

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

ORDER ON RECONSIDERATION

May 4, 2026

FORMAL CASE NO. 1179, IN THE MATTER OF THE INVESTIGATION INTO WASHINGTON GAS LIGHT COMPANY'S STRATEGICALLY TARGETED PIPE REPLACEMENT PLAN, Order No. 22855

I. INTRODUCTION

1. By this Order, the Public Service Commission of the District of Columbia (“Commission”) addresses two separate requests for reconsideration of Order No. 22798.¹ The Commission grants the Office of the People’s Counsel for the District of Columbia’s (“OPC”) Application for Reconsideration. The Commission also grants the District of Columbia Government’s (“DCG”) and the Sierra Club’s Joint Petition for Reconsideration. The Requests for Clarification will be addressed in a separate order. The Commission schedules an evidentiary hearing, if needed, for June 29, 2026, at 10:00 a.m. in the Commission’s Hearing Room.

II. BACKGROUND

2. The Commission approved the first five (5) year phase of Washington Gas Light Company’s (“WGL” or “Company”) 40-year Revised Accelerated Pipe Replacement Plan (“PIPES 1”).² The PIPES 1 plan included proposals to replace aging, leak-prone pipeline infrastructure with the highest risk and leak rates (*i.e.*, cast-iron main lines and bare, unprotected steel mains) at an estimated cost of \$110 million.³ WGL filed its PROJECTpipes 2 Plan (“PIPES 2”) on December 7, 2018, requesting approval for five years (*i.e.*, October 1, 2019, through December 31, 2024) at an estimated cost of \$305.3 million.⁴ Instead of the five-year proposal,

¹ *Formal Case No. 1179, In the Matter of the Investigation into Washington Gas Light Company’s Strategically Targeted Pipe Replacement Plan (“Formal Case No. 1179”), Order No. 22798, rel. March 4, 2026 (“Order No. 22798”).*

² *Formal Case No. 1093, In the Matter of the Investigation Into the Reasonableness of Washington Gas Light Company’s Existing Rates and Charges for Gas Service (“Formal Case No. 1093”), and Formal Case No. 1115, Application of Washington Gas Light Company for Approval of a Revised Accelerated Pipe Replacement Program (“Formal Case No. 1115”), Order No. 17431, ¶ 1, rel. March 31, 2014 (“Order No. 17431”).* The Accelerated Pipes Replacement Plan was renamed as PROJECTpipes.

³ *Formal Case No. 1093, Washington Gas Light Company’s Request for Approval of a Revised Accelerated Pipe Replacement Plan (Public Version and Confidential Version), at 2-3, and 6, filed August 15, 2013.*

⁴ *Formal Case No. 1154, Washington Gas Light Company’s Application for Approval of PROJECTpipes 2 Plan (“Formal Case No. 1154”), filed December 7, 2018 (“WGL’s PIPES 2 Plan”).*

the Commission approved a three-year Plan requiring WGL to address distribution system safety and reliability, including more restrictive performance targets for replaced pipes and the District's climate goals.⁵ WGL filed its PROJECTpipes 3 ("PIPES 3") Application on December 22, 2022.⁶ On February 23, 2024, the Commission issued Order No. 21960, granting WGL a 12-month extension on PIPES 2 until February 28, 2025.⁷ PIPES 2 was further extended until June 30, 2026, by several subsequent Orders while proceedings in this case took place.⁸ On June 12, 2024, the Commission issued Order No. 22003, dismissing PIPES 3 and opening *Formal Case No. 1179*.⁹

3. By Order No. 22003, the Commission initiated this proceeding, which, *inter alia*, adopted a procedural schedule for filing a revised application for WGL's strategically targeted accelerated pipe replacement program (hereinafter, the "District SAFE Plan").¹⁰ On July 26, 2024, by Order No. 22241, the Commission adopted a modified procedural schedule to adjudicate WGL's District SAFE Plan, extending the plan filing deadline until September 27, 2024, and directed WGL to hold biweekly meetings with interested stakeholders to discuss critical policy issues related to the plan.¹¹ On August 7, 2024, by Order No. 22257, the Commission denied WGL's Application for Reconsideration of Order No. 22003, re-emphasized that WGL's new plan should balance pipeline safety and climate safety.¹²

4. On September 27, 2024, WGL filed its direct testimony and the proposed District SAFE Plan, which targets the replacement of certain vintage pipe materials and the recovery of the costs associated with the Plan through the previously approved surcharge mechanism for WGL's accelerated pipe replacement program.¹³ On January 9, 2025, OPC, DCG, Sierra Club, and the Apartment and Office Building Association of Metropolitan Washington ("AOBA") filed a

⁵ *Formal Case No. 1154*, Order No. 20671, ¶¶ 35-36, rel. December 11, 2020 ("Order No. 20671").

⁶ *Formal Case No. 1175, In the Matter of Washington Gas Light Company's Application for Approval of PROJECTpipes 3 Plan* ("Formal Case No. 1175"), Washington Gas Light Company's Application for Approval of PROJECTpipes 3 Plan, filed December 22, 2022 ("PIPES 3 Application").

⁷ *Formal Case No. 1154*, Order No. 21960, ¶ 13, rel. February 23, 2024 ("Order No. 21960").

⁸ *Formal Case No. 1179*, Order No. 22317, ¶¶ 1, 21, rel. October 24, 2024 ("Order No. 22317"); *Formal Case No. 1179*, Order No. 22367, ¶¶ 1, 29, rel. February 19, 2025 ("Order No. 22367"); *Formal Case No. 1179*, Order No. 22746, ¶ 6, rel. November 26, 2025 ("Order No. 22746").

⁹ *Formal Case No. 1179, In the Matter of the Investigation Into Washington Gas Light Company's Strategically Targeted Pipes Replacement Plan* ("Formal Case No. 1179"), Order No. 22003, rel. June 12, 2024 ("Order No. 22003").

¹⁰ Order No. 22003.

¹¹ *Formal Case No. 1179*, Order No. 22241, ¶¶ 8-9, rel. July 26, 2024 ("Order No. 22241").

¹² *Formal Case No. 1179*, Order No. 22257, ¶¶ 5 and 11, rel. August 7, 2024 ("Order No. 22257").

¹³ *Formal Case No. 1179*, Washington Gas Light Company's Revised Application for Approval of the District Strategic Accelerated Facility Enhancement Plan, filed September 27, 2024.

joint motion to dismiss the application, citing noncompliance with Order No. 22003.¹⁴ On February 19, 2025, the Commission issued Order No. 22367, which denied the Joint Motion to Dismiss because it found that the District SAFE Plan, as filed, made a *prima facie* showing that it met the requirements set forth in Order No. 22003.¹⁵

5. After the filing of testimony and a limited evidentiary hearing, on March 4, 2026, the Commission issued Order No. 22798 approving, subject to the conditions set out in the Order, a modified version of WGL's District Strategic Accelerated Facilities Enhancement Plan ("Modified District SAFE Plan").¹⁶

6. On April 3, 2026, OPC, DCG, and Sierra Club (Collectively "Applicants") filed an Application for Reconsideration and Requests for Clarification of Order No. 22798, and a Petition for Reconsideration.¹⁷ On April 8, 2027, the Commission granted WGL's Motion for Extension of Time to reply to the Applicants' Applications for Reconsideration and Clarification.¹⁸ On April 17, 2026, WGL filed its response to the Applicants' Petitions for Reconsideration.¹⁹

III. DISCUSSION

A. Parties' Reconsideration Arguments

7. The Applicants all argue that the Commission erred and violated their due process by not holding an evidentiary hearing to give each party an opportunity to cross-examine each piece of contested testimony and documentary evidence.²⁰ According to the Applicants, D.C.

¹⁴ *Formal Case No. 1179*, the Office of the People's Counsel of the District of Columbia's, the District of Columbia Government, the Apartment and Office Building Association of Washington Metropolitan Washington, and the Sierra Club's Joint Response to Washington Gas Light's Motion for Evidentiary Hearing and Joint Motion to Dismiss the Application Due to Noncompliance with Order No. 22003/Motion for Enlargement of Time, filed January 9, 2025 ("Joint Response/Motion").

¹⁵ *Formal Case No. 1179*, Order No. 22367, rel. February 19, 2025 ("Order No. 22367").

¹⁶ Order No. 22798.

¹⁷ *Formal Case No. 1179*, The Office of the People's Counsel for the District of Columbia's Application for Reconsideration and Request for Clarification of Order No. 22798, filed April 3, 2026 ("OPC Application"); *Formal Case No. 1179*, District of Columbia Government and Sierra Club's Petition for Reconsideration and Request for Clarification of Order No. 22798, filed April 3, 2026 ("DCG/SC Application").

¹⁸ *Formal Case No. 1179*, Order No. 22813, rel. April 8, 2026.

¹⁹ *Formal Case No. 1179*, Washington Gas Light Company's Response to the Application for Reconsideration filed by Office of the People's Counsel and the Petition for Reconsideration of the District of Columbia Government and Sierra Club, filed April 17, 2026 ("WGL's Response").

²⁰ OPC Application at 9-16; DCG/SC Application at 10-16.

Code Section 2-509(b)²¹ and the recent decision by the D.C. Court of Appeals²² dictate that a dispute of a material issue of fact, including disagreements between expert witnesses, in a contested case, necessitates an evidentiary hearing with an opportunity for all parties to cross-examine said disputed facts.²³ The Applicants argue that by limiting the October 2025 evidentiary hearing to the JANA issues and concluding, without full and clear discussion or analysis, that the other issues of material fact proposed by the Parties in their filings as primarily “legal interpretations, policy determinations...labor related issues, and the District SAFE Plan’s funding issues, rather than genuine factual disputes...”, the Commission arbitrarily deprived the parties of the evidentiary hearing it was promised through the above-mentioned statutes and case law by rejecting those proposed material issues of fact.²⁴ DCG and Sierra Club specifically argued that other areas/parts, such as cost-effectiveness, project prioritization, and labor use, are as complex and significant as JANA and thus should demand the same “rigorous and transparent review process.”²⁵ In addition, the Applicants aver that the Commission’s decision to determine the feasibility of the District SAFE Plan and which opinion to credit through “reviewing the testimony, exhibits, and the arguments presented” rather than a formal hearing, despite acknowledging disagreements between the Parties’ expert testimony,²⁶ directly conflicts with the Court of Appeals’ recent holding.²⁷ OPC in particular adds that, because the Commission prevented cross-examination on the entirety of WGL’s pre-filed testimony, it also failed to create an exclusive record in which to support its decisions with substantial evidence.²⁸ OPC adds further that this determination on the “papers” led to the Commission giving WGL’s testimony unsupported deference despite its concealment of JANA’s alleged 40% margin of error.²⁹ For these reasons, the Applicants argue that Order No. 22739 should be reconsidered and vacated.³⁰

²¹ OPC Application at 9, *citing* D.C. Code § 2-509: “no order affecting said rates, rolls, charges, schedules, regulations, or act complained of shall be entered by the Commission **without a formal hearing.**” (emphasis added)

²² *Office of People's Counsel of Dist. of Columbia v. D.C. Pub. Serv. Comm'n*, 25-AA-0250, 9, 2026 WL 628329 (D.C. Mar. 5, 2026) (hereinafter, “*Office of the People’s Counsel*”).

²³ OPC Application at 9-10; DCG/SC Application at 10-11.

²⁴ OPC Application at 11; DCG/SC Application at 13, *citing* *Formal Case No. 1179*, Order No. 22716 at ¶¶ 17-19.

²⁵ DCG/SC Application at 15, *citing* Order No. 22735, ¶ 11.

²⁶ DCG/SC Application at 14, *citing* Order No. 22798, ¶ 118.

²⁷ OPC Application at 13-14, *citing* Order No. 22716 at ¶ 15; DCG/SC Application at 14.

²⁸ OPC Application at 14, 17.

²⁹ OPC Application at 13-14.

³⁰ OPC Application at 9-10; DCG/SC Application at 2, 10.

8. The Applicants both argue that the Commission erroneously relieved WGL of the burdens given to it by Order No. 22003. According to the Applicants, WGL had the “burden of persuasion” to prove that the District SAFE Plan, as proposed, complied with the directives of Order No. 22003 and was just, reasonable, and in the public interest.³¹ The Applicants argue that when the Commission allowed the District SAFE Plan proposal to move forward, allowing WGL to fill gaps in its filing through discovery, without supplying “a reasoned analysis”, and despite conceding it was noncompliant with Order No. 22003, it arbitrarily relieved WGL of its burden of persuasion, ignored questions and concerns that other parties raised, and departed from its precedent without explanation.³² OPC pointed to the specific requirement for WGL to provide updates on the internal and external crew usage, and stated that the Commission found that WGL’s request to submit the internal versus external crew use within 18 months of Order No. 22798 reasonable, without an indication of where or how it found the reasonableness therein.³³ DCG and Sierra Club state that the Commission allowed WGL’s “deficient” plan to proceed because it “encompass[ed] a sufficient number of directives from order No. 22003”, but only provided a superficial analysis of the plan’s compliance in support of that decision.³⁴ Both Applicants argue that the Commission’s decision in Order Nos. 22367 and 22798 to push forward despite the deficiencies was arbitrary and capricious.³⁵

9. Finally, both Applicants argue that the decisions and conclusions the Commission made in Order No. 22798 were not supported by substantial evidence or reasoned analysis, as required.³⁶ The Applicants aver that the Commission failed to explain the nexus between the facts and its conclusions regarding the directives on Non-Pipe Alternatives (“NPA”), JANA, Cost Controls, and Greenhouse Gas Emissions (“GHG”).³⁷ For Non-Pipe Alternatives, the Applicants assert that the Commission facially accepted WGL’s argument that NPAs are not appropriate remediation techniques as compliant without acknowledging testimony to the contrary, despite the discrepancy in the record.³⁸ DCG and Sierra Club add that the Commission’s directed requirement

³¹ OPC Application at 21, *citing Formal Case No. 1016, In the Matter of Application of Washington Gas Light Company District of Columbia Division for Authority To Increase Existing Rates & Charges for Gas Service (“Formal Case No. 1016”)*, Order No. 13063, ¶ 9, rel. Feb. 6, 2004.

³² OPC Application at 20-23; DCG/SC Application at 16-18, *citing F.C.C v. Fox Television Stations, Inc.*, 556 U.S. at 515.

³³ OPC Application at 22, *citing* Order No. 22798 at ¶¶ 122-123.

³⁴ DCG/SC Application at 16-17.

³⁵ OPC Application at 22; DCG/SC Application at 18.

³⁶ DCG/SC Application at 20-25; OPC Application at 23-27.

³⁷ OPC Application at 24-25; DCG/SC Application at 21.

³⁸ OPC Application at 25; DCG/SC Application at 24.

for WGL to explain why pipe replacement was more effective than an NPA in its Annual Project Lists lacks the basis, metrics, or jurisdictional precedent to be effective.³⁹ For greenhouse gases, the Applicants aver that the Commission lacked logic in concluding WGL's proposed SAFE Application reasonably complied with Order No. 22003's GHG tracking directives, and that it wrongly accepted WGL's assertions that District SAFE would reduce GHG emissions despite "zero accompanying data or evidence to substantiate this claim."⁴⁰

10. Both Applications list concerns regarding the Commission's explanations for its Cost Control and Cost Recovery mechanisms. OPC avers that Order No. 22798 pre-approves surcharge recovery and costs associated with pipe infrastructure that has not been shown to be used or useful without clearly explaining the "prudence review" that will take place for the proposed replacement projects, despite WGL's history of cost overruns.⁴¹ DCG and Sierra Club are dubious of how the cost controls implemented in the District SAFE Plan, as modified by the Commission, will constrain costs, and argue they are identical to those seen in PIPES 2 as ineffective.⁴²

11. While all Applicants agree that the Commission's supporting explanations of JANA were insufficient in its approval, they dispute different parts of the analysis. DCG and Sierra Club took issue with the Commission's acceptance of WGL's argument that the District SAFE Plan itself should rely on JANA for project selection, rather than having predetermined targets for replacement.⁴³ The Joint Application goes on to state that this decision departed from Order No. 22003's directive to focus "only on pipe age and material," without supplying documentation or evidence to support it or acknowledging the testimony that JANA is not an objective metric.⁴⁴ DCG and Sierra Club warn that removing predetermined replacement targets will incentivize WGL to emphasize fewer, more expensive projects to meet the spending threshold to unlock accelerated recovery.⁴⁵ OPC, on the other hand, states that Order No. 22798 approves JANA and WGL's project selection methodology based on "beliefs" and "convictions" rather than

³⁹ DCG/SC Application at 24-25.

⁴⁰ OPC Application at 22; DCG/SC Application at 21-22.

⁴¹ OPC Application at 25-26.

⁴² DCG/SC Application at 23.

⁴³ DCG/SC Application at 22.

⁴⁴ DCG/SC Application at 22-23, *citing* Order No. 22003 at ¶ 43 and DCG Post Hearing Brief at 21-28.

⁴⁵ DCG/SC Application at 23-24.

reasoned decision-making, comprehensive explanations, or rational links between the facts and conclusions.⁴⁶

12. Both Applicants argue that the Commission's restatement of party positions and conclusory statements over analysis or substantial explanations for how it reached those conclusions in order No. 22798 point to a lack of reasoned decision-making that they implore is an incurable error that warrants reconsideration.⁴⁷

B. WGL's Response to Requests for Reconsideration

13. WGL's response requests denial of both OPC's Application and DCG/Sierra Club's Petition in their entirety.⁴⁸ WGL avers that OPC, DCG, and the Sierra Club fail to establish any mistake of fact or error of law that warrants reconsideration or clarification.⁴⁹ The Company argues that neither submission meets the standard for reconsideration of a final decision. According to WGL, the Commission properly considered and determined the material issues of fact in dispute, and held an evidentiary hearing on the limited issues related to JANA.⁵⁰ In addition, WGL maintains that the evidentiary hearing the Commission held on the JANA-related issues satisfies the statutory due process requirements for a hearing and is in accordance with the recent Court of Appeals decision.

14. The Company claims that the parties raise new arguments for the first time on reconsideration that should have been raised at the hearing or in the post-hearing briefs, and that they failed to preserve them prior to the issuance of Order No. 22798.⁵¹ In addition, WGL contends that parties cannot rely on the recent District of Columbia Court of Appeals case *Office of the People's Counsel* because there are critical differences, as the Commission made clear the scope and basis of the evidentiary hearing and put the parties on notice of the evidence that would be admitted into the record, subject to objection.⁵² WGL contends that the parties are attempting to relitigate the same issues and arguments that the Commission has addressed and rejected throughout this proceeding.⁵³

⁴⁶ OPC Application at 24-25, *citing* Order No. 22798, ¶¶ 5, 6, 8, 11, 118, 125, 142-143, 150.

⁴⁷ OPC Application at 24; DCG/SC Application at 17, 20.

⁴⁸ WGL's Response.

⁴⁹ WGL's Response at 9 and 26.

⁵⁰ WGL's Response at 9.

⁵¹ WGL's Response at 1-2 and 4.

⁵² WGL's Response at 2.

⁵³ WGL's Response at 2-3.

15. Specifically, the Company contends that the Commission provided ample opportunity and notice for the parties to be heard on the issues raised in this proceeding.⁵⁴ Contrary to the Applicants' due process claims, WGL argues that: (1) the Commission repeatedly affirmed the scope of the evidentiary hearing⁵⁵; (2) the Commission put the parties on notice of the evidence it planned to admit into the record before and at the hearing⁵⁶; (3) the Commission established procedures for parties to object to the evidence (no party raised objections)⁵⁷; (4) the Commission required parties to prepare and submit a cross-examination matrix that reflected each party's voluntary determinations as to which witnesses it would cross-examine; and (5) all parties consented to and requested that any witness not designated for cross-examination be excused from the evidentiary hearing.⁵⁸ WGL argues that there are procedural and substantive differences between this matter and the *Office of the People's Counsel*, and Order No. 22798 made it clear the scope of the evidentiary hearing and was consistent with the due process requirements of D.C. Code 2-509(b).⁵⁹ As to the DCG and Sierra Club's claim of error related to the Commission limiting the issues for hearing to those related to JANA, WGL argues that the Commission set those issues for hearing because they constituted material issues of fact, and they rejected other issues because the Commission concluded that the rejected issues did not constitute material issues of fact in dispute.⁶⁰

16. In addition, WGL asserts that OPC's claim for the need to weigh expert testimony through cross-examination should be rejected because the Commission had sufficient evidence to assess the qualifications of the experts and to weigh the evidence provided by the witnesses.⁶¹ According to WGL, the Commission found that the parties' witnesses had limited expertise on specific issues that did not involve "compliance with previous orders, calculations, model validation, and data related to gas leaks, JANA, ... [or] accelerated pipe replacement costs," which OPC argued requires a hearing.⁶² WGL argues that the primary errors OPC complains of are a

⁵⁴ WGL's Response at 4 and 26.

⁵⁵ WGL's Response at 9-14.

⁵⁶ WGL's Response at 15-16.

⁵⁷ WGL's Response at 15-16.

⁵⁸ WGL's Response at 13-14, 26-27.

⁵⁹ WGL's Response at 27-28.

⁶⁰ WGL's Response at 27-28.

⁶¹ WGL's Response at 14.

⁶² WGL's Response at 14-15.

result of its own decisions, and OPC should not obtain relief for purported due process violations where it created or contributed to the purported violations.⁶³

17. The Company also argues that the parties mischaracterize the Commission's consideration of the substantial record evidence compiled in this matter and the reasoned decision-making.⁶⁴ WGL contends that the parties have misrepresented and rewritten the Commission's analysis of the issues by divorcing related paragraphs from one another and from prior determinations.⁶⁵ WGL asserts that the Commission properly weighed the substantial evidence of record, and correctly determined that WGL met its burden of proving that the District SAFE Plan should be approved, subject to specific modifications.⁶⁶ WGL challenges the Applicants' contentions that Order No. 22798 lacks substantial evidence. WGL points to misrepresentations regarding a purported 40% margin of error between JANA's leak predictions and actual record leaks. The 40% variance pertains to a single year of leak history, not a 5-year period, and to system-wide data rather than District-specific data, which was also provided through data responses.⁶⁷ According to the WGL, there is an undisputed analysis that demonstrated that JANA is a substantial improvement over Optimain in predicting leaks.⁶⁸

18. In response to DCG and Sierra Club's specific contentions regarding WGL's alleged failure to provide substantial evidence to meet its burden of proving the District SAFE Plan should be approved, WGL states that their arguments ignore or fail to recognize aspects of Order No. 22003 that directly address their arguments.⁶⁹ WGL states that the Commission should reject DCG and Sierra Club's arguments because they fail to satisfy the legal standard for reconsideration. First, WGL claims that contrary to the DCG and Sierra Club's position, the Commission explained its decision on why it rejected the positions of the other parties on compliance with Order No. 22003. Second, the Commission explained that it "credited WGL's testimony regarding the difficulties identified by the Company in providing specific GHG emissions reduction calculations utilizing criteria beyond industry and Environmental Protection Agency guidelines."⁷⁰ Third, WGL notes that the Commission explained that the Company's

⁶³ WGL's Response at 15.

⁶⁴ WGL's Response at 1-2.

⁶⁵ WGL's Response at 8.

⁶⁶ WGL's Response at 17, 30.

⁶⁷ WGL's Response at 18.

⁶⁸ WGL's Response at 18.

⁶⁹ WGL's Response at 30.

⁷⁰ WGL's Response at 30.

methodology for selecting projects is based on the JANA risk model's assessment of risk-reduction potential, rather than predetermined targets.⁷¹ Fourth, WGL argues that the District SAFE Plan provides a cost control mechanism by "use of the risk-reduced per dollar spent, which drives the Annual Project Selection process and ensures that the most risk is removed from the system within available funding."⁷² Fifth, with regard to NPAs, WGL contends that the Company presented undisputed evidence that "leak repair efforts, such as CIPL, CISBOT, joint encapsulation, and similar approaches... neither reduce system risks nor permanently remove leak-prone pipes."⁷³ However, the Order explains that WGL will be required to provide a more detailed justification to allow an independent evaluation of whether replacement was the most appropriate response to the identified risk. WGL notes that this provides a basis and a metric for evaluating the Company's explanations for why replacement is preferred over an NPA for a specific project.⁷⁴

19. Contrary to the Applicants' contentions that there is no nexus between the substantial evidence of record and the conclusions made regarding the Commission's directives on the Continuum Audit, ALD, tracking of GHG emissions, electrification coordination, and NPAs, WGL points to a series of Orders where the Company argues that the Commission explains how it reached its conclusions on each of these issues.⁷⁵ In addition, WGL argues, contrary to OPC's position, that the Order adequately explains: (1) the approval of the surcharge mechanism and recovery of eligible projects through the mechanism; (2) the requirements for the annual project list; and (3) the specified level of replacements before it can recover costs through the surcharge. WGL asserts that OPC's arguments that there is no evidence these projects will be "used and useful", and it is "unclear" what the Commission means by prudence review, are disingenuous since OPC participated in the most recent base rate case and clearly understands the process the Commission uses to evaluate PROJECTpipes investments.⁷⁶

20. WGL argues that the District SAFE Plan, as modified by the Commission, was just, reasonable, and in the public interest, and approving the plan with modifications does not constitute an error of law or fact.⁷⁷ WGL asserts that OPC's contentions that the Commission

⁷¹ WGL's Response at 30-31.

⁷² WGL's Response at 31.

⁷³ WGL's Response at 31, *citing* Order No. 22798 ¶ 85.

⁷⁴ WGL's Response at 32.

⁷⁵ WGL's Response at 18-19, *citing* Order Nos. 22798, ¶¶ 51, 58, and 124 (discussing Continuum Audit directives); 125 and 144 (discussing its findings regarding ALD technology), 53-55, 75-80 and 126 (discussing its findings regarding racking of GHG emissions), 86, 99 and 127 (discussing its findings regarding (electrification coordination), and 53, 83-92 and 128 (discussing its findings regarding NPAs).

⁷⁶ WGL's Response at 19.

⁷⁷ WGL's Response at 19-20.

could not approve the plan with conditions or modifications are incorrect because the Commission has modified and conditioned approval of WGL's pipe replacement plans in the past.⁷⁸ WGL notes that the Commission included modifications proposed by OPC and the other parties.⁷⁹

21. The Company challenges the Applicants' contentions that the Commission relieved the Company of its burden of proof in Order No. 22798 and states that none of the cited instances constitute an error of law or fact that should be reconsidered.⁸⁰ WGL argues that OPC's challenge to paragraph 114 defines no error of law or fact since that paragraph is an introductory paragraph laying out the evidence to be reviewed to determine compliance with Order No. 22003. Regarding OPC's dispute with paragraph 118, WGL notes that OPC has read the Commission findings and conclusions out of context regarding the 15 miles of cast-iron mains for potential abandonment. The Commission found identification of the mains for abandonment were compliant with Order No. 22003 and then determined to impose an additional obligation and reporting requirement as a condition of approval.⁸¹ As to OPC's dispute with paragraphs 122-128, WGL states that OPC once again divorces these findings and conclusions from the context in the Order. WGL argues that each of these paragraphs identifies the issue the Commission is reviewing, explains how the Commission will undertake its review, and describes the evidence it relied upon to make its determinations.⁸² WGL argues that DCG and Sierra Club's contentions that the Commission erred by unlawfully waiving certain requirements of Order No. 22003 are false.⁸³ WGL maintains that it presented substantial evidence of its compliance with Order No. 22003, and that the parties could have presented surrebuttal testimony on this issue but did not, except for the document DCG had lodged on the record.⁸⁴ Lastly, WGL points to a table in its Brief that describes compliance with the requirements of paragraph 51 of Order No. 22003 and notes that the Company incorporated lessons learned in the development of the District SAFE Plan.⁸⁵

B. Parties' Requests for Clarification and WGL's Responses

⁷⁸ WGL's Response at 20.

⁷⁹ WGL's Response at 20.

⁸⁰ WGL's Response at 20, 28-29. WGL points to the parties' failure to respond to its rebuttal testimony addressing the parties' claims, and to the procedures established for conducting discovery on that rebuttal testimony.

⁸¹ WGL's Response at 20-21.

⁸² WGL's Response at 20-21.

⁸³ WGL's Response at 29.

⁸⁴ WGL's response at 29.

⁸⁵ WGL's Response at 29.

22. In addition to requests for reconsideration and vacatur to schedule an evidentiary hearing, both Applicants also included the following sixteen (16) requests for clarification of Order No. 22798. Ten (10) requests were submitted by DCG, and six (6) were submitted by Sierra Club, to which WGL responded.

OPC’s Request for Clarification and WGL’s Response

- a. ¶¶ 50 and 126: Does the Commission have the authority to waive compliance with an order’s directives because of a claim that there are no established industry standards or regulatory benchmarks?⁸⁶

WGL’s Response: WGL claims that this request seeks to improperly attempt to relitigate the Commission’s determination in Order No. 22367, where the Commission previously disposed of and already denied requests for reconsideration in Order No. 22402 regarding whether the SAFE Plan was deficient in describing a methodology for tracking GHG emissions reductions.⁸⁷ The request should be denied because it is seeking another bite of the apple.

- b. ¶ 130: How is the scope of the District SAFE plan, as modified and approved by the Order, “narrowed” when WGL proposes that “the risks associated with vintage facilities cannot be truly addressed through anything other than full replacement.”?⁸⁸

WGL’s Response: WGL argues that Order No. 22798 ¶¶ 130 and 142 fully explain how the Commission narrowed the scope of the District SAFE Plan.⁸⁹ No need for clarification.

- c. ¶ 132: What is the Commission’s definition of “review” wherein it notes future iterations of the JANA risk model may incorporate additional risk factors, including

⁸⁶ OPC Application at 27.

⁸⁷ WGL’s Response at 22.

⁸⁸ OPC Application at 27.

⁸⁹ WGL’s Response at 22. The paragraphs noted deal with restructuring the PIPES replacement program and approving the use of the JANA risk model for project prioritization. Specifically, Order No. 22798 Paragraph 130 notes that “the Modified SAFE Plan consolidates system assets through a single risk-scoring methodology . . . [and] is narrowly focused on the reduction of the most immediate risk optimizing risk reduction per dollar spent . . .” and that the Company’s overall performance will be reviewed after two (2) years. Paragraph 142 discusses and approves the use of the JANA risk model, noting that it targets immediate, high-risk, leak-prone pipes and assigns them appropriate risk ratings.

risk from nearby construction, “which will be reviewed as part of the Annual Project List submission.”⁹⁰

WGL’s Response: WGL claims that the review process and the modifications to the Annual Project List submission process are amply explained in paragraphs 146-148 of Order 22798.⁹¹ The request for clarification should be rejected.

- d. ¶ 137: Will expenditures approved in the proposed Annual Project List be subject to prudence review during or after the expenditure approval process?⁹²

WGL’s Response: WGL argues that a prudence review is already conducted as part of the base rate case process, where the Commission and parties will be able to review completed projects when WGL seeks to include them in base rates.⁹³ OPC’s request for clarification is not warranted.

- e. ¶ 139: How do the cost overruns allowed in the surcharge or threshold cost recovery not violate the requirement for justness and reasonableness?⁹⁴

WGL’s Response: WGL states that there is no need for clarification because paragraph 139 states that the basis for the requirement that prohibits recovery of work that exceeds 120 % of the rolling two-year annual average program cost is an existing cost control measure that the Commission determined should be maintained.⁹⁵

⁹⁰ OPC Application at 27.

⁹¹ WGL’s Response at 22. Order No. 22798 ¶¶ 146-148 provides the parameters for the Annual Project List, including ensuring the Company strictly adheres to the approved risk prioritization and that the Annual Project List may not be modified once approved without seeking Commission permission. These paragraphs require WGL to, among other things, include a complete set of JANA model outputs used to develop the proposed annual project lists, include with each Annual Complete Projects Report data and information demonstrating JANA’s performance in predicting actual leaks, and provide the timing for submission and review of the annual project list selection.

⁹² OPC Application at 27-28.

⁹³ WGL’s Response at 23.

⁹⁴ OPC Application at 28.

⁹⁵ WGL’s Response at 23.

- f. ¶ 147: What is the purpose of including “[a]ny lessons learned and/or updates made to the JANA model from the previous project year....in the Annual Completed Projects Report.”?⁹⁶

WGL’s Response: WGL argues that OPC ignored the Commission’s explanations at paragraphs 147 and 145. Paragraph 147 noted that the “information [lessons learned data] will allow the Company to maintain transparency while meeting the burden of selecting the highest-risk leak-prone projects that require immediate replacement to ensure continued safety of the natural gas distribution system.”⁹⁷ WGL states that Paragraph 145 explained that the reporting requirements were one of several modifications to ensure the Plan was consistent with our intent to maintain a balance between addressing immediate safety concerns while minimizing the risk of stranded-assets in alignment with the District’s climate goals.⁹⁸

- g. ¶ 147: Does the Commission approve JANA for “predicting actual leaks” or identifying potential super-emitters?⁹⁹

WGL’s Response: WGL asserts that the Commission explained its approval of JANA at ¶¶ 118 (Scope and Feasibility – single overarching program), 120-121 (Explanation of Approach and Methodology), and 142-143 (JANA Risk Model and Project Selection).¹⁰⁰ Therefore, no clarification is warranted.

- h. ¶ 160: Will WGL share information from “systematic data collection” with parties, and what purpose does the Commission intend for it?¹⁰¹

WGL’s Response: WGL points to paragraph 161, requiring WGL to conduct a comprehensive program evaluation at the conclusion of the 3-year District SAFE period. However, if greater clarity is needed, the Commission could direct WGL to include this information in the Annual Project List Completion submission.¹⁰²

⁹⁶ OPC Application at 28.

⁹⁷ WGL’s Response at 23.

⁹⁸ WGL’s Response at 23-24.

⁹⁹ OPC Application at 28.

¹⁰⁰ WGL’s Response at 24.

¹⁰¹ OPC Application at 28.

¹⁰² WGL’s Response at 24.

- i. What is/are the consequence(s) of WGL's noncompliance with the reporting, etc. requirements proposed by the Commission?¹⁰³

WGL's Response: WGL states that "[t]he Commission's authority to take action to address noncompliance with its orders need not be clarified."¹⁰⁴

- j. ¶ 196: Is "necessary and reasonable" a legal standard for Commission decisions?¹⁰⁵

WGL's Response: WGL states that the Commission set forth a legal standard for accelerated pipe replacement in paragraph 109, and that paragraph 196 is a finding of fact regarding both the necessity for the APRP Adjustment Mechanism and its reasonableness, both of which were supported by substantial evidence as detailed in Section V.B of the Company's Brief.¹⁰⁶

DCG and Sierra Club's Request for Clarification and WGL's Response

- k. ¶¶ 138 and 154: If WGL proposes abandonment-only projects as NPAs in its Annual Project List, are these abandonment-only projects then eligible for accelerated cost recovery?¹⁰⁷

WGL's Response: WGL states that Order No. 22798 ¶¶ 10 and 138 are sufficiently clear that abandonment-only project costs are not eligible for recovery under the modified District SAFE Plan.¹⁰⁸

- l. ¶ 154: How does the NPA requirement impact WGL's process of bundling pipes for Business Case Analyses ("BCAs")? Does each pipe segment in a BCA need to have an NPA assessment?¹⁰⁹

WGL's Response: WGL asserts that "[t]his requirement is a part of the Company's Annual Project List submission; the Annual Project List submission utilizes project

¹⁰³ OPC Application at 28.

¹⁰⁴ WGL's Response at 24.

¹⁰⁵ OPC Application at 28.

¹⁰⁶ WGL's Response at 25.

¹⁰⁷ DCG/SC Application at 25.

¹⁰⁸ WGL's Response at 32.

¹⁰⁹ DCG/SC Application at 25.

bundles that have BCAs assigned to them. Thus, the Order is clear that this analysis is to be conducted on a BCA basis (and not a pipe segment basis).¹¹⁰

- m. ¶ 154: How will WGL’s “explanation” for the implementation of NPAs in the Annual Project List be evaluated?¹¹¹

WGL’s Response: No clarification is necessary because ¶ 154 explains the information WGL is required to provide and how the information will be analyzed.¹¹²

- n. Will there be any oversight or review of WGL’s outreach materials regarding electrification for the approved Customer Choice Pilot (“CCP”)? How does the Commission expect WGL to work with DOEE on the CCP?¹¹³

WGL’s Response: WGL refers to Paragraphs 161 and 181(f), noting no clarification is necessary.¹¹⁴ These provisions note that WGL is to do a comprehensive evaluation at the conclusion of the program with stakeholder input.

- o. ¶¶ 128 and 170: Why is WGL the sole presenter on the NPA technical conference when it stated that it does not think NPAs are “appropriate permanent remediation techniques” for the District SAFE Plan? How will the technical conference inform the NPA requirements on Annual Project Lists, considering that the first Annual Project List is due prior to the technical conference?¹¹⁵

WGL’s Response: Reject this request for clarification because it is not designed to address how Order No. 22798 is to be carried out.¹¹⁶

- p. ¶¶ 118 and 185: If the Commission “agrees with WGL” that “any long-term strategy should be addressed in *Formal Case No. 1167*”, and the Commission

¹¹⁰ WGL’s Response at 32-33.

¹¹¹ DCG/SC Application at 25.

¹¹² WGL’s Response at 33. Order No. 22798, ¶ 154 requires an explanation of why replacement is the most effective method of mitigation for each project. The explanation should include any NPAs, including pipeline abandonment, and justify (with engineering analysis, operational assessment, and best practices) pursuing replacement instead.

¹¹³ DCG/SC Application at 25-26.

¹¹⁴ WGL’s Response at 33.

¹¹⁵ DCG/SC Application at 26.

¹¹⁶ WGL’s Response at 33.

opened *Formal Case No. 1187* for gas planning, how will climate and gas planning issues be divided among *Formal Case Nos. 1167, 1179, and 1187*? Which proceeding will plan for WGL's compliance with the District's climate laws and GHG emission reduction requirements?¹¹⁷

WGL's Response: WGL argues that FC1179 is limited in scope to the review of the District SAFE Plan. The longer-term issues should be addressed in Formal Case 1167 and FC1187.¹¹⁸

IV. DECISION

A. Standard of Review

23. By statute and Commission rules, an application for reconsideration of a Commission Order may be filed "stating specifically the errors claimed as grounds for such reconsideration."¹¹⁹ The sole purpose of a petition for reconsideration is to identify errors of law or fact in the Commission's initial order; it is not a vehicle for parties to rehash arguments that were earlier considered and rejected,¹²⁰ or to raise new issues for the first time that, with due diligence, could have been raised and addressed earlier in the case.¹²¹ If there is substantial evidence to support the Commission's initial decision, that decision is not erroneous simply because there is substantial evidence that could have supported a contrary conclusion.¹²² The party

¹¹⁷ DCG/SC Application at 26.

¹¹⁸ WGL's Response at 33-34. See *Formal Case No. 1187, In the Matter of the Investigation into the Implementation of Integrated Natural Gas Distribution System Planning ("Formal Case No. 1187")*, Order No. 22799, rel. March 4, 2026.

¹¹⁹ D.C. Code § 34-604(b).

¹²⁰ *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 ("Formal Case No. 1137")*, Order No. 18768, ¶ 5, rel. May 12, 2017 (footnotes omitted). See also, *Formal Case No. 1093, In the Matter of the Investigation into the Reasonableness of Washington Gas Light Company's Existing Rates and Charges for Gas Service*, Order No. 16894, ¶ 3, rel. September 7, 2012.

¹²¹ *Formal Case No. 1139, 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 ("Formal Case No. 1139")*, Order No. 19130, ¶ 4, rel. October 6, 2017.

¹²² *Formal Case No. 945, In The Matter of the Investigation into Electric Service Market Competition and Regulatory Practices ("Formal Case No. 945")*, Order No. 15883, ¶ 8, rel. July 16, 2010, citing *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 ("Formal Case No. 1053")*, Order No. 14832, rel. June 13, 2008 (citing *State of New York v. United States*, 880 F. Supp. 37 (D.D.C. 1995) and *Washington Gas Light Company v. D.C. Pub. Serv. Comm'n*, 856 A.2d 1098, 1104 (D.C. 2004)).

seeking reconsideration must state “specifically the errors claimed as grounds for such reconsideration,”¹²³ and bears the burden of showing that the challenged portions of the Order were “unreasonable, arbitrary, or capricious by demonstrating clearly and convincingly a fatal flaw in the action taken.”¹²⁴ On an application for reconsideration, the Commission may exercise its discretion to reconsider or clarify the findings and conclusions in its initial decision.¹²⁵ Although the parties are free to request a clarification of an order, the statute does not expressly address requests or set a deadline for the Commission to respond to them. Therefore, the Commission can address a request for clarification at the same time it addresses an application for reconsideration or at a later time in a separate order.¹²⁶

B. Reconsideration

24. The motions for reconsideration primarily argue that the Commission abrogated the parties’ due process rights by not having an evidentiary hearing on all disputed material facts, thereby denying the parties the right to cross-examine witnesses. Both Applicants contend that an evidentiary hearing was required to resolve disputes over material issues of fact. After reviewing the legal precedent and the parties’ arguments, the Commission grants the request for Reconsideration for the reasons set forth below and will set this matter for an evidentiary hearing.¹²⁷

¹²³ D.C. Code § 34-604(b).

¹²⁴ *Formal Case No. 1144, In the Matter of the Potomac Electric Power Company’s Notice to Construct Two 230kV Underground Circuits from the Takoma Substation to the Rebuilt Harvard Substation, and from the Rebuilt Harvard Substation to the Rebuilt Champlain Substation (“Formal Case No. 1144”)*, Order No. 20235, ¶ 9, rel. October 11, 2019. See also, D.C. Code § 34-606 (2001). *Bell Atl. Washington, D.C., Inc. v. Pub. Serv. Comm’n*, 655 A.2d 1231, 1233 (D.C. 1995).

¹²⁵ *See, e.g.*, D.C. Code § 34-604(b); *Formal Case No. 1119, In the Matter of the Joint Application of Exelon Corporation, Pepco Holdings, Inc., Potomac Electric Power Company, Exelon Energy Delivery Company, LLC and New Special Purpose Entity, LLC for Authorization and Approval of Proposed Merger Transaction (“Formal Case No. 1119”)*, Order No. 18243, ¶¶ 20-21, rel. June 17, 2016; *Formal Case No. 1103, 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 (“Formal Case No. 1103”)*, Order No. 17539, ¶ 4, rel. July 10, 2014.

¹²⁶ *See, e.g.*, D.C. Code § 34-604(b); *Formal Case No. 1119, In the Matter of the Joint Application of Exelon Corporation, Pepco Holdings, Inc., Potomac Electric Power Company, Exelon Energy Delivery Company, LLC and New Special Purpose Entity, LLC for Authorization and Approval of Proposed Merger Transaction*, Order No. 18243, ¶¶ 20-21, rel. June 17, 2016; *Formal Case No. 1103, 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. 17539, ¶ 4, rel. July 10, 2014.

¹²⁷ The Commission held an evidentiary hearing on December 9, 2025, that was limited to JANA risk model’s capability, and its validation against actual leaks.

25. The D.C. Administrative Procedures Act (D.C. Code § 2-509(b)) states that “[e]very party shall have the right to present in person or by counsel his case or defense by oral and documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts.”¹²⁸ The Commission’s governing statute, D.C. Code § 34-908, expressly provides that “no order affecting or fixing any rate shall be entered by the Commission except after a formal hearing.”¹²⁹ The hearing required by D.C. Code § 34-908 is a formal one, but its nature (*i.e.*, whether adjudicatory or legislative) is defined by the character of the facts at issue and the presence (or absence) of material factual disputes.¹³⁰ To be a material issue of fact, it must be necessary to the agency’s decision-making process.¹³¹ Consistent with this precedent, the Commission applies the “material issues of fact” standard to determine when an evidentiary hearing is required under D.C. Code § 34-908.

26. By Order No. 22176, the Commission rejected the parties’ proposed twenty-four (24) material issues of fact in dispute as inappropriate for an evidentiary hearing and directed supplementation of the JANA risk model information.¹³² The Commission subsequently found, in Order No. 22735, that there were material issues of fact in dispute regarding the JANA risk model’s evaluation of pipeline leak risk and project selection, and ordered a hearing limited to those issues.¹³³ The scope of the hearing was limited to the JANA model’s capability and its validation against actual leak data. The Applicants now argue that the limited scope of the hearing failed to fully address contradicting evidence on whether the District SAFE Plan satisfies Order No. 22003’s requirements and deprived the parties of the right to cross-examine the Company on testimony, materials, and documents that may be inaccurate, inconsistent, and unreliable.¹³⁴ The Commission recognizes that if there remain material issue of fact to resolve, then the parties should have been able to present testimony for cross-examination on the issue in an evidentiary hearing.

27. The Commission seeks to take a balanced approach to fulfill our statutory obligations under D.C. Code § 34-908 to conduct a formal hearing, while streamlining proceedings and preserving administrative efficiencies by focusing our evidentiary hearings on disputes that

¹²⁸ D.C. Code § 2-509(b).

¹²⁹ D.C. Code § 34-908.

¹³⁰ *Watergate East v. Public Service Comm’n*, 662 A.2d 881, 890 (D.C. 1995), established a fundamental principle that while a formal hearing must precede any rate order, an evidentiary hearing is unnecessary where there are no disputed material facts, and the issues can be resolved as a matter of law or policy.

¹³¹ *Daro Realty, Inc. v. D.C. Zoning Comm’n*, 581 A.2d 295, 303 (D.C. 1990).

¹³² Order No. 22716, ¶ 12.

¹³³ Order No. 22735, ¶ 12.

¹³⁴ DCG/SC Application at 13-16; OPC Application at 13-15.

turn on the resolution of material, outcome-determinative facts. The disputes in this case were not only about policy differences and the “legal effect” of Order No. 22003, but also about questions of fact, such as the basis for increased costs for pipeline replacement, whether the District SAFE Plan achieves the goal of obtaining the highest risk reduction per dollar spent, and how to calculate GHG emissions reductions.¹³⁵ The Commission has stated in the past that we have both inherent and statutory authority to reconsider our decisions and modify our orders at any time if we think reconsideration is warranted.¹³⁶ Consequently, the Commission is granting the application for reconsideration and will conduct a hearing if parties clearly establish material issues of fact in dispute that may only be resolved through cross-examination.

28. To assist the Commission in developing the scope of the proposed evidentiary hearing, parties are directed to review their prior list of disputed facts and determine whether those disputes turn on material, outcome-determinative facts.¹³⁷ The parties are directed to include in the Joint Pre-hearing filings (discussed below) those factual issues that may have been resolved on their material list, those disputed facts that remain from the prior material issues list, and provide any other material facts that the parties believe are still in dispute. Whatever material factual disputes remain, each party suggesting a material issue of fact in dispute shall provide an evidentiary basis and source identification for the same, provide a materiality statement, include the status of agreements and stipulations, provide a proposed resolution method, and the estimated time and resources required to address the disputed issue. The filing shall specifically provide the following:

a. Evidentiary Basis and Source Identification

Each party shall identify the precise evidence supporting each alleged disputed fact, including: (1) identifying the precise evidence supporting each alleged disputed fact, including citation to the specific page, exhibit, discovery response, or data set where the factual assertion appears; and (2) identifying whether the evidence is documentary, testimonial, or empirical.

b. Materiality Statement

For each issue, parties shall explain why the resolution of that disputed fact could affect the outcome of the proceeding.

¹³⁵ See Order No. 22003 ¶¶ 16-19.

¹³⁶ “The Commission has both inherent and statutory authority to reconsider nonfinal interlocutory decisions if we think reconsideration is warranted.” ... [t]he Commission has previously noted that it has the authority to modify its orders at any time. See *Formal Case No. 1156, In the Matter of the Application of Potomac Electric Power Company for Authority to Implement a Multiyear Rate Plan for Electric Distribution Service in the District of Columbia*, Order No. 20676, ¶ 5, rel. December 16, 2020, citing D.C. Code § 34-602.” *Formal Case No. 1154 and Formal Case No. 1179*, Order No. 22344, ¶ 7, n. 22, rel. Dec. 18, 2024.

¹³⁷ See Order No. 22716, ¶¶ 16-19, setting forth the prior list of disputed material facts.

c. Agreement and Stipulation Status

The parties are required to identify whether any portion of the fact is stipulated or undisputed, and if so, what remains contested.

d. Proposed Resolution Method

For each disputed fact, parties shall state whether it can be resolved through a documentary review or additional data responses, cross-examination of witnesses, a technical conference, or an evidentiary hearing.

e. Estimate Time and Resources Required

Each party shall estimate the time required to present its witnesses and exhibits and any logistical or discovery needs.

C. Clarification

29. The parties have set forth a variety of matters for clarification, which require further consideration and some of which may be affected by a supplemental evidentiary hearing. The Commission will address the clarifications in a further order.

D. Schedule and Hearing Procedures

30. The Commission has granted the requests for reconsideration to evaluate the parties' proposed issues of material facts in dispute, and is scheduling an in-person evidentiary hearing on June 29, 2026, and June 30, 2026, in the Commission's Hearing Room beginning at 10:00 a.m., if the Commission determines the hearing is necessary. To prepare for the potential evidentiary hearing, the parties must develop and pre-file a joint list of stipulations. The parties, led by WGL, need to develop a Joint Witness Cross-Examination Matrix to identify the witnesses who need to testify. Additionally, the Parties must identify any remaining material issues of fact in dispute, any admissions, and authenticated documents to be introduced.¹³⁸ By May 26, 2026, the Parties shall file: (a) a joint list of material issues of fact in dispute; (b) a joint list of the Parties' stipulations; (c) the number of witnesses as well as the nature of their testimony in a Joint Witness Cross-Examination Matrix and include the amount of time anticipated for Cross-Examination of each witness; (d) admissions; and (e) a list of authenticated documents.

¹³⁸ As a reminder, Washington Gas, as the moving applicant of the District SAFE Plan, has the initial burden of proof on all issues. D.C. Code § 2-509(b).

31. After the evidentiary hearing, Motions to Correct the Transcript will be due July 21, 2026. Post-hearing briefs are due on August 11, 2026, at which point the evidentiary record will close. The revised procedural schedule is included as Attachment A.

THEREFORE, IT IS ORDERED THAT:

32. The Office of the People’s Counsel of the District of Columbia’s Application for Reconsideration and Clarification of Order No. 22798 is **GRANTED**;

33. The District of Columbia Government and the Sierra Club’s Petition for Reconsideration of Order No. 22798 is **GRANTED**;

34. The Commission **DIRECTS** Washington Gas Light Company, the Office of the People’s Counsel for the District of Columbia, the District of Columbia Government, and the Sierra Club to **CONVENE** a Settlement and Stipulation Conference on or before May 19, 2026;

35. The Commission **DIRECTS** the attendees of the May 19, 2026, Settlement and Stipulation Conference to file a Report on Joint Stipulations with any other prehearing documents by May 26, 2026.

36. If deemed necessary, the Public Service Commission will **CONVENE** an in-person evidentiary hearing on June 29, 2026, at 10:00 a.m. in the Commission’s Hearing Room; and

37. The Procedural Schedule on Reconsideration is set forth in **Attachment A** below.

A TRUE COPY:

BY DIRECTION OF THE COMMISSION:



CHIEF CLERK:

**BRINDA WESTBROOK-SEDGWICK
COMMISSION SECRETARY**

ATTACHMENT A**FC1179 District SAFE Plan's Procedural Schedule on Reconsideration**

1	Order on Reconsideration Scheduling a Hearing	Monday, May 4, 2026
2	Settlement and Stipulation Conference	Tuesday, May 19, 2026.
3	Pre-hearing Filings (including disputed facts and Joint Stipulation Report)	Tuesday, May 26, 2026
4	Evidentiary Hearing (if necessary)	Monday, June 29, and Tuesday, June 30, 2026
5	Motions to Correct Transcript	Tuesday, July 21, 2026.
6	All Post-Hearing Briefs	Tuesday, August 11, 2026

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

May 4, 2026

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

DISSENT OF COMMISSIONER BEVERLY TO ORDER NO. 22855

1. In my opinion, this process is essentially a long, drawn-out regulatory rubber stamp of a deficient company proposal.¹ In my dissent to Order No. 22798, I identified the deficiencies that I believe warrant dismissal: 1) the threadbare nature of the application; 2) WGL's failure to comply with Order No. 22003; 3) the lack of workplan or pipe lists;² 4) reliance on investor risk for pipeline selection at the expense of health, safety, and environmental risk; 5) lack of documentation of actual costs for pipeline replacement; 6) no cost controls; 7) the inclusion of removal costs, potentially resulting in ratepayers paying for them twice; 8) failure to provide GHG emissions reduction estimates; and 9) a focus on future leaks rather than existing ones.³

2. The majority is now apparently rescinding the Order, an effective vacatur, so the parties can presumably identify the same material issues of fact that they previously identified and which the Commission has already rejected. This strikes me like a waste of time when the real problem is not whether the parties have identified issues of fact but whether the majority has identified the issues of fact on which it bases its findings of fact. It's fundamental to due process that the parties at least know what the Commission thinks is at issue. Specifically, absent a stipulation/admission or official notice, one can assume that each finding of fact is based on an issue of fact and that each issue of fact is something on which a party can present evidence and testimony in a hearing. In this case, however, the majority listed 25 findings of fact (lumped together with conclusions of law) but designated only one issue of fact for the hearing, effectively depriving the parties of the opportunity to present evidence and testimony on the very points that the majority thinks are of decisional significance. To me, this is a clear error and should not be repeated going forward.

3. As an alternative to this non-rule based cumbersome process, I circulated draft rules

¹ The proposal is essentially a budget for unknown work. There are no facts asserted in the proposal beyond that.

² I note that a Year 1 pipe list has since become available for review, although portions of it are inexplicably confidential.

³ I recognize that the parties raised many of these deficiencies in their motions for reconsideration.

to eliminate the problems that I have previously identified.⁴ I am planning to circulate a second draft of the regulations in the near future based on the receipt of constructive comments.

⁴ *Formal Case No. 1154, Formal Case No. 1167, and Formal Case No. 1179, Inquiry of Commissioner Beverly. January 16, 2026.*

COMMISSION ACTION

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

Date 5/4/26 Formal Case No. 1179 Tariff No. _____ Order No. 22855

	Approve Initial & Date	Dissent Initial & Date	Abstain Initial & Date
Chairman Emile Thompson	<u>ET/DJ 5/4/26</u>	_____	_____
Commissioner Richard A. Beverly	_____	<u>RB/DJ 5/4/26</u>	_____
Commissioner Ted Trabue	<u>TT/DJ 5/4/26</u>	_____	_____

Certification of Action

Dionne Joemah
General/Deputy General Counsel

Kimberly Lincoln-Stewart
OGC Counsel/Staff