



**DISTRICT OF
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SUSTAINABLE
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ELECTRONIC FILING

January 29, 2026

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

Re: Formal Case No. 1167 - In the Matter of the Implementation of Electric and Natural Gas Climate Change Proposals (Order No. 22313)

Dear Ms. Westbrook-Sedgwick:

Enclosed please find the District of Columbia Sustainable Energy Utility's (DCSEU) Reply Comments on the District of Columbia Public Service Commission's October 10, 2024, Order No. 22313 directing Pepco & WGL to file revised Climate Solutions/Business Plans,

Please feel free to contact me if you have any questions regarding this matter.

Sincerely,

Benjamin Burdick
Managing Director
DC Sustainable Energy Utility
1 M Street, SE Third Floor
Washington, DC 20003

Enclosure:

Cc: All Parties of Record

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

IN THE MATTER OF:

**The Implementation of Electric
and Natural Gas Climate Change
Proposals**

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Formal Case No. 1167

**COMMENTS OF THE DISTRICT OF COLUMBIA SUSTAINABLE ENERGY UTILITY
ON PEPCO'S LATEST CLIMATE SOLUTIONS PLAN FILINGS**

I. Introduction

Pursuant to Formal Case No. 1167, the District of Columbia Sustainable Energy Utility (DCSEU) respectfully submits these high-level comments on Pepco's 15-Year Climate Solutions Plan (CSP), recently submitted in FC 1167. Our objective is to ensure that Pepco's planning and any future implementation activities occur with clear Commission direction regarding consultation requirements and the statutory obligation to avoid programs that are "substantially similar" to existing DCSEU offerings.¹

II. Context and Prior Commission Actions

The Commission opened FC 1167 to serve as the proceeding where utilities file proposals to implement plans to achieve the District's climate goals that are not required to be filed elsewhere. As Order No. 20662 explains, new climate proposals for Commission approval should be filed in FC 1167, while other filings remain in their appropriate dockets.

Separately, in FC 1160, the Commission has overseen the development of Energy Efficiency and Demand Response (EEDR) metrics and program approvals (including Pepco's EEDR portfolio approved in Order No. 21417), with explicit direction around coordination and avoiding duplication with DCSEU programs.

More recently, the Commission directed Pepco and WGL to file updated 15 Year Plans under FC 1167 and established comment cycles for those filings as part of the regulatory process.

¹ D.C. Law 22-257, *CleanEnergy DC Omnibus Amendment Act of 2018*, D.C. Official Code § 8-1774.07
[D.C. Law 22-257. CleanEnergy DC Omnibus Amendment Act of 2018.](#)

III. Procedural Confusion to Resolve

As we respond to Pepco's CSP in FC 1167, we note material ambiguity created by the interaction of recent orders. Specifically:

- **Order No. 21417 (FC 1160):** Although Order No. 21417 approved Pepco's EEDR programs, a subsequent order (Order No. 21539) rescinded Order No. 21417. Hence, Pepco is not currently administering EEDR programs in FC1160.²
- Subsequent Commission actions have directed long-term (15 year) climate planning in FC 1167, but stakeholders now face uncertainty about where detailed EEDR program proposals belong and how consultation obligations carry over when similar measures (e.g., efficient products, custom/prescriptive rebates, building electrification support) are recast within a climate plan rather than filed under FC 1160.

Put plainly: In FC 1160, consultation with the DCSEU, the DCSEU Advisory Board, and the District Department of Energy & Environment (DOEE) was explicitly required to avoid duplication and market harm. Although the statute is clear that such consultation and non-duplication is required for any "energy efficiency and demand reduction programs" that Pepco seeks to offer, in the context of FC 1167, the Commission has not clarified how Pepco must comply with these obligations when EEDR program concepts appear within its climate plan instead of a formal EEDR program application. The DCSEU has previously raised concerns on Pepco's CSP filings that a holistic approach and a consensus BCA framework are necessary; those concerns remain relevant here and reinforce the need for clarity.³

IV. Statutory Requirements Related to Energy Efficiency and Demand Reduction Programs Still Apply—Regardless of Docket

The **Clean Energy DC Omnibus Amendment Act of 2018** requires that utility-run EEDR programs not replicate or duplicate sustainable energy programs operated on behalf of the District, including those delivered by the DCSEU. This non-duplication principle and the related commitment to avoid harm to existing markets should apply irrespective of filing venue (FC 1160 or FC 1167). In practice, it is not possible for utilities to assess whether their proposed offerings would duplicate DCSEU programs without engaging in direct and ongoing coordination with the DCSEU. Such collaboration is therefore a necessary operational step to effectuate the statutory requirement. We note that pre-filing coordination has occurred previously, though it has not been sufficient to fully resolve areas of overlap (e.g. midstream offerings). Pepco acknowledges in its CSP materials⁴ that some programs are similar to DCSEU offerings and expresses intent to ensure they are additive through

² [FC 1160 Order No. 21539](#)

³ [November 23, 2021, COMMENTS OF DISTRICT OF COLUMBIA SUSTAINABLE ENERGY UTILITY ON POTOMAC ELECTRIC POWER COMPANY'S APPLICATION FOR APPROVAL OF A THREE-YEAR ENERGY EFFICIENCY AND DEMAND RESPONSE PROGRAM ON APRIL 27, 2021](#)

⁴ [Pepco DC Climate Solutions 15-Year Plan](#)

continued collaboration with the DCSEU. We appreciate the intent and ask the Commission to affirm and operationalize it through clear direction to ensure that this occurs.

V. Changed Market Conditions Since Previous Pre-Filing Coordination

Since the Commission's 2021–2022 actions on EEDR, the operating landscape for EEDR and electrification has changed materially, as described below. These changes underscore why consultation, coordination, and non-duplication with existing and planned DCSEU programs is essential in FC 1167 or any other docket where Pepco or WGL proposes EEDR programs.

- Codes and Standards and BEPS implementation have shifted energy savings baselines and compliance pathways, affecting program design, measurement, and cost effectiveness.
- The commercial real estate market has not fully rebounded post COVID and is still responding to the change in federal administration, complicating large retrofit planning and capital deployment in certain segments. (Context referenced in numerous District filings and comments in the Commission's climate proceedings.)
- Policy uncertainty at the federal level and evolving local planning efforts create additional complexity and heighten the need for clear, consistent local coordination.
- Increased distribution rates have been implemented to fund infrastructure and reliability improvements. Any new EEDR initiatives under the CSP would likely require additional rate increases, raising affordability concerns and reinforcing the need for efficient, non-duplicative program design.
- Since the utilities' earlier program design discussions with the DCSEU, several DCSEU offerings have been significantly updated, redesigned, or launched, some with a focus on electrification. For example, programs such as the Affordable Housing Electrification Program (AHEP), and the DC Electrification Rebate program (DCER) have been created or have evolved in scope and structure since that initial coordination period, meaning the utilities could not have fully assessed potential duplication with these updated offerings. Renewed coordination is therefore essential to ensure non-duplication with the current portfolio.

These shifts strengthen the case for structured coordination and non-duplication safeguards, regardless of the docket Pepco uses, to protect ratepayers and sustain market confidence, in addition to fulfilling the core requirements of the DC Clean Energy DC Omnibus Act of 2018.

VI. Request for Commission Guidance

To eliminate ambiguity and streamline effective collaboration, the DCSEU respectfully requests that the Commission issue a ruling that:

1. **Clarifies Consultation Obligations in FC 1167 or any other docket where a utility proposes EEDR programs**

Affirm that, when Pepco proposes EEDR measures or adjacent offerings within the CSP (FC 1167) or in any other docket in the future, Pepco is obligated to consult with the DCSEU, the DCSEU Advisory Board, and DOEE as required by the Clean Energy DC Omnibus Act of 2018

to avoid substantially similar offerings and market harm on the same basis as in FC 1160. This ensures consistent application of statutory non duplication principles, regardless of docket.

2. Directs a Structured Coordination Mechanism

Reestablish or designate a Technical Issues Group (or equivalent forum under FC 1167) to address:

- o Incentive alignment across EEDR/electrification programs;
- o Consistent application of EM&V and benefit cost analyses, where appropriate and possible, with Commission direction;
- o Customer/contractor process flows to minimize confusion when program responsibilities differ by building size, sector, or market. This builds on the Commission’s established practice of convening working groups and comment cycles in FC 1167.

3. Requires a Joint Implementation Memo Prior to Launch

Direct Pepco and DCSEU to submit a joint memo before Pepco proposes any program for the PSC to consider that has overlapping scope (e.g., efficient products, custom/prescriptive rebates, make ready electrification), explaining how duplication and double counting will be avoided, and how markets will be engaged coherently. This mirrors the Commission’s approach to requiring detailed implementation filings and comment cycles to ensure transparency.

Note that the application of these requirements may vary depending on the Commission’s determination regarding the future of Formal Case 1167. The DCSEU is aware that several parties, including the DOE and the Office of the People’s Counsel (OPC), have requested that the Commission move past the historic approach to utility-led “Climate Solutions Plans” and “Climate Business Plans.”⁵ The DCSEU takes no position on those requests at this time. Instead, we underscore the need for the Commission to clarify the consultation requirements that apply to EEDR programs and the importance of creating structured coordination mechanisms, regardless of the docket in which an EEDR program may be pursued.

VII. Conclusion

The DCSEU supports the Commission’s goal of ensuring that the utilities take actions consistent with advancing the District’s decarbonization objectives. We also recognize Pepco’s role in enabling electrification and grid modernization. To achieve these aims efficiently and equitably, we request clear Commission direction confirming that consultation and non-duplication requirements apply in FC 1167 just as they do in FC 1160, and that Pepco’s CSP proposals be implemented only with structured collaboration that protects ratepayers, sustains existing markets, and accelerates the adoption of measures that further the District’s climate and affordability goals.

⁵DOEE: <https://edocket.dcpsec.org/apis/api/Filing/download?attachId=213617&guidFileName=91dbb090-979a-45bf-8896-7c06a4d59e0a.pdf>; OPC: <https://edocket.dcpsec.org/apis/api/Filing/download?attachId=213533&guidFileName=77fdc158-8e57-44a8-934f-ba323bf38ce5.pdf>

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of January 2026, I caused true and correct copies of the Sustainable Energy Utility Advisory Board's comments to be sent by email to the following:

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