

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

October 9, 2026

**FORMAL CASE NO. 1176, 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**

**STATEMENT OF COMMISSIONER RICHARD BEVERLY IN RESPONSE TO THE
OFFICE OF THE PEOPLE'S COUNSEL FOR THE DISTRICT OF COLUMBIA**

1. On March 5, 2026, the Appeals Court vacated Orders No. 22823 and 22358 approving a second MRP for Pepco. The majority at the time then issued Order Nos. 22806, 22860, 22866, and 22860, preserving as interim rates the rates approved (and later vacated) in Order No. 22823. I abstained from those Orders. On September 28, 2026, OPC requested that the Commission stay Orders No. 22806, 22860, and 22866: “[t]hese determinations include (1) authorizing the Potomac Electric Power Company (‘Pepco’ or ‘Company’) to charge electric distribution rates without a valid rate order; and (2) authorizing distribution rates without holding an evidentiary hearing.” OPC also requested “that the Commission provide a response (to the request for a stay) promptly and no later than October 12, 2026. In the event that the Commission is split on whether to grant the Motion, OPC respectfully requests that it inform the Office prior to October 12th if possible.”

2. As requested by OPC, this constitutes my notice that the Commission is unable to reach a majority decision on the Stay by October 12, 2026, or anytime soon thereafter.

3. However, assuming that the interim rate is not subject to the same hearing requirement as a final rate, the former majority’s Order establishing the interim rate should have given the conditions under which the interim rate will terminate so that it does not inadvertently become indefinite. D.C. Code §34-608 gives the Commission broad authority to amend its orders while the case is pending before the Court. Specifically, this provision states “The Commission may at any time, rescind, alter, modify, or amend its order. If, after appeal is filed, the Commission shall rescind the order or decision appealed from, the appeal shall be dismissed; if it shall alter, modify, or amend the same, such altered, modified, or amended order or decision shall take the

place of the original order and the Court shall proceed thereon as though the late order had been made by the Commission in the first instance.”¹

4. I think the Commission should immediately consider amending Order No. 22860 at paragraph 82 to state that “If a final rate has not been authorized by December 31, 2026, the interim rate shall terminate and the rate shall be the filed rate in effect on December 31, 2024, and it shall remain the rate until a new final rate is authorized.”

¹ D.C. Code § 34-608