



August 27, 2020

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. – Updated Response Regarding
The July 29th Community Public Meeting on the Climate Business Plan**

Dear Ms. Westbrook-Sedgwick:

Sierra Club respectfully files this letter in response to the AltaGas Ltd. (“AltaGas”) and Washington Gas Light Company (“WGL”) (jointly, the “Companies”) letter of August 7, 2020 and to provide updated information to the District of Columbia Commission (“Commission”) regarding the July 29th community public meeting on the Climate Business Plan (“public meeting”) hosted by the Companies.

On July 31, 2020, AltaGas filed a letter in the above-captioned docket informing the Commission that the Companies hosted a public meeting to report on and discuss the Climate Business Plan on June 29, 2020. On August 4, 2020, Sierra Club filed a response to this letter (“Response”). This response included an affidavit from Mr. Mark Rodeffer, who participated in the virtual meeting. In its Response, Sierra Club noted that during the public meeting WGL rejected many of the participants questions based on the content of those participants’ questions and WGL representatives provided false and misleading information at the meeting. On August 7, 2020, the Companies filed a letter challenging the veracity of Sierra Club’s claims and asserted that “the panel answered all substantive questions about the [Climate Business] Plan” and that “none of the panelists provided the public with any false or misleading information”.¹

The audio file recording of the public meeting was not available prior to the filings discussed above. On August 12, 2020, WGL posted on YouTube an audio of its July 29, 2020 community public meeting on the company’s Climate Business Plan.² The audio confirms that

¹ Formal Case No. 1142, *In the Matter of the Merger Appl. of AltaGas Ltd. and WGL Holdings, Inc.*, August 7, 2020 Letter of AltaGas and WGL, at 2 (Aug. 7, 2020) (“August 7, 2020 Letter”).

² WGL, *DC Climate Business Plan Public Meeting on July 29, 2020*, Youtube (Aug. 12, 2020) (“DC Climate Business Plan Public Meeting on July 29, 2020”), https://www.youtube.com/watch?v=Ke1kVC_WjXw.

Sierra Club’s description of the meeting in its August 4, 2020 filing with the Commission is accurate. The audio demonstrates that WGL refused to ask questions critical of its Climate Business Plan at the meeting and that a senior executive from WGL made false and misleading statements about public health. The audio also demonstrates that WGL’s August 7, 2020 filing before this Commission included a number of falsehoods.

SIERRA CLUB VOLUNTEER AND DC RATEPAYER QUESTIONS

Sierra Club volunteers and other DC ratepayers composed questions about the Climate Business Plan before the meeting. Among the questions from the DC residents and ratepayers were:

- A report from Earthjustice and the Sierra Club³ found that fossil gas alternatives like manure gas, which your plan calls “low-carbon fuels” are four to 17 times more expensive than fossil gas.⁴ How much will you have to increase rates to pay for these expensive gases?
- The Earthjustice/Sierra Club report found that manure gas and other fossil gas alternatives can replace only 13% of current fossil gas consumption.⁵ A report from the Natural Resources Defense Council⁶ found the alternatives can replace even less - only 3 to 7%.⁷ Given the limited supply of these gases, why does your plan rely so heavily on them?
- If the company is unable to reach its target volumes of [Renewable Natural Gas (“RNG”)] at any point, will it make up for the shortfall by using fossil gas, or will it consider the use of non-pipe alternative solutions?

Because WGL imposed a limit on the number of characters that could be used to ask questions through the online forum the company provided, some of the questions had to be slightly altered or broken into two submissions. Despite the barriers that encouraged only brief questions, each of the above questions was submitted by meeting participants. None were asked by the meeting moderator.

WGL MODERATOR JOHN FRIEDMAN’S QUESTIONS

³ Earthjustice and Sierra Club, *Rhetoric vs. Reality: The Myth of Renewable Natural Gas for Building Decarbonization* (July 2020), https://earthjustice.org/sites/default/files/feature/2020/report-decarb/Report_Building-Decarbonization-2020.pdf.

⁴ *Id.* at 2.

⁵ *Id.* at 11–12.

⁶ Natural Resources Defense Council, *A Pipe Dream Or Climate Solution? The Opportunities And Limits Of Biogas And Synthetic Gas To Replace Fossil Gas* (June 2020), <https://www.nrdc.org/sites/default/files/pipe-dream-climate-solution-bio-synthetic-gas-ib.pdf>.

⁷ *Id.* at 5.

As noted above, WGL’s August 7 filing with the Commission states: “Washington Gas and ICF Resources, the independent consultant who assisted in developing the Plan, answered, in substance, every question or topic area that were asked regarding the Plan.” This statement is plainly false, as none of the questions above were asked at the meeting.

Instead, WGL sustainability manager John Friedman, who moderated the meeting, formulated three of his own questions about RNG. Mr. Friedman’s RNG questions, quoted verbatim, were:

1. “We’re getting a number of questions now about renewable natural gas in the chat. And thank you very much for engaging, and engaging right out of the gate, because if you don’t ask questions, then we have to come up with something to answer on our own. So there are questions about renewable natural gas. But in the interest of level setting, can we start out with, what is it, where does it come from? And then we’ll get into some of these other questions about comparative cost and its carbon impact.”⁸
2. “Another follow up question on RNG is, people are questioning and wondering, how much does it cost compared to conventional natural gas and would it be cheaper than renewable electricity. And that’s to anyone on the panel who wants to take it.”⁹
3. “One last question, I think, on renewable natural gas, is, the question has been raised about the volumes of RNG that are available. People are asking about a national study. I know ICF did a regional RNG study, and what did you find? Is there enough of this stuff that we want out there?”¹⁰

AltaGas’s claim in the August 7th filing that at its July 29 meeting WGL “answered, in substance, every question or topic area that were asked” is contradicted by WGL’s audio from the meeting. WGL did not answer, nor even ask, questions from ratepayers regarding how much rates would have to increase to pay for RNG, why WGL chose to rely so heavily on RNG in its plan, and whether WGL would consider non-pipe alternatives if it cannot meet its RNG targets. Instead, Mr. Friedman asked panelists what RNG is, how the cost of RNG compares to electricity from renewable sources, and whether there is “enough of this stuff that we want out there.” These were not the questions posed by Sierra Club volunteers and other DC ratepayers regarding RNG.

AltaGas’s August 7th filing states that Mr. Friedman “plainly did not” dismiss a study asked about by meeting participants.¹¹ In fact, the above verbatim quotes from Mr. Friedman demonstrate that he did not ask questions about how much rates would have to increase to pay for RNG, nor why WGL’s plan relies so heavily on RNG given its limited supply. Both questions cited the “national study” Mr. Friedman dismissed in favor of asking ICF consultant Mike Sloan to opine on his own “regional RNG study.”

⁸ DC Climate Business Plan Public Meeting on July 29, 2020 at 11:40–12:03 audio mark.

⁹ *Id.* at 16:06–16:20 audio mark.

¹⁰ *Id.* at 19:58–20:16 audio mark.

¹¹ August 7, 2020 Letter at 2.

WGL may disagree with the underlying premises of some of these questions, but WGL made no attempt to explain any differences, nor even ask about them. Instead, Mr. Friedman created his own questions.

WGL'S FALSE AND MISLEADING PUBLIC HEALTH CLAIMS

Sierra Club's August 4th filing accurately notes that WGL assistant vice president and chief social responsibility officer Melissa Adams falsely told meeting participants that:

1. Gas stoves do not emit more chemicals harmful to human health than electric stoves emit; and
2. The health threat from stoves depends not on whether the stoves are gas-fired or use electricity, but instead on the aroma of the food being cooked.

In its August 7th response, AltaGas does not address Ms. Adam's statements from the public meeting about gas stoves and public health. However, AltaGas alleges: "[I]mportantly, contrary to Sierra Club's claims, none of the panelists provided the public with any false or misleading information during their presentations or in response to questions from the public."¹² AltaGas further alleges: "[I]n their August 4, 2020 correspondence, Sierra Club materially misrepresents a panelist's response to a question regarding indoor air quality."¹³

The audio of the meeting posted on YouTube contradicts WGL's assertions. At the 55:00 audio mark in the YouTube video, the following exchange occurs:

John Friedman: Another question that has come in has to do with indoor air quality and relating to the differences between electric and gas cooking and some of the studies that have come out recently talking about particulates as well as other irritants that are put into the air when you cook, depending on the fuel source.

Melissa Adams: So, I can start with that. Yes, whenever you cook, in your home, basically, it's a chemical process, and you are essentially, to a certain degree, releasing both particulate matter and emissions and a lot of that is driven by what you're cooking and how you're cooking it. So, high temperature cooking tends to produce more particulates and matter like **things that smell really good tend to actually produce the most emissions. And it doesn't really matter if it's electric or gas.** That's just going to happen. The other point is that you definitely need adequate venting, whether it's electric or gas. Homes are much tighter today and so indoor air quality does become more of an issue. You have off-gassing of many typical residential products. There are many more plastics in our homes today. Carpeting can off-gas. There's all kinds of stuff. And, as the house becomes tighter, venting becomes much more of an issue. We have seen some of these studies. I would say there are, I'm not sure everyone fully agrees with all of the findings of these studies. And we've seen other studies that talk about electric cooking of

¹² August 7, 2020 Letter at 2.

¹³ *Id.*

certain products and that they create greater emissions. So, you know, you know, we all need to be safe, and I think ventilation is a key factor in any cooking. I know for example, I think it's ovens, when you use your, the oven cleaning function, it's tremendously high temperature and there's all kinds of stuff that's released that can be toxic whether it's gas or electric. So, again, I think venting is extremely important. Mike, do you want to add anything to that?

Mike Sloan: I don't have any particular insights into those issues other than, I do cook with electricity, and my wife will tell you that when I burn dinner, it ruins the air quality in the kitchen. But other than that, I don't have any insights to that question.

John Friedman: That went in a different direction than I was expecting. Let's see if I can get this back on track.

The above transcript of the exchange about the health threat of gas stoves affirms that Ms. Adams did in fact state the aroma of food is the determinant of a stove's health impacts ("...things that smell really good tend to actually produce the most emissions.") and that Ms. Adams said there is no difference in the health impacts of gas and electric stoves ("And it doesn't really matter if it's electric or gas.").

As Sierra Club stated in its August 4th filing, Ms. Adams' claims are contrary to research on the topic.¹⁴ Sierra Club is unaware of *any* study or research suggesting that gas-fired stoves do not emit more harmful chemicals than electric stoves and that the aroma of food being cooked is responsible for the stove's adverse health impacts. If WGL is aware of any studies validating Ms. Adams' bizarre claims, Sierra Club requests WGL present these studies.

Sierra Club did not, as AltaGas falsely asserts, "materially misrepresents a panelist's response to a question regarding indoor air quality." In fact, the above transcript shows that Sierra Club's August 4th filing accurately described Ms. Adams' outlandish comments on gas stoves and public health. The only material misrepresentations come from Ms. Adams at the public meeting and from AltaGas in its August 7th filing with the Commission.

CONCLUSION

¹⁴ Research has shown demonstrated associations between gas stove use and increased respiratory symptoms for household residents, particularly children. UCLA Fielding School of Pub. Health Dep't of Env'tl. Health Sciences, *Effects of Residential Gas Appliances on Indoor and Outdoor Air Quality and Public Health in California* (Apr. 2020), <https://coeh.ph.ucla.edu/effects-residential-gas-appliances-indoor-and-outdoor-air-quality-and-public-health-california>. Children living in a home with gas cooking have a 42% increased risk of having current asthma, a 24% increased risk of lifetime asthma and an overall 32% increased risk of having current and lifetime asthma. Weiwei Lin, et al., *Meta-analysis of the effects of indoor nitrogen dioxide and gas cooking on asthma and wheeze in children*, 42 Int'l Journal of Epidemiology 1724, 1728–1729 (Dec. 2013), <https://academic.oup.com/ije/article/42/6/1724/737113>.

It is beyond question that WGL rejected questions at the public meeting that WGL believed were critical of its Climate Business Plan, provided false and misleading information to the public at that meeting, and continued its misrepresentations in the AltaGas August 7th filing before the Commission. WGL's own audiotape demonstrates that the manner in which WGL conducted the public meeting made a mockery of the public meeting requirement set forth in Commitment Term No. 79. Thus, Sierra Club respectfully reiterates our request that:

1. The Commission find that WGL's public meeting failed to meet the requirement under Commitment Term No. 79 of the AltaGas/Washington Gas merger order to hold bi-annual public meetings;
2. The Commission require WGL to publicly release the video it recorded of its July 29 meeting;
3. The Commission require WGL to record and publicly release the recorded video of all subsequent community public meetings on its Climate Business Plan;
4. The Commission require that in all future community public meetings on its Climate Business Plan, whether held in-person, online or via any other medium or venue, WGL allow meeting participants to ask questions themselves, without prior review by WGL representatives. WGL should be expressly forbidden from censoring questions, refusing to allow certain questions to be asked, and re-wording questions asked by meeting participants; and
5. The Commission should institute an evidentiary proceeding and instruct parties to develop a plan to transition WGL to a business model consistent with DC's climate commitment of carbon neutrality.

Respectfully submitted,



Susan Stevens Miller
D.C. Bar No. 1026066
Staff Attorney, Clean Energy
Program
Earthjustice
1001 G St. NW, Ste. 1000
Washington, D.C. 20001
(202) 667-4500
smiller@earthjustice.org

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of August 2020, a copy of the foregoing was served on the following parties by electronically mail:

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

Anjali G. Patel, Esq.
Office of People's Counsel
1133 15th St. NW, Suite 500
Washington DC 20005
apatel@opc-dc.gov

Christopher Lipscombe
Lara Walt
Office of the General Counsel
Public Service Commission
of the District of Columbia
1325 G Street, NW, Suite 800
Washington, DC 20005
CLipscombe@psc.dc.gov
lwalt@psc.dc.gov

Hussain Karim
Alan J. Barak
Department of Energy and Environment
1200 First Street, NE, 5th Floor
Washington, DC 20002
hussain.karim@dc.gov
alan.barak@dc.gov

Karen Hardwick
John C. Dodge
Cathy Thurston-Seignious
Paul S. Buckley
Meera Ahamed
Associate General Counsel
Washington Gas Light Company
1000 Maine Ave., S.W.
Washington, DC 20024
cthurston-seignious@washgas.com

Brian R. Caldwell
Assistant Attorney General
Office of the Attorney General
441 4th Street, NW
Washington, DC 20001
Brian.caldwell@dc.gov

Dennis Jarnouneau
Andrea Harper
Kim Hassan
Pepco
701 Ninth Street, NW
Washington, DC 20068
djamouneau@pepcoholdings.com

Frann G. Francis, Esq.
Senior Vice President & General Counsel
Apartment and Office Building Association
of Metropolitan Washington
1025 Connecticut Avenue, NW, Suite 1005
Washington, DC 20036
FFrancis@aoba-metro.org

James F. Wallington
Baptiste & Wilder, P.C.
1150 Connecticut Avenue, NW, Suite 315
Washington, DC 20036

Andrew G. Pizor
National Consumer Law Center
1001 Connecticut Avenue, NW, Suite 510
Washington, DC 20036-5528

jwallington@bapwild.com

Scott H. Strauss, Esq.
Spiegel & McDiarmid LLP
1875 I St., NW
Suite 700
Washington, DC 20006
Scott.strauss@spiegelmcid.com

Mark Murphy, Esq.
Mooney, Green, Saindon, Murphy & Welch,
P.C. on behalf of the International
Brotherhood of Teamsters Local No. 96
1920 L Street, NW - Suite 400
Washington, DC 20036
mmurphy@mooneygreen.com

Emily W. Medlyn
U.S. Army Legal Services Agency -
Regulatory Law Office
927 5 Guns ton Road
Fort Belvoir, VA 22060
emily.w.medlyn.civ@mail.mil

Bruce Oliver
Reville Hill Associates, Inc.
7103 Laketree Drive
Fairfax Station, VA 22039
revilohill@verizon.net

May Va Lor
Corporate Affairs Department
LiUNA
905 16th St., NW, Washington, DC 20006
mlor@liuna.org

apizor@nclc.org

Brian Petruska
General Counsel
LiUNA Mid-Atlantic Region
11951 Freedom Drive, Suite 310
Reston, VA 20190
bpetruska@maliuna.org

J. Joseph Curran, III,
F. William DuBois,
Kenneth L. Thompson
Christopher S. Gunderson
Venable LLP
750 East Pratt Street, 7th Floor
Baltimore, MD 21202
JCurran@venable.com

Moxila A. Upadhyaya
Venable LLP
600 Massachusetts Avenue, N.W.
Washington, D.C. 20001
MAUpadhyaya@venable.com

Dan Dyer
President, OPEIU Local 2
AFL-CIO
8555 16th St., NW, Suite 550
Silver Spring, MD 20190
ddyer@opeiu-local2.org

/s/ Gabriela Rojas-Luna
Gabriela Rojas-Luna, Litigation Assistant
Earthjustice