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March 9, 2026

***By Electronic Filing***

Brinda Westbrook-Sedgwick  
Commission Secretary  
D.C. Public Service Commission  
1325 G Street, N.W., Suite 800  
Washington, D.C. 20005

**Re: Formal Case No.1176**

In the Matter of the Application of Potomac Electric Power Company for Authority to Implement a Multiyear Rate Plan for Electric Distribution Service in the District of Columbia

Dear Westbrook Sedgwick:

Enclosed for filing please find the Motion of the Apartment and Office Building Association of Metropolitan Washington to Restore the Last Approved Electric Rates Consistent with the District of Columbia Court of Appeals Decision Vacating Order Nos. 22328 and 22358 and Refund Improperly Implemented Rate Increases in the above-referenced proceeding.

If you have any questions, please contact me at [ffrancis@aoba-metro.org](mailto:ffrancis@aoba-metro.org) or call my cell at (301) 518-9700. Thank you for your attention in this matter.

Sincerely,

A handwritten signature in blue ink that reads "Frann G. Francis". The signature is written in a cursive, flowing style.

Frann G. Francis, Esq.

cc: All parties of record



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

**IN THE MATTER OF** )  
 )  
**THE APPLICATION OF** ) **FORMAL CASE NO. 1176**  
**POTOMAC ELECTRIC POWER COMPANY FOR** )  
**AUTHORITY TO IMPLEMENT A MULTIYEAR** )  
**RATE PLAN IN THE DISTRICT OF COLUMBIA** )

**MOTION OF THE APARTMENT AND OFFICE BUILDING ASSOCIATION  
OF METROPOLITAN WASHINGTON TO  
RESTORE THE LAST APPROVED ELECTRIC RATES CONSISTENT  
WITH THE DISTRICT OF COLUMBIA COURT OF APPEALS DECISION  
VACATING ORDER NOS. 22328 AND 22358 AND  
REFUND IMPROPERLY IMPLEMENTED RATE INCREASES**

The Apartment and Office Building Association of Metropolitan Washington (“AOBA”) pursuant to Section 105.8 of the Public Service Commission’s Rules of Practice and Procedure<sup>1</sup> submits this Motion for the Public Service Commission of the District of Columbia (“the Commission” or “PSC”) to effectuate the judgment of the District of Columbia Court of Appeals issued on March 5, 2026<sup>2</sup> by: (1) vacating Order Nos. 22328 and 22358;<sup>3</sup> (2) restoring the rates last approved prior to the issuance of those orders; and (3) directing the refund to all District of Columbia ratepayers of electric distribution rate increases improperly imposed since January 1, 2024. The District of Columbia

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<sup>1</sup> 15 DCMR Section 105.8.

<sup>2</sup> *Office of the People’s Counsel, et al, v. D.C. Public Service Comm’n*, Nos. 25-AA-0250 & 25 AA-0310 (March 5, 2026). (“Order to Vacate”).

<sup>3</sup> *Formal Case No. 1176, In the Matter of the Application of Potomac Electric Power Company for Authority to Implement a Multiyear Rate Plan for Electric Distribution Service in the District of Columbia (Formal Case No. 1176)*, Order No. 22328, rel., (November 26, 2024) and Order No. 22358, rel., (January 26, 2025).

Government, through the Office of the Attorney General, supports the relief requested in this Motion.

## I. BACKGROUND

On November 26, 2024 and January 28, 2025 the Commission issued Order Nos. 22328 and 22358 respectively, which approved revisions to Pepco's electric distribution rates effective January 1, 2025.<sup>4</sup> The Office of the People's Counsel ("OPC") and AOBA appealed those Orders which approved rate increases on Pepco's District of Columbia electric customers, effective January 1, 2025, and January 1, 2026, that in total, were designed to generate \$123.4 million of added annual revenue for Pepco.<sup>5</sup> AOBA and OPC appealed the Commission's initial Order approving an increase for Pepco over two years (Order No. 22328), as well as the Order denying their request for reconsideration (Order No. 22358).<sup>6</sup>

AOBA and OPC appealed the Commission Orders on the basis that the PSC followed improper procedure and did not provide necessary explanation and support for its determinations.<sup>7</sup> Importantly, AOBA and OPC argued that the Commission was required to hold an evidentiary hearing, but it did not do so. AOBA also raised objections to other aspects of the PSC Orders, asserting that the PSC's determinations regarding

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<sup>4</sup> *Formal Case No. 1176, In the Matter of the Application of Potomac Electric Power Company for Authority to Implement a Multiyear Rate Plan for Electric Distribution Service in the District of Columbia (Formal Case No. 1176)*, Order No. 22328, rel., (November 26, 2024) and Order No. 22358, rel., (January 26, 2025).

<sup>5</sup> *Formal Case No. 1176, Office of the People's Counsel for the District of Columbia's Application for Reconsideration and Request for Clarification*, filed December 26, 2024 and *the Apartment and Office Building Association of Metropolitan Washington's Application for Reconsideration of Order No. 22328* filed December 26, 2024.

<sup>6</sup> *Ibid.*

<sup>7</sup> *Ibid.*

Pepco's Effective Rate Adjustment ("ERA") and the Company's Bill Stabilization Adjustment ("BSA") "*were arbitrary and capricious.*"<sup>8</sup>

On March 5, 2026, the District of Columbia Court of Appeals issued its decision in *Office of the People's Counsel, et.al, v. D. C. Public Service Comm'n*, Nos. 25-AA-0250 and 25-AA-0310, vacating and remanding the Commission's underlying determinations in Order Nos. 22328 and 22358. The Court agreed with the basis of the AOBA and OPC appeal, and the Court found that "... *this was a contested case which required the Commission to hold a trial-type evidentiary hearing under D.C. Code Section 2-509(b), and that failure to do so renders its orders unsustainable.*" Further, the Court stated, "*We thus vacate the Commission's orders approving Pepco's 2024-2026 rate plan and remand this case for further proceedings.*"<sup>9</sup>.

As a result of the Courts decision, the legal foundation for the rates implemented pursuant to Order Nos. 22328 and 22358 has been invalidated. Such invalidation requires timely corrective action by the Commission to ensure compliance with the Court's mandate to vacate those orders and to protect every District ratepayer from paying rates that have not been legally justified and adopted. The result of Commission orders approving increased rates that have been declared improperly issued are null and void. As a result of the Court of Appeals decision the orders subject to appeal (*i.e.*, Order Nos. 22328 and 22358) have no legal force or effect. It is as if the decisions never existed.

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<sup>8</sup> Order to Vacate, page 2.

<sup>9</sup> Order to Vacate, page 2-3.

## **II. REQUEST FOR VACATUR OF ORDER NOS. 22328 AND 22358**

The Court of Appeals determination that the Commission's Order Nos. 22328 and 22358 are vacated renders those orders null and void and the rate increases approved in those orders unjust and inappropriate. As a result, the rate changes implemented on January 1, 2025, and January 1, 2026, were improperly imposed. AOBA, therefore, respectfully requests that the Commission issue an order formally vacating Order Nos. 22328 and 22358 in their entirety, as required by the District of Columbia Court of Appeals.

## **III. REQUEST TO RESTORE ELECTRIC RATES TO LEVELS IN EFFECT AS OF DECEMBER 31, 2024**

With the Court's vacatur of Order Nos. 22328 and 22358, Pepco's rates must revert to the last lawfully authorized rates for all service until another order approving changes in Pepco's District of Columbia rates for electric distribution service is issued. Specifically, the rates that were in effect as of December 31, 2024 must be restored and remain in effect until a new rate order that conforms with appropriate ratemaking procedure is rendered by the PSC. Thus, AOBA respectfully requests that the Commission direct Pepco to restore the December 31, 2024, rates no later than the start of the Company's April 2026 billing cycle, to ensure prompt compliance with the Court order and to minimize the ongoing financial harm to ratepayers resulting from the improperly established distribution service rates and charges currently in effect.

#### **IV. REQUEST FOR REFUNDS TO RATEPAYERS**

Ratepayers have been charged invalidated rates from January 1, 2025 through the date on which the restored December 31, 2024 rates are effective. Consistent with the Court's mandate and longstanding ratemaking principles requiring that unlawful rates be reversed and refunded, AOBA requests that the Commission order Pepco to: 1) calculate the difference between the rates charged from January 1, 2025 and the rates in effect as of December 31, 2024; and 2) refund with interest all dollar amounts improperly billed to ratepayers, for all billing periods beginning January 1, 2025 through the date that Pepco's December 31, 2024 rates are restored.

#### **V. CONCLUSION**

For the foregoing reasons, AOBA respectfully requests that the Commission issue an order effectuating the ruling of the Court of Appeals by providing the following relief:

1. Vacate Order Nos. 22328 and 22358 consistent with the Court of Appeals decision to vacate;
2. Direct Pepco to restore electric distribution rates to those in effect as of December 31, 2024, effective with the Company's April 2026 billing cycle; and
3. Require Pepco to refund to ratepayers all charges collected in excess of the December 31, 2024 rates for the period January 1, 2025 through the date restored rates take effect, including interest.

Dated: March 9, 2026

Respectfully submitted,



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AOBA Counsel of Record

**CERTIFICATE OF SERVICE**  
**Formal Case No. 1176**

I hereby certify on this 9<sup>th</sup> day of March 2026, that the attached Motion to Restore the Last Approved Electric Rates Consistent with the District of Columbia Court of Appeals Decision Vacating Order Nos. 22328 and 22358 and Refund Improperly Implemented Rate Increases was filed electronically on behalf of the Apartment and Office Building Association of Metropolitan Washington and copies were sent via electronic mail to the service list below:

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