natural gas system upgrades previously approved by the Commission

¹ *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 (“Formal Case No. 1180”)*, Washington Gas Light Company’s Stipulations, Joint Cross Examination Matrix, Admissions, and List of Authenticated Documents (“WGL Response to Order No. 22446”), filed July 29, 2025.

² *Formal Case No. 1180, Application to Increase Existing Rates (“Application”)*, filed August 5, 2024.

(PROJECTpipes). The net increase in new revenues is \$33.9 million, reflecting an approximate 11.9% increase over current rates.

3. In Order No. 22446, the Commission determined that an evidentiary hearing should be convened to resolve material issues of fact in dispute for nine issues.³ On July 29, 2025, several Parties made filings to prepare for the evidentiary hearing, as required by Order No. 22446.⁴ AOBA filed a Response to WGL's Response to Order No. 22446 on July 31, 2025.⁵

III. DISCUSSION

4. In their filings, the parties request the Commission to provide clarity on several issues before August 14, 2025, the evidentiary hearing date. The Commission addresses each request in turn.

A. Order of Witnesses

1. Positions of the Parties

5. In its Response to Order No. 22446, WGL provides a Joint Cross-Examination Matrix, identifying the WGL and OPC witnesses that parties seek to testify at the evidentiary hearing and the order of their cross-examination. The Joint Cross-Examination Matrix also provides approximate times for cross-examination of each of the identified witnesses. For all other witnesses, WGL indicates that the parties jointly request that they be excused from attending the hearing. Additionally, WGL asserts that WGL and OPC have agreed to waive cross-examination of WGL Witness Murrow and OPC Witness Fitzhenry and the issue of material fact in dispute in paragraph 38 of Order No. 22446. WGL and OPC ask the Commission to excuse these witnesses, although WGL understands that the Commission may have questions for WGL Witness Morrow. WGL also requests that permission be granted for the following three WGL witnesses to testify virtually: Aaron Gibson; Ronald E. White; and Patrick Baryenbruch.⁶ WGL seeks to stipulate to the order of cross-examination, so that the party that submitted the material issue of fact in dispute

³ *Formal Case No. 1180*, Order No. 22446, rel. June 24, 2025 (“Order No. 22446”).

⁴ *Formal Case No. 1180*, Office of the People's Counsel for the District of Columbia's (“OPC”) List of the Parties' Stipulations, the Number of Witnesses as well as the Nature of their Testimony in a Joint Witness Cross-Examination Matrix, Admissions, and a List of Authenticated Documents (“OPC Response to Order No. 22446”), filed July 29, 2025; The Apartment and Office Building Association of Metropolitan Washington (“AOBA”) Request for Admission of Testimony, Exhibits, and Attachments Pursuant to Order Nos. 22446 and 22463 (“AOBA Response to Order No. 22446”), filed July 29, 2025; The District Government's (“DCG”) Request for Admission of Documents into the Record (“DCG Response to Order No. 22446”), filed July 29, 2025; Sierra Club's Request for Admission of Documents into the Record Prior to Hearing (“Sierra Club Response to Order No. 22446”), filed July 29, 2025.

⁵ *Formal Case No. 1180*, The Apartment And Office Building Association Of Metropolitan Washington Response To Washington Gas Light Company's Filing Pursuant To Order Nos. 22446 And 22463 (“AOBA Response to WGL”), filed July 31, 2025.

⁶ WGL Response to Order No. 22446 at 2-3. The Commission notes that this filing is unpaginated.

begins cross-examination, and when finished, other parties may cross-examine the witness in alphabetical order.⁷

6. OPC includes its own Cross-Examination Matrix, including times for redirect examination of its witnesses. OPC also requests that the Commission grant permission to cross-examine witnesses based on responses to other Parties or the Commission at the evidentiary hearing, or a response from one witness indicating that another witness has information responsive to the question, even if the Party did not request to cross-examine the witness in the Cross-Examination Matrix.⁸ OPC also requests that permission be granted for the following three OPC witnesses to testify virtually: Bion C. Ostrander; Brian C. Andrews; and Colin T. Fitzhenry (if required).⁹

7. AOBA requests that its witnesses be excused from the hearing, as they have not been identified as being needed for cross-examination in the Joint Cross-Examination Matrix.¹⁰

2. Decision

8. The Commission accepts the order of witnesses as outlined in the Joint Cross-Examination Matrix. The Commission also excuses all other witnesses from the evidentiary hearing. The Commission does not excuse WGL Witness Morrow and OPC Witness Fitzhenry since the Commission may have questions for those witnesses. The Commission also grants permission for Witnesses Aaron Gibson, Ronald E. White, Patrick Baryenbruch, Bion C. Ostrander; Colin T. Fitzhenry, and Brian C. Andrews to testify virtually. During cross-examination, the Party that submitted the material issue of fact in dispute will be the first to cross-examine the witness, with other Parties following in alphabetical order. While the Commission expects the Parties to abide by or shorten the cross-examination time periods that are included in the Joint Cross-Examination Matrix, the Commission may permit Parties to cross-examine a witness if another witness points to that witness as having responsive information. The Commission will also permit redirect examination on issues raised in cross-examination.

B. Waiver of Opening and Closing Statements

9. The parties have agreed to the waiver of opening and closing statements.¹¹ Thus, the Commission waives opening and closing statements at the hearing.

C. Admission of Conformed Testimony

⁷ WGL Response to Order No. 22446 at 4.

⁸ OPC Response to Order No. 22446 at 2.

⁹ OPC Response to Order No. 2244, Attachment B.

¹⁰ AOBA Response to Order No. 22446 at 3.

¹¹ WGL Response to Order No. 22446 at 3; OPC Response to Order No. 22446 at 1; AOBA Response to Order No. 22446 at 4.

1. Positions of the Parties

10. WGL is willing to stipulate to the authenticity and verification of all pre-filed and fully conformed testimony and exhibits, if the fully conformed testimony is filed by August 5, 2025.¹² WGL is also willing to stipulate to the admission of all fully conformed testimony and exhibits not subject to cross-examination, subject to the reservation of rights to argue relevance and weight of the testimony and exhibits on brief. WGL indicates that it is willing to stipulate to the cross-examination and redirect being limited to the material issues of fact in dispute identified in Order No. 22446.¹³

11. OPC is willing to stipulate to the admission of all pre-filed testimony and exhibits, provided that the parties are permitted to reserve all substantive arguments regarding these admitted documents.¹⁴

12. AOBA is unwilling to stipulate to the admission of WGL's fully conformed testimony, exhibits, data requests, and data request responses without the ability to cross-examine all of WGL's witnesses. AOBA is willing to stipulate to the admission of the OPC, DCG, and Sierra Club's pre-filed testimony and exhibits, since AOBA has no cross-examination for these witnesses.¹⁵

13. Sierra Club seeks the admission of its pre-filed testimony and exhibits.¹⁶

14. AOBA requests that the fully conformed direct and surrebuttal testimony of its witnesses, filed July 22, 2025, be entered into the evidentiary record of the proceeding.¹⁷

2. Decision

15. The Commission admits into the evidentiary record all pre-filed and conformed testimony already filed by OPC, AOBA, DCG, and Sierra Club, subject to the reservation of substantive rights, as requested by the parties.¹⁸ Once WGL files its conformed testimony, which it is required to do by August 8, 2025, this conformed testimony will be admitted into the evidentiary record. The Commission acknowledges AOBA's objection to the admission of WGL's

¹² WGL Response to Order No. 22446 at 3-4.

¹³ WGL Response to Order No. 22446 at 4-6.

¹⁴ OPC Response to Order No. 22446 at 1.

¹⁵ AOBA Response to Order No. 22446 at 3-4.

¹⁶ Sierra Club Response to Order No. 22446 at 1-3.

¹⁷ AOBA Response to Order No. 22446 at 2.

¹⁸ The Commission notes that OPC, AOBA, DCG, and Sierra Club have already filed conformed testimony; WGL is the only Party that has not yet done so.

conformed testimony but determines that admission of the conformed testimony, subject to the reservation of substantive rights, permits the Parties to raise their objections to the testimony and exhibits in their briefs.

D. Cross-Examination Exhibits

1. Positions of the Parties

16. WGL is willing to stipulate to the authentication and verification of discovery responses not previously included as pre-served exhibits, provided that the discovery response be verified in writing; the entirety of the discovery response be offered for inclusion in the evidentiary record; and the discovery response be included as a cross-examination exhibit by 5:00 p.m. Eastern time on August 12, 2025.¹⁹

17. OPC requests that the Commission assume the authenticity of any document filed in other Commission proceedings and referenced in pre-filed testimony without having to move these documents into the evidentiary record in this proceeding while preserving the Parties' substantive arguments regarding these documents.²⁰ OPC requests that the Commission permit Parties to cite to statutes, regulations, and case law available electronically without having to produce a copy of these documents in the evidentiary hearing and in briefs. OPC asks that pre-filed testimony and exhibits be marked for admission with the same labels as when they were pre-filed.²¹ OPC requests that the Commission waive the requirement that any discovery response filed as of July 29, 2025, be authenticated and permit cross-examination about that document with the responding witness without having to lay a foundation for the document.²²

18. DCG requests the admission of its direct testimony and a list of WGL data request responses attached to its filing into the evidentiary record.²³ OPC also requests admission into the record of its list of data request responses and documents attached to its Response to Order No. 22446, while permitting the Parties the right to make substantive arguments regarding these admitted data request responses and documents.²⁴ The Sierra Club seeks the admission of its pre-filed testimony and exhibits, as well as a list of WGL data request responses listed in its Response to Order No. 22446. The Sierra Club reserves the right to supplement its list with outstanding data request responses.²⁵

¹⁹ WGL Response to Order No. 22446 at 4.

²⁰ OPC Response to Order No. 22446 at 1-2.

²¹ OPC Response to Order No. 22446 at 2.

²² OPC Response to Order No. 22446 at 3.

²³ DCG Response to Order No. 22446 at 2-5.

²⁴ OPC Response to Order No. 22446 at 1.

²⁵ Sierra Club Response to Order No. 22446 at 1-3.

19. AOBA objects to WGL's request that cross-examination exhibit lists be pre-filed by 5:00 p.m. on August 12, arguing that this request conflicts with 15 DCMR § 133.8, which requires the submission of such lists by 9:30 a.m. on the morning of the hearing.²⁶ AOBA acknowledges that since the hearing begins at 9:00 a.m., some deviation from 15 DCMR § 133.8 is necessary, but it objects to providing the list two days before the hearing. AOBA argues that WGL should have filed a motion to waive the rule and provide an explanation for its request.²⁷

20. AOBA also argues that WGL's request to require admission of the full data request response instead of a partial data request response is contrary to Commission precedent. AOBA contends that the Commission determined in Order No. 20676 that "... a party should not be compelled to enter the entire data request response unless it is clear that the submission of selected portions will distort the true meaning of the answer."²⁸

2. Decision

21. The Commission admits OPC, AOBA, DCG, and Sierra Club pre-filed lists of cross-examination exhibits into the evidentiary record, subject to objection at the evidentiary hearing. Thus, there will be no need to authenticate and lay a foundation for these exhibits at the hearing.

22. Parties should file their cross-examination exhibits by 5:30 p.m. on August 13, 2025. Due to the start of the evidentiary hearing at 9:00 a.m. on August 14, 2025, there will be very limited time to review any additional cross-examination exhibits if the Commission follows 15 DCMR § 133.8, so the Commission waives the timing included in 15 DCMR § 133.8.²⁹ Filing cross-examination exhibits will permit the Parties to determine whether these exhibits include the entirety of data request responses. If Parties seek to supplement a cross-examination exhibit that includes a partial data request response, they can do so at the evidentiary hearing. Because the Commission is affording Parties the opportunity to supplement cross-examination exhibits with the entirety of a data request response, the Commission declines to deviate from its precedent allowing Parties to seek to introduce a partial data request response.

E. WGL Requests

1. Positions of the Parties

23. WGL seeks an order from the Commission by August 7, 2025, including the following decisions: a directive for any party that has not filed fully conforming testimony to do so by August 8, 2025; a decision on whether witnesses may testify virtually; a decision on whether

²⁶ AOBA Response to WGL Response at 2.

²⁷ AOBA Response to WGL Response at 2-3.

²⁸ AOBA Response to WGL Response at 2-3, citing *Formal Case No. 1156*, Order No. 20676, ¶ 8, rel. December 16, 2020 ("Order No. 20676").

²⁹ The Commission may waive its rules if it informs the parties if it is doing so. 15 DCMR § 146.1 (2020).

witnesses not subject to cross-examination can be excused; a decision on the request to waive opening and closing statements; a directive for the cross-examination exhibits to be provided by 5:00 p.m. on August 12, 2025; a directive that any discussion of confidential or proprietary information be identified by 5:00 p.m. on August 13, 2025; a directive that cross-examination not be duplicative; a decision that the Commission would permit a brief five minute break after cross-examination of a witness that takes more than 30 minutes.³⁰

24. AOBA objects to WGL's request that the Commission permit a five minute break after 30 minutes of cross-examination. While the Commission has allowed breaks in the past where cross-examination of one witness takes a substantial period of time, AOBA argues that taking a break every 30 minutes is excessive. In AOBA's view, such a mandatory break could elongate the process and interrupt the flow of cross-examination.³¹

2. Decision

25. Regarding WGL's requests that have not been previously addressed, the Commission determines that Parties should inform each other and the Commission if any cross-examination involves confidential information by 5:30 p.m. on August 13, 2025. The Commission will not agree to a mandatory break after 30 minutes of cross-examination but will determine breaks as needed. Additionally, the Commission expects that Parties will ensure that cross-examination is not duplicative and will intervene if cross-examination becomes duplicative.

THEREFORE, IT IS ORDERED THAT:

26. The Commission accepts the order of witnesses as outlined in the Joint Cross-Examination Matrix;

27. The Commission excuses all witnesses that are not included in the Joint Cross-Examination Matrix from the evidentiary hearing;

28. Washington Gas Light Company Witness Fredrick J. Morrow and OPC Witness Colin T. Fitzhenry are **NOT EXCUSED** from the evidentiary hearing;

29. The Commission grants permission for Witnesses Aaron Gibson, Ronald E. White, Patrick Baryenbruch, Bion C. Ostrander, Colin T. Fitzhenry, and Brian C. Andrews to testify virtually;

30. The Commission admits into the evidentiary record all pre-filed and conformed testimony already filed by the Office of the People's Counsel for the District of Columbia, the Apartment and Office Building Association of Metropolitan Washington, the District of Columbia Government, and the Sierra Club, subject to the reservation of substantive rights;

³⁰ WGL Response to Order No. 22446 at 6-7.

³¹ AOBA Response to WGL Response at 3-4.

31. The conformed testimony of Washington Gas Light Company shall be filed on August 8, 2025, and shall be admitted into the evidentiary record when filed, subject to the reservation of substantive rights;

32. Parties should file their cross-examination exhibits by 5:30 p.m. on August 13, 2025; and

33. If cross-examination involves confidential information, Parties shall inform the other Parties and the Commission if any cross-examination involves confidential information by 5:30 p.m. on August 13, 2025.

A TRUE COPY:

BY DIRECTION OF THE COMMISSION:



CHIEF CLERK:

**BRINDA WESTBROOK-SEDGWICK
COMMISSION SECRETARY**

COMMISSION ACTION

FORMAL CASE NO. 1180, IN THE MATTER OF THE APPLICATION OF WASHINGTON GAS LIGHT COMPANY FOR THE AUTHORITY TO INCREASE EXISTING RATES AND CHARGES FOR GAS SERVICE

Date 8/5/25 Formal Case No. 1180 Tariff No. _____ Order No. 22696

	Approve Initial & Date	Disapprove Initial & Date	Abstain Initial & Date
Chairman Emile Thompson	<u>ET/JP 8/5/25</u>	_____	_____
Commissioner Richard A. Beverly	<u>RB/JP 8/5/25</u>	_____	_____
Commissioner Ted Trabue	<u>TT/JP 8/5/25</u>	_____	_____

Certification of Action

Jamond D. Perry
General/Deputy General Counsel

Lara Walt
OGC Counsel/Staff