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March 17, 2021

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

Re: RM29-2020-03

Dear Ms. Westbrook-Sedgwick:

Enclosed please find Pepco's Motion for Leave to Respond and Response to Comments in the above referenced proceeding.

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

Sincerely,

/s/ *Dennis P. Jamouneau*

Dennis P. Jamouneau

cc: All Parties of Record

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

IN THE MATTER OF)	
)	
15 DCMR CHAPTER 29)	
RENEWABLE ENERGY)	RM029-2020-03
PORTFOLIO STANDARD)	
)	

**POTOMAC ELECTRIC POWER COMPANY’S MOTION FOR LEAVE
TO RESPOND AND RESPONSE**

Pursuant to Rules 105.8 and 105.9 of the Rules of Practice and Procedure of the Public Service Commission of the District of Columbia (“Commission”),¹ Potomac Electric Power Company (“Pepco” or the “Company”) respectfully submits its Motion for Leave to Respond and Response (“Response”) to the comments filed on March 8, 2021 by the District Department of Energy and Environment (“DOEE”) and SunPower Corporation (“SunPower”). The DOEE comments, as well as those filed by SunPower, were filed in response to the Notice of Proposed Rulemaking (“February 5 NOPR”) issued February 5, 2021 that made modifications to a Notice of Proposed Rulemaking originally issued on June 12, 2020. These rulemakings addressed, *inter alia*, the processes and rules for determining the eligibility of renewable resources for the purpose of receiving Solar Renewable Energy Credits (“SRECs”) in the District.

Pepco’s response, if permitted, is limited in nature and addresses only comments that relate to Pepco’s cross border feeder maps. Pepco has not had the opportunity previously to address these specific comments and permitting Pepco’s response will provide a more fulsome record on

¹ 15 D.C.M.R. § 105.8.

which the Commission can make its ultimate determination. The February 5 NOPR did not explicitly permit responsive comments. Thus, and as stated in more detail below, Pepco respectfully requests that the Commission grant this motion and permit the Company leave to respond.

II. MOTION FOR LEAVE TO RESPOND

The Commission's February 5 NOPR allowed any interested persons to comment by March 8, 2021; however, it did not permit responsive comments. In fact, Pepco did not file comments to the February 5 NOPR because the Company did not have any material disagreement with the proposed rules. After reviewing the DOEE and SunPower comments, Pepco moves the Commission to allow the following responsive comments pursuant to Rule 105.9 in order to provide a more accurate and complete record for Commission consideration. Permitting responsive comments in this case will assist the Commission's deliberative process and provide support for the February 5 NOPR. As such, Pepco respectfully requests that the Commission accept Pepco's Response in this case.

III. RESPONSE

Proposed rule 2902.1(d) states:

Eligibility for certification to meet the solar portion of the Tier One requirement of the RPS, for Solar Energy Systems not located within the District and in locations served by a distribution feeder serving the District, is based on the Electric Company's current Cross Border Feeder Map posted on its website;

The Cross Border Feeder Map, which Pepco has maintained and updated regularly for several years, is a critical tool for developers and prospective renewable energy generators as they

determine whether or not they may qualify for District SRECs.² As such, the proposed rule makes sense and provides both the prospective renewable generator owner/operator and Commission Staff—who must review applications—up-to-date visibility into eligibility for District SRECs. For this reason alone, the proposed rule should be adopted.

DOEE, however, proposes that the Commission require Pepco to file a “static” version of the Cross Border Feeder Map in order to allow more “transparency, market certainty, and competitive fairness” for developers.³ While DOEE acknowledges that Pepco “likely has an interest in maintaining its own version” of the map, DOEE nonetheless asserts that the Commission should reference the filed, “static” version for purposes of determining eligibility.⁴ In similar comments, SunPower also requests that the Commission engage in “more active oversight” of the Cross Border Feeder Map, including requiring Commission approval.⁵ Pepco disagrees.

The principal reason for having a “live” and regularly updated Cross Border Feeder Map is to provide a transparent depiction of the *current* status of Pepco’s cross-border feeders. A “static” map can easily be outdated, accomplishing the opposite of what DOEE purports to support. The purpose of updating the map is to allow developers and the Commission the most up-to-date information. Any requirement that would diminish the timeliness of updates would do a disservice to potential developers, Commission Staff, and Pepco.

In addition, the requirement to file and obtain Commission approval of the Cross Border Feeder Map is administratively inefficient and, in fact, needless. Pepco has committed to updating the Cross Border Feeder Map, has done so, and will continue to do so in the future. As such, and

² The Cross Border Feeder Map is also a commitment Pepco made in the Pepco-Exelon merger that the Commission approved on March 23, 2016 in Order No. 18148. *See* Formal Case No. 1119, Order No. 18148, Attachment B, Paragraph 120. The commitment requires Pepco to update the map at least quarterly. In practice, the map is updated lesser of quarterly or whenever material interconnection requests are received.

³ DOEE Comments at 4.

⁴ *Id.*

⁵ SunPower Comments at 3.

as a regulated utility, the Commission already retains all necessary authority to enforce against Pepco any violation with respect to Pepco's commitment. Given this enforceability, there is no reason to require Pepco to file the map, and it is unclear under what authority the Commission would "approve" the filed map.⁶

SunPower points out at least one situation in which the Cross Border Feeder Map is unclear with respect to a feeder that does cross from the District to Maryland.⁷ In SunPower's view, this type of situation reinforces the need to expand the reach of eligibility to "a system located in a geographic area served by a distribution feeder that also serves the District."⁸ SunPower is correct that the cited feeder should be designated as a cross-border feeder, and Pepco will update its maps accordingly. Nevertheless, Pepco regularly responds to developer and Commission Staff inquiries regarding addresses and feeders in order to determine potential SREC eligibility and will continue to do so; thus, no additional process is required. Moreover, it is unclear how having a static map filed with the Commission, as discussed above, would have produced a different result with respect to the feeder.

With respect to SunPower's overarching point regarding eligibility, as the February 5 NOPR explains, the Distributed Generation Amendment Act of 2011, D.C. Law 19-36, has already established the standard for eligibility, and this standard is explained in proposed rule 2901.2. SunPower's suggestion to expand eligibility to an amorphous "area served by" a District feeder is not supported by the law and cannot be approved by the Commission.

⁶ For example, the Commission cannot dictate Pepco's configuration of its distribution system, some of which crosses the border into Maryland.

⁷ SunPower Comments at 3.

⁸ *Id.*

III. CONCLUSION

For the reasons discussed above, Pepco respectfully requests that the Commission grant its Motion to Respond and accept its Response in this proceeding.

Respectfully submitted,
POTOMAC ELECTRIC POWER
COMPANY

/s/ Dennis Jamouneau

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Counsel for Potomac Electric Power Company

Washington, DC
March 17, 2021

CERTIFICATE OF SERVICE

I hereby certify that a copy of Potomac Electric Power Company's Motion for Leave and Response on NOPR Chapter 29 has been served this March 17, 2021 on:

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