

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

ORDER

April 12, 2021

**FORMAL CASE NO. 1142, IN THE MATTER OF THE MERGER OF ALTAGAS LTD.
AND WGL HOLDINGS, INC., Order No. 20726**

I. INTRODUCTION

1. By this Order, the Public Service Commission of the District of Columbia (“Commission”) directs the Washington Gas Light Company (“WGL” or “Company”) to deposit \$28,440 via ACH/wire transfer, into the Treasury of the District of Columbia, as shown in Attachment A of this Order, by April 19, 2021. The funds are needed by the Office of the People’s Counsel for the District of Columbia (“OPC” or “Office”) to meet expenses incurred by OPC in carrying out its statutory mandate to represent ratepayers in *Formal Case No. 1142*.

II. BACKGROUND

2. On March 29, 2021, OPC filed a Notice of Agency Fund Requirements (“NOAFR” or “Notice”) in *Formal Case No. 1142*.¹ In its NOAFR, OPC seeks to retain a technical consultant to assist the Office in evaluating WGL’s request to the Commission, regarding Merger Commitment No. 59, seeking a determination that AltaGas has achieved an aggregate cybersecurity capability maturity comparable or greater than WGL, as determined by a WGL and AltaGas’s third-party expert. OPC notified the Commission of the need for an Order directing WGL to deposit \$28,440 into the Treasury of the District of Columbia, to the credit of the fiduciary account known as the “Office of the People’s Counsel Agency Fund,” to meet expenses incurred by OPC in carrying out its statutory mandate to represent ratepayers in *Formal Case No. 1142*. OPC’s filing indicates that the Office delivered a copy of the proposed Notice and a proposed Commission order to the WGL attorney designated for service in this proceeding.² The record reflects that no objection or opposition was filed to the Notice.³

¹ *Formal Case No. 1142, In the Matter of the Merger of AltaGas LTD. and WGL Holdings, Inc.*, Notice of Agency Fund Requirements, Washington Gas Light Company, filed March 29, 2021 (“NOAFR”).

² *Formal Case No. 1142*, NOAFR, Letter from Naunihal S. Gumer, Agency Administrator, Office of the People’s Counsel for the District of Columbia to Cathy Thurston-Seignious, Supervisor, Administrative and Associate General Counsel, Washington Gas Light Company, dated March 22, 2021.

³ *Formal Case No. 1142*, NOAFR.

III. OPC REQUIREMENTS

3. According to OPC, in order for the Office to represent ratepayers before the Commission in *Formal Case No. 1142*, it requires the technical services of Securance Consulting (“Securance”).

Securance Consulting

4. OPC states that Securance is well qualified to assist OPC in evaluating WGL’s and AltaGas’s September 25, 2020, request and the underlying cybersecurity assessment(s). OPC notes that Securance is a full-service cybersecurity and compliance firm, that has performed both public and private utility cybersecurity assessments for almost two decades, some assessments have included evaluating the cybersecurity maturity of numerous organizations. OPC notes that Securance also has extensive experience representing public clients at technical meetings and in drafting comments for public submission. Securance will provide technical assistance to OPC in evaluating the maturity and relative posture of WGL and AltaGas’s cybersecurity. Specifically, Securance will assist OPC in identifying, obtaining, and reviewing existing analyses, underlying work papers and other supporting documents, and will review and analyze all presentations, representations, and/or work product by WGL and AltaGas in conjunction with the companies’ cybersecurity assessment and or information conveyed in conjunction with the technical conference. Additionally, to the extent necessary, OPC notes that Securance will assist OPC in preparing and evaluating discovery, will provide technical support for pleadings and comments, and will attend related-technical conferences or stakeholder meetings. More specifically, in supporting OPC Securance will meet with OPC; review WGL’s and AltaGas’s September 25, 2020, request to the Commission and the underlying cybersecurity assessment(s) of the utility Companies’ third-party consultants; assist in drafting and responding to discovery request if necessary; reviewing discovery conducted by other parties if necessary; working with OPC staff in preparing comments to the Commission; and acting as OPC’s technical expert and/or witness in the case proceeding as necessary.

5. OPC states that the contract with Securance is for \$28,440, with out-of-pocket expenses to be specifically accounted for. OPC represents that compensation for the contractor is at the hourly rates of \$124 for Paul Ashe, \$124 for Chris Bunn, and \$124 for Ray Resnick. OPC states that Paul Ashe is the primary contractor.

IV. APPLICABLE LAW

6. The Commission has reviewed the information submitted by OPC in support of this Notice. As required by 15 DCMR § 1405.2, the Commission finds that OPC has:

- (1) Provided the total amount sought from the utility and the date on which payment is requested to be made by the utility;
- (2) Identified the contractor hired;
- (3) Described the qualifications of the Contractor;

- (4) Described the work performed by the Contractor;
- (5) Identified the number of persons to be employed by the Contractor;
- (6) Provided the rate of compensation on an hourly basis for each person employed by the contractor; and
- (7) Provided the contract ceiling for the contract.

7. The Commission is also required to determine whether OPC's Notice is consistent with the relevant statutory authority. D.C. Code § 34-912(a)(3) provides that "[i]n any valuation or rate case, neither the Commission nor the Office may individually seek special franchise tax deposits of more than one-quarter of one percent of the jurisdictional valuation of the company which is the subject of the proceeding."⁴ This same section also provides that, "the Office may [not] individually seek special franchise tax deposits in any one year of more than one-twentieth of one percent of the jurisdictional valuation of each public utility which is the subject of one or more investigations during that year."⁵ The Commission's most recent determination of the Company's District of Columbia jurisdictional valuation is \$255,674,210.⁶ Calculation of this jurisdictional valuation against the "one-quarter of one percent" and the "one-twentieth of one percent" limitations set out in D.C. Code § 34-912(a)(3) yields a maximum individual rate case assessment of \$127,837. Non-rate case proceedings or other investigations are limited to a maximum assessment amount of \$639,186 per year. *Formal Case No. 1142* is a non-rate case proceeding or other investigation. Thus far in the calendar year 2021, OPC has not assessed WGL in non-rate case proceedings or other investigations. Accordingly, OPC's Agency Fund Requirements of \$28,440 will not cause the Office to exceed its statutory millage limit.

V. CONCLUSION

8. In conclusion, the Commission finds this Notice of Agency Fund Requirements is:
- (1) Not opposed by any party;
 - (2) Consistent with the statutory authority of and rules issued by the Office;
 - (3) Supported by findings, which findings are sustained by substantial evidence in the record submitted with the Notice; and
 - (4) Within the limitations enumerated in D.C. Code § 34-912(a)(3).

⁴ D.C. Code § 34-912(a)(3) (2001).

⁵ *Id.*

⁶ See *Formal Case No. 1137, In the Matter of the Application of Washington Gas Light Company's Application for Authority to Increase Existing Rates and Charges for Gas Service*, Order No. 18712, rel. March 3, 2017.

THEREFORE, IT IS ORDERED THAT:

9. The Washington Gas Light Company is **DIRECTED** to deposit \$28,440 via ACH/wire transfer into the Treasury of the District of Columbia, to the credit of the account known as the "Office of the People's Counsel Agency Fund", as shown in Attachment A of this Order, by April 19, 2021; and

10. The Washington Gas Light Company is **DIRECTED** to provide confirmation of the ACH/wire transfer payment by sending an email to the Commission addressed to pscpcwires@psc.dc.gov, within 24 hours from the date the payment was made indicating the following information pertaining to the ACH/wire transfer:

1. Case Number;
2. Company Name;
3. PSC Order No.;
4. Wire Transfer Submitted Date;
5. Wire Transfer Confirmation Number; and
6. Wire Transfer Amount.

A TRUE COPY:**BY DIRECTION OF THE COMMISSION:****CHIEF CLERK:****BRINDA WESTBROOK-SEDGWICK
COMMISSION SECRETARY**

Please find below, the two options you can choose to make your NOAFR payment to the Office of the People's Counsel for the District of Columbia:

ACH Credit Instructions:

Bank Name: Wells Fargo Bank, N.A.
ABA: 054001220
Account Name: GOVERNMENT OF THE DISTRICT OF
COLUMBIA EDRC - OPC
Account Number: 4122766090

Wire Instructions:

Bank Name: Wells Fargo Bank, N.A.
ABA: 121000248
Account Name: GOVERNMENT OF THE DISTRICT OF
COLUMBIA EDRC - OPC
Account Number: 4122766090

If you should have any questions, please contact Gurmeet Scoggins at (W): (202) 626-5133 or email at gscoggins@psc.dc.gov.