



April 15, 2020

VIA ELECTRONIC FILING

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

Re: Formal Case No. 1142,
In the Matter of the Merger Application of AltaGas Ltd. and WGL Holdings, Inc.

Dear Brinda Westbrook-Sedgwick:

Attached please find the **Application for Reconsideration of Denial Of Sierra Club's Petition To Intervene Out-Of-Time And Request For Expedited Consideration.**

Thank you for your attention to this matter. Should you have any questions, please contact me at smiller@earthjustice.org.

Sincerely,

Susan Stevens Miller, DC Bar No. 1026066
Earthjustice
(202) 667-4500
smiller@earthjustice.org

Counsel for Sierra Club

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

**IN THE MATTER OF
THE MERGER APPLICATION OF
ALTAGAS LTD. AND WGL HOLDINGS, INC.)**

Formal Case No. 1142

**APPLICATION FOR RECONSIDERATION OF DENIAL OF SIERRA CLUB'S
PETITION TO INTERVENE OUT-OF-TIME AND REQUEST
FOR EXPEDITED CONSIDERATION**

Pursuant to D.C. Code §34-604(b) and Rule 140 of the District of Columbia

Commission Public Service Rules of Practice and Procedure,¹ Sierra Club, by its undersigned counsel, respectfully submits this Application for Reconsideration of the District of Columbia Public Service Commission's Order No. 20310, issued March 18, 2020, denying Sierra Club's Petition to Intervene Out-of-Time in the above-captioned docket as moot. Subsequent to the Commission's issuance of this order, AltaGas Ltd. ("AltaGas") and the Washington Gas Light Company ("WGL") (collectively, the "Companies") rejected Sierra Club's discovery requests pertaining to its recently filed Climate Business Plan² largely on the basis that Sierra Club is not a party to the proceeding.³ The Companies also contend that the discovery phase of FC 1142 is closed. However, as discussed below, the Companies are responding to data requests from the parties. Thus, whether Sierra Club's petition to intervene is granted has practical significance in this proceeding.⁴ Therefore, the Commission's conclusion that Sierra Club's petition was moot is

¹ D.C. Mun. Regs. tit. 15, § 140 (2017) ("15 DCMR § 140"). Pursuant to 15 DCMR § 140, any person affected by any final order or decision of the Commission may, within thirty (30) days after the publication of the order or decision, file with the Commission an application in writing requesting a reconsideration or modification of the matters involved.

² Sierra Club's discovery requests are included as Attachment A.

³ The Companies also contend that the discovery phase of FC 1142 is closed. The Companies' correspondence is included as Attachment B.

⁴ Black's Law Dictionary defines "moot" as having no practical significance; hypothetical or academic. *Black's Law Dictionary* (11th ed. 2019).

factually and legally incorrect. Since the sole reason the Commission denied petition was the determination that the request was moot, Sierra Club respectfully requests that the Commission reconsider this decision and grant Sierra Club's Petition to Intervene Out-of-Time.

I. RELEVANT BACKGROUND

On June 29, 2018, the Commission approved the Unanimous Agreement of Stipulation and Full Settlement on the merger of AltaGas Ltd. and WGL Holdings, Inc. in the above-captioned proceeding ("Settlement Agreement").⁵ The Settlement Agreement set forth numerous merger commitments, including Merger Commitment No. 79, which provides:

By January 1, 2020, AltaGas will file with the Commission a long-term business plan on how it can evolve its business model to support and serve the District's 2050 climate goals (e.g., providing innovative and new services and products instead of relying only on selling natural gas) [("Climate Business Plan")]. After the business plan is filed, AltaGas will hold bi-annual public meetings to report on and discuss its progress on the business plan.⁶

On December 6, 2019, AltaGas filed a motion for extension of time, requesting that the filing of the Climate Business Plan be delayed until March 16, 2020.⁷ In this motion, AltaGas also states that Renewable natural gas ("RNG") is expected to be a component of AltaGas's Climate Business Plan.⁸

On January 23, 2020, Sierra Club filed its Petition to Intervene Out-of-Time, requesting that the organization be permitted to participate as a party in the Commission's upcoming consideration of the AltaGas Climate Business Plan. On January 31, 2020, AltaGas filed an opposition to Sierra Club's petition. On February 3, 2020, the Baltimore-Washington Construction and Public Employees Laborers' District Council, LIUNA ("BWLDC") also filed

⁵ Formal Case No. 1142, Order No. 19396 and Appendix A (June 29, 2018).

⁶ *Id.*, Appendix A at 29.

⁷ Formal Case No. 1142, AltaGas Ltd.'s Motion for Extension of Time, ¶ 3.

⁸ *Id.* ¶ 4.

an opposition to Sierra Club's petition. On February 10, 2020, Sierra Club filed a response to both oppositions.

On March 16, 2020, AltaGas filed its Climate Business Plan. On March 18, 2020, the Commission issued Order No. 20310. In this Order, the Commission granted the Joint Motion of the Office of the People's Counsel for the District of Columbia ("OPC") and District of Columbia Government ("DCG") for Enlargement of Time to File Comments to AltaGas Ltd.'s ("AltaGas") Merger Term Nos. 6 and 79 Filings ("Joint Motion").⁹ The Commission directed that comments on the Climate Business Plan would be due within 60 days of the Climate Business Plan filing, and reply comments would be due within 60 days of the filing of comments. At issue in this application for reconsideration, the Commission determined that Sierra Club's petition to intervene was moot because the Commission established a comment period for the Climate Business Plan for both parties and interested persons that are not parties.¹⁰

Subsequent to this decision, on March 24, 2020, Sierra Club served data requests on AltaGas and WGL.¹¹ On March 30, 2020, AltaGas refused to respond to Sierra Club's data requests because 1) the Commission determined that Sierra Club's Petition to Intervene Out-of-Time was moot and, therefore, Sierra Club is not a party to the proceeding and 2) the discovery period is closed.¹²

⁹ Order No. 20310 at ¶ 10.

¹⁰ Order No. 20310 at ¶ 11 and ¶ 15.

¹¹ See Attachment A.

¹² See Attachment B.

II. ARGUMENT

A. Standard for Reconsideration

Pursuant to D.C. Code §34-604(b) and Rule 140.1 of the District of Columbia Commission Public Service Rules of Practice and Procedure, any public utility or any other person or corporation affected by any final order or decision of the Commission may, within 30 days after publication of the order or decision, file with the Commission an application in writing requesting reconsideration or modification of the matters addressed. The purpose of an application for reconsideration is to identify errors of law or fact in the Commission's order so they can be corrected.¹³ An application for reconsideration "shall set forth specifically the grounds on which the applicant considers the order or decision of the Commission to be unlawful or erroneous."¹⁴

B. The Commission Erred in Determining that Sierra Club's Petition to Intervene Out-of-Time was Moot.

The Commission's sole rationale for rejecting Sierra Club's Petition to Intervene Out-of-Time is an incorrect finding that the petition was moot because any interested person can provide comments on the AltaGas Climate Business Plan. However, the grant or denial of Sierra Club's petition clearly has practical significance. Under Commission rules, an intervenor is a party to a proceeding and, as such, has the right to participate in the discovery process. According to the Commission, this privilege goes "to the heart of participation in an administrative proceeding" and is "indicative of the important role that intervenors have, as parties, in [the Commission]

¹³ Formal Case No. 1103, *In the Matter of the Application of the Potomac Electric Power Company for Authority to Increase Retail Rates and Charges for Electric Distribution Service*, Order No. 17539, ¶ 4 (citing D.C. Code § 34-604(b)) (July 10, 2014).

¹⁴ 15 DCMR § 140.2.

process.”¹⁵

The AltaGas contention that it was rejecting Sierra Club’s discovery requests because the discovery period is closed is disingenuous at best. *Parties* to FC 1142 have served data requests on AltaGas¹⁶ and AltaGas is responding to those data requests.¹⁷ Thus, despite the AltaGas assertion to the contrary, the only reason AltaGas is refusing to respond to Sierra Club’s data request is because Sierra Club is not a party.

Sierra Club’s participation as a party would have practical significance when compared to simply participating as a stakeholder and Sierra Club is clearly prejudiced in its ability to prepare comments addressing the issues raised in the Climate Business Plan by the Commission’s failure to substantively address Sierra Club’s petition. The Commission needs the parties to perform a careful evaluation of the structure and terms of the Climate Business Plan in order to assess whether that plan is sufficient to enable the District of Columbia to meet its climate commitments. The Climate Business Plan is highly technical, vague, and many aspects of the plan are ill-defined in their particulars. Moreover, the Climate Business Plan relies on numerous assumptions and the underlying support for these assumptions are not ascertainable from the document itself, but the reasonableness of those assumptions affects the accuracy of the entire document. Because the Climate Business Plan presents highly technical information, Sierra Club

¹⁵ 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. 17597, ¶ 11 (Aug. 22, 2014).

¹⁶ See, e.g., data request from the Department of Energy and the Environment (“DOEE”) to AltaGas. Attachment C.

¹⁷ Sierra Club cannot attach, or even review, WGL’s response to DOEE because this response is designated confidential. This lack of access to information provided to the parties also illustrates that Sierra Club’s petition is not moot and further demonstrates that Sierra Club is prejudiced by the Commission’s determination that its petition was moot.

will require detailed information from AltaGas in order to correctly analyze the information provided in the Plan. Only party status will enable Sierra Club to receive supporting data and detailed information about the assumptions contained in the Climate Business Plan from AltaGas, information that is vital to properly and fully analyze the technical details of the Climate Business Plan. Because Sierra Club's participation as a party has practical significance, the Commission erred when it determined that Sierra Club's Petition to Intervene Out-of-Time was moot.

III. REQUEST FOR RELIEF

The Commission's error must be cured. Therefore, Sierra Club submits that the Commission should 1) grant reconsideration of Order No. 20310; 2) grant Sierra Club's Petition to Intervene Out-of-Time for the reasons set forth in the petition and in Sierra Club's response to the oppositions of AltaGas and BWLDC; and 3) order AltaGas to respond to Sierra Club's data request.

IV. REQUEST FOR EXPEDITED CONSIDERATION

As the Commission is aware, comments on the Climate Business Plan are due May 15, 2020. In order to prepare and file comments in a timely manner, Sierra Club's status regarding whether it is a party to the proceeding must be resolved as quickly as possible. Therefore, Sierra Club respectfully requests that the Commission give expedited consideration to this Application for Reconsideration.

V. CONCLUSION

WHEREFORE, for the reasons set forth above, Sierra Club respectfully requests that the Commission grant Sierra Club's application for reconsideration of Order No. 20310.

Respectfully submitted,



Susan Stevens Miller, D.C. Bar No. 1026066
Staff Attorney, Clean Energy Program
Earthjustice
1625 Massachusetts Ave., NW, Ste. 702
Washington, D.C. 20036
(202) 667-4500
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CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of April 2020, a copy of the foregoing was served on the following parties by electronically mail:

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Commission Secretary
Public Service Commission
of the District of Columbia
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/s/ Mario A. Luna
Mario A. Luna
Earthjustice

Attachment A



ALASKA CALIFORNIA FLORIDA MID-PACIFIC NORTHEAST NORTHERN ROCKIES
NORTHWEST ROCKY MOUNTAIN WASHINGTON, D.C. INTERNATIONAL

March 24, 2020

VIA ELECTRONIC FILING

Brinda Westbrook-Sedgwick
Commission Secretary
Public Service Commission
of the District of Columbia
1325 G Street, NW, Suite 800
Washington, DC 20005
bwestbrook@psc.dc.gov

Re: Formal Case No. 1142,
In the Matter of the Merger of AltaGas Ltd. and WGL Holdings, Inc.

Dear Ms. Westbrook-Sedgwick:

Enclosed for filing in the above-referenced proceeding please find the *Sierra Club's Data Request No. 1 to AltaGas Ltd. and Washington Gas Light Company*.

Should you have any questions, please contact me at smiller@earthjustice.org.

Sincerely,

Susan Stevens Miller, DC Bar No. 1026066
Earthjustice
(202) 667-4500
smiller@earthjustice.org

Counsel for Sierra Club

Enclosure

cc: Formal Case No. 1142 service list



ALASKA CALIFORNIA FLORIDA MID-PACIFIC NORTHEAST NORTHERN ROCKIES
NORTHWEST ROCKY MOUNTAIN WASHINGTON, D.C. INTERNATIONAL

March 24, 2020

VIA ELECTRONIC SERVICE

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MAUpadhyaya@Venable.com

**Re: Formal Case No. 1142,
In the Matter of the Merger of AltaGas Ltd. and WGL Holdings, Inc.**

Dear Mses. Thurston-Seignious and Upadhyaya:

Enclosed please find the *Sierra Club's Data Request No. 1*.

Thank you for your attention to this matter. Should you have any questions, please contact me at smiller@earthjustice.org.

Sincerely,

Susan Stevens Miller, DC Bar No. 1026066
Earthjustice
(202) 667-4500
smiller@earthjustice.org

Counsel for Sierra Club

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

IN THE MATTER OF)	
THE MERGER APPLICATION OF)	Formal Case No. 1142
ALTAGAS LTD AND WGL HOLDINGS, INC.)	

**SIERRA CLUB’S FIRST SET OF DATA REQUESTS TO
ALTAGAS LTD. AND WASHINGTON GAS LIGHT COMPANY**

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

I) Communications and Due Date

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

Susan Stevens Miller: smiller@earthjustice.org
Emma Kaboli: ekaboli@earthjustice.org
Gabriela Rojas-Luna: gluna@earthjustice.org
Al Luna: aluna@earthjustice.org

Please provide responses to these data requests by April 13, 2020.

II) Definitions

1. "WGL" refers to Washington Gas Light Company, and any affiliates, employees, attorneys, consultants, authorized agents, directors, representatives, officials, departments, divisions, and subsidiaries thereof, or any present or previous person or persons providing advice or services to WGL including its affiliates, employees, attorneys, consultants, authorized agents, directors, representatives, officials, departments, divisions, and subsidiaries.
2. "AltaGas" refers to AltaGas Ltd. and any affiliates, employees, attorneys, consultants, authorized agents, directors, representatives, officials, departments, divisions, and subsidiaries thereof, or any present or previous person or persons providing advice or services to WGL including its affiliates, employees, attorneys, consultants,

authorized agents, directors, representatives, officials, departments, divisions, and subsidiaries.

3. "Companies" refers to both WGL and AltaGas.
4. "Document(s)" shall mean any written, typed, printed, computer produced, recorded or graphic matter, however produced or reproduced, of any kind, character, type or description, regardless of origin or location, including, without limitation, all correspondence, records, tables, charts, analysis, graphs, maps, schedule, summaries, reports, memoranda, notes (handwritten or otherwise), notations, drafts, lists, calendar and diary entries, letters (sent or received), telegrams, telexes, tele-copies, faxes, Photostats, messages (including, but not limited to reports or notes of telephone conversations and conferences), studies, books, periodicals, magazines, booklets, circulars, bulletins, pamphlets, instructions, papers, files, minutes, Communications, other communications (including, but not limited to, inter and intra-office communications), questionnaires, contracts, memoranda or agreements, assignments, licenses, ledgers, books or account, financial statements, worksheets, work papers, spreadsheets, databases, orders, invoices, statements, bills, checks, check registers, vouchers, notebooks, receipts, acknowledgements, data processing cards, word processing documents, computer generated matter, computer printouts, electronically maintained or stored information, microfilm, contact manager information, internet usage files, network access information, photographs, photographic negatives, phonograph records, tape or audio recording, compact discs, video tapes or DVDs, wirer recordings, voicemail recordings, other mechanical recordings, transcripts or log of any such recordings, all other data compilations from which information can be obtained, or translated if necessary, and any other tangible thing of a similar nature.
5. "Document(s)" shall include originals (or copies if originals are not available) and non-identical copies (whether difference from the original because of handwritten notes or underlining or otherwise) and any translation of any Document. Without limiting the generality of the foregoing, "Document(s)" specifically include telephone billing records, written or audio telephone messages, email, evidence of facsimile transmissions, expense accounts, and other information not necessarily contained in files pertaining exclusively or directly to this matter; "Document(s)" also include, without limitation, materials maintained in magnetic or other storage media, including those maintained in computers, magnetic tapes or disks, and any onsite or offsite backup or so-called "erased" or "deleted" computer information that may be susceptible of retrieval.
6. "Communication" means any transmission or exchange of information between two or more persons, whether orally or in writing, and includes, without limitation, any conversation or discussion by means of letter, telephone, note, memorandum, facsimile, telegraph, telex, telecopy, cable, electronic mail, or any other electronic or other medium.
7. "Identify," when used with respect to documents, means to state the nature of the document in sufficient detail for identification in a request for production, its date, its author, and to identify its custodian. If the information or document identified is

recorded in electrical, optical, or electromagnetic form, identification includes a description of the computer hardware or software required to reduce it to readable form.

8. “Identify,” when used in reference to a communication, means to state the date when the communication occurred, the type of communication (*e.g.*, email or personal conversation), and the parties thereto. In the case of a personal conversation, state the substance, place, and time of such conversation and identify any other persons in the presence of such conversation.
9. “Identify,” when used with respect to a natural person, means to state the person’s full name, business address, and business relationship to the Company, if any.
10. “Identify,” when used with respect to a person other than a natural person, means to state its full name, the type of business in which it is engaged, the last known address and telephone number of its principal office, its form of business organization (*e.g.*, corporation, limited liability company, joint venture, general or limited partnership, etc.), and its state of domicile (*e.g.*, if a corporation, its state of incorporation).
11. Each data request covers information and/or documents in the possession, custody, or control of AltaGas or WGL, as those terms are defined above. The phrase “possession, custody, or control” means and includes joint and several possession, custody, or control, not only by one or more officers, directors, employees, or other representatives of WGL, but also by any person acting or purporting to act on behalf of WGL or any of its officers, directors, employees, or other representatives, whether as an agent, independent contractor, attorney, consultant, witness, or otherwise.
12. “Relating to” or “related to” means and includes pertaining to, referring to, or having as a subject matter, directly or indirectly, expressly or implied, the subject matter of the specific request.
13. “Person” means any natural person, governmental body, governmental agency, corporation, limited liability company, general or limited partnership, joint venture, or any other form of business organization.
14. “This proceeding” refers to Formal Case No. 1142.
15. “Commission” refers to the Public Service Commission of the District of Columbia.
16. The terms “and” and “or” shall be construed either conjunctively or disjunctively as required by the context to bring within the scope of these data requests any information which might be deemed outside their scope by another construction.
17. “Any” means all or each and every example of the requested information.
18. “Workpapers” refers to original, electronic, machine-readable, unlocked, Excel-format (where possible) documents with formulas intact.
19. Words in the singular and plural shall be construed as required by the context to bring within the scope of these data requests any information which might be deemed outside their scope by another construction.

20. Terms not defined herein shall have the respective meanings ascribed to such terms in this proceeding.

III) Instructions

1. Please re-state the number and text of each data request before the response given to it.
2. Please respond to each data request separately and fully in writing. Each response should appear on a separate page and should identify the witness sponsoring the response.
3. Where requested, the Companies are to produce all documents within either AltaGas or WGL's possession, custody, or control.
4. These data requests are continuing. Please update and supplement all responses as necessary due to any documents, data, or other information that becomes available subsequent to responding to each data request.
5. Please provide all written responses in searchable Word or PDF format. Please provide all documents containing calculations, figures, and tables in executable Excel format with all formulas intact.
6. Please provide responses to any and all of Sierra Club's data requests as soon as they become available.
7. When a complete answer to a particular discovery request is not possible, the discovery request must be answered to the extent possible and a statement made indicating why only a partial answer is given and what must occur before a complete answer may be given.
8. For each response, please identify each person who participated in preparing the response, and his/her position with, or relationship to, AltaGas or WGL.
9. If any responses include computer modeling input and output files, please provide those data files in electronic machine-readable format.
10. If any of the responses include spreadsheet files, please provide those spreadsheet files in usable electronic Excel-readable format. Spreadsheet computer files that perform calculations must operate so that a change in input causes a change in output.
11. If any of the responses include computer files, please list the file names with cross-reference to the data request.
12. If a mathematical calculation must be performed to provide the requested information, please provide the calculation used to derive such information, and identify any document and, to the extent applicable, the specific page and paragraph, section, line number, row, and/or column in any such document, from which the requested numerical information is derived.

13. If the Company asserts that any information requested is privileged, state the privilege asserted, describe with particularity the basis on which the claimed privilege is asserted, and provide a redacted copy of the information.
14. In the event that any document responsive to these requests has been destroyed, specify the date and the manner of such destruction, the reason for such destruction, the person authorizing the destruction and the custodian of the document at the time of its destruction
15. If the Companies assert that any requested information is already available to Sierra Club, please provide a detailed citation to the document that contains the information, including the title of the document, relevant page number(s), and to the extent possible paragraph number(s) and/or chart/table/figure number(s).
16. If the response to any of these data requests does not provide the requested information but instead refers to any document, please either produce or identify the document, and to the extent applicable, identify the specific page and paragraph, section, line number, row, and/or column in which the requested information may be found.

IV) Data Requests

For all data requests, please refer to the Climate Business Plan for Washington, DC filed on March 16, 2020.

1. In the business plan, the Companies suggest developing combined heat and power plants in the District of Columbia. On page 12, the Companies contend that “while CHP installations in the District will lead to increased consumption of natural gas in the District, the reduction in GHG emissions from power generation in PJM will more than offset the emissions from the natural gas consumed in the CHP units.”
 - a) Please explain how your calculations finding that CHP plants will lower the District’s GHG emissions have accounted for the fact that by 2032 the District’s electricity supply is coming from 100% renewable sources and that by 2040, 10 percent of the District’s electricity consumption is required to come from local solar sources and hence is not drawn from the PJM grid.
 - b) Please explain how your methodology for offsetting rising GHG emissions within the District with falling GHG emissions outside the District compares to the methodology used in the Clean Energy Action Plan for computing GHG emissions attributable (or not) to the District from sources outside of the District’s boundaries.
2. On page 13, the Companies outline plans to outfit buildings with gas heat pumps.
 - a) Please provide the Companies estimates of the costs for typical gas heat pumps in residential single family applications, for example for a heat pump with nominal capacity of 3 tons.
 - b) Please provide the Companies’ estimates of coefficient of performance (COP) at

relevant ranges of output water temperature as well as outdoor air temperature.

- c) Please provide an estimate of the local emissions of NO_x per Joule of energy delivered.
 - d) Please provide the Companies' assessment of the ability or inability of ratepayers to use gas-fired heat pumps for summer cooling in an economical way and provide the source data relied on to reach this assessment.
3. Please refer to the table on page 18. In this table, the Companies demonstrate that by 2032 only 13% of total gas sales will come from lower carbon sources and by 2050 only 58% of total gas sales will come from lower carbon sources such as renewable natural gas or green hydrogen.
- a) Please explain in detail and provide the underlying computations how such a plan is consistent with carbon neutrality.
 - b) Please explain the role of carbon offsets or methane capture from biogas in this calculation, if these factors play any role.
4. On page 41, the Companies state that the cost of policy-driven electrification is \$6.5 billion versus \$3.5 billion for the fuel neutral decarbonization approach.
- a) Please provide a detailed breakdown of the assumptions and calculations behind the cost estimates for each scenario.
 - b) Please provide the assumptions and calculations in a detailed spreadsheet with an accompanying set of explanation(s) for each line item.
 - c) Please provide the individual assumptions in a disaggregated fashion.
5. Please refer to the Renewable Gas Study in Appendix D. on page 3 of the executive summary of the study, the Companies provide estimated cost ranges of renewable gas by feedstock type.
- a) Please explain how these cost ranges were developed.
 - b) Please provide market quotes for prices of renewable gas from currently operating facilities in the DC region relied upon by the Companies, including references to source data for these market prices.
6. On page 63, Table 29 of the Renewable Natural Gas Study, the Companies provide estimates of the percentage of renewables that will be used for electricity generation for the years 2030, 2035, and 2040.
- a) Please provide the input assumptions about the levelized cost of electricity for renewables versus fossil fuels and nuclear.

- b) If the Companies compared these levelized costs to the levelized costs prepared by an independent forecaster, please provide that comparison.
7. Did the Companies account for leakage from the gas distribution system in developing their recommendations? If so, please identify the assumed leakage rates for each year of the Companies' analysis.
8. Did the Companies identify how large a geographic area would be required to supply the RNG the Companies are proposing to utilize in 2032 and 2050? If that area extends beyond the District of Columbia, please identify what fraction of current RNG production this would compromise in each of the relevant states.
9. What assumptions did the Companies make regarding the maximum fraction of hydrogen that can be mixed into gas pipelines? At the levels of hydrogen that the Companies assumed would be mixed into the gas pipelines, what assumptions did the Companies make about how this would affect leakage and pipeline replacement rates and timelines?

Respectfully submitted,



Susan Stevens Miller, DC Bar No. 1026066

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Counsel for Sierra Club

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of March 2020, I caused copies of the foregoing to be electronically delivered to the following:

Brinda Westbrook-Sedgwick
Commission Secretary
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Attachment B

Moxila A. Upadhyaya

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March 30, 2020

VIA ELECTRONIC MAIL AND E-FILING

Ms. Susan Stevens Miller
Earthjustice
1001 G Street, NW, Suite 1000
Washington, DC 20001

Re: Formal Case No. 1142
[In the Matter of the Merger of AltaGas Ltd. and WGL Holdings,
Inc.]

Dear Ms. Miller:

We are in receipt of the Sierra Club's First Set of Data Requests to AltaGas Ltd. ("AltaGas") and the Washington Gas Light Company ("Washington Gas") (collectively, the "Companies"), which the Sierra Club served on March 24, 2020.

As you know, the Sierra Club filed a Petition to Intervene Out-of-Time ("Petition") in the above-captioned proceeding on January 23, 2020, in relation to "the review of the AltaGas Climate Business Plan." By order dated March 18, 2020, the District of Columbia Public Service Commission ("Commission") dismissed the Sierra Club's Petition as moot. The Commission explained that,

because the Commission establishes a comment period for the Term No. 79 Plan for both parties and interested persons that are not parties, Sierra Club's Petition to intervene in Formal Case No. 1142 is moot. Thus, the Commission dismisses Sierra Club's Petition.¹

While the discovery phase of this proceeding has closed—and has been closed for nearly two years²—the Companies note that, pursuant to Merger

¹ See Formal Case No. 1142, *In the Matter of the Merger of AltaGas Ltd. and WGL Holdings, Inc.* ("Formal Case No. 1142"), Order No. 20310, rel. March 18, 2020 at ¶ 11.

² The Companies also note that discovery in formal cases before the Commission is limited to persons that the Commission have granted party status. See 15 DCMR § 122 *et seq.* (Commission rules of practice and procedure referring only to information requests and responses by *parties*).

Ms. Susan Stevens Miller
March 30, 2020
Page 2

Commitment/Settlement Term No. 79 and consistent with the Commission's Order No. 20310, AltaGas will be holding bi-annual public meetings to receive comments on its Climate Business Plan, which the Sierra Club is welcome to attend.³ To the extent the Sierra Club (or others) have questions regarding the Climate Business Plan, those questions should be raised in public comments, and the Companies will do their best to address those questions in either reply comments or at the bi-annual public meetings.⁴

If you have questions regarding this matter, please feel free to contact me.

Sierra Club does not have party status in Formal Case No. 1142. In addition, the Companies note and object to these data requests on the ground that the timeframe for discovery in this proceeding has long closed. Per the Commission's Order No. 18843 in this proceeding (rel. July 24, 2017), and in accordance with Section 122 of the Commission's Rules of Practice and Procedure, discovery in this proceeding was to be served after and regarding each round of testimony submitted, with the final deadline for responses to data requests on the rebuttal testimony filed in this case to be served on November 14, 2017.

³ See also *Formal Case No. 1142*, AltaGas Ltd.'s Opposition to Sierra Club's Petition to Intervene Out-of-Time, filed January 31, 2020 at ¶¶ 13-14 ("AltaGas welcomes and encourages stakeholders, including Sierra Club, to provide comments to AltaGas after it files its Climate Business Plan, and to attend and participate in the biannual public meetings that AltaGas will hold regarding the Plan.").

⁴ In addition to the points noted above, the Companies also object to these data requests as irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. The evidentiary hearing in this case occurred over two years ago, and the Climate Business Plan, filed pursuant to Merger Commitment/Settlement Term No. 79, is not the proper subject of data or other information requests reserved for the purpose of gathering evidence in anticipation of a pending case or controversy. The requirement of Merger Commitment/Settlement Term No. 79 to file the Climate Business Plan with the Commission has been fulfilled. There is no dispute of material fact for the Commission to resolve related to this Commitment. See *Mampe v. Ayerst Laboratories*, 548 A.2d 798, 804 (D. C. App. 1988) ("discovery is intended as an aid to the litigation of a particular case or controversy").

Ms. Susan Stevens Miller
March 30, 2020
Page 3

Very truly yours,



Moxila A. Upadhyaya
Counsel for AltaGas Ltd.

Copy to: Certificate of Service
 Brinda Westbrook-Sedgwick, Commission Secretary
 Susan Stevens Miller, Esq., Earthjustice
 Christopher S. Gunderson, Esq.
 J. Joseph Curran, III, Esq.

CERTIFICATE OF SERVICE

I, the undersigned counsel, hereby certify that on this 52th day of March, 2020, I caused copies of the foregoing to be hand-delivered, mailed, postage-prepaid, or electronically delivered to the following:

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Moxila A. Upadhyaya

Attachment C

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE ATTORNEY GENERAL**

**KARL A. RACINE
ATTORNEY GENERAL**



**Public Advocacy Division
Social Justice Section**

E-Docketed

March 26, 2020

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Re: Formal Case No. 1142 – In the Matter of the Merger of Alta Gas, Ltd., and WGL Holdings, Inc.

Dear Mses. Thurston-Seignious & Upadhyaya:

Enclosed please find the District of Columbia Government's Thirtieth Set of Data Requests to Joint Applicants. If you have any questions regarding this filing, please contact the undersigned.

Sincerely,

KARL A. RACINE
Attorney General

By: /s/ Brian Caldwell
BRIAN CALDWELL
Assistant Attorney General
(202) 727-6211 – Direct
Brian.caldwell@dc.gov

cc: Service List

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

FORMAL CASE No. 1142

**DISTRICT OF COLUMBIA
GOVERNMENT'S THIRTYTH SET OF
DATA REQUESTS
TO JOINT**

APPLICANTS

March 26, 2020

For Instructions and Definitions, please refer to the District Government's First Set of Data Requests filed on May 30, 2017. In addition, in each case where the District requests workpapers, and analysis, and assumptions, this request includes not just the files, analysis, and assumptions used to directly generate those figures, but also the underlying and background files, analysis, and assumptions that describe in detail how the analysis was conducted and shows how each piece of output data was generated.

DATA REQUESTS

- 30-1. WGL Climate Business Plan. Provide the workpapers and other analysis and assumptions used to generate the two figures shown on page 10 of the Climate Business Plan.
- 30-2. WGL Climate Business Plan. Provide the workpapers and other analysis and assumptions used to generate the cost and GHG emissions of each scenario shown on pages 41 and 42 of the Climate Business Plan and in Section 4 (pages 9-18) of the ICF Technical Study Summary Report.
- 30-3. WGL Climate Business Plan. Page ii of the ICF Technical Study Summary Report states that "AltaGas defined the cases to be evaluated and reviewed the overall methodology and major assumptions." Please provide the document and communications from AltaGas that "defined the cases to be evaluated."
- 30-4. WGL Climate Business Plan. Provide the analysis used to generate the \$1 million figure on page 23 of the ICF Technical Study Summary Report ("...ICF has estimated the under-recovery of utility cost of service for the Policy-Driven Electrification Case to be about \$1 billion higher than in the Fuel Neutral Case, for the period from 2020 through 2050.")

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of March 2020, I caused true and correct copies of the foregoing District of Columbia Government's Thirtieth Set of Data Requests to Joint Applicants, to be electronically delivered to the following parties:

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