



May 17, 2019

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. 1154, In the Matter of the Application of Washington Gas Light
Company for Approval of PROJECTpipes2 Plan

Dear Ms. Westbrook-Sedgwick:

Enclosed please find the Environmental Defense Fund's Motion for Leave to Respond
and Limited Response in Formal Case No. 1154 regarding Washington Gas Light Company's
PROJECTpipes2 application. If there are any questions regarding this matter, please contact me
at (202)-572-3389.

Sincerely,

A handwritten signature in black ink, which appears to read "Natalie Karas". The signature is written in a cursive, flowing style.

Natalie Karas
Lead Counsel, Energy Markets and Utility
Regulation
Environmental Defense Fund
1875 Connecticut Ave. NW
Suite 800
(202) 572-3389
nkaras@edf.org

Enclosures

cc: All parties of record
Formal Case No. 115

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

**IN THE MATTER OF WASHINGTON)
GAS LIGHT COMPANY’S)
APPLICATION FOR APPROVAL)
OF PROJECTPIPES 2 PLAN)**

Formal Case No. 1154

**ENVIRONMENTAL DEFENSE FUND’S MOTION FOR LEAVE TO RESPOND AND
LIMITED RESPONSE TO WASHINGTON GAS LIGHT COMPANY’S OPPOSITION
TO EDF’S PETITION TO INTERVENE**

Pursuant to Rules 105.8 and 105.9 of the Public Service Commission of the District of Columbia (“Commission”) Rules of Practice and Procedure, the Environmental Defense Fund (“EDF”) hereby submits its motion for leave to respond and limited response to Washington Gas Light Company’s (“WGL” or “Company”) May 15, 2019 opposition to EDF’s Petition to Intervene. In support of its Motion and Limited Response, EDF states as follows:

I. BACKGROUND

On December 7, 2018, WGL filed with the Commission a request for approval of the Company’s Project Pipes 2 Plan, the second 5-year phase of WGL’s 40-year revised accelerated pipe replacement program. The Commission previously approved the first 5-year phase of the plan in Formal Case No. 1115. On December 14, 2018, the Commission issued a Public Notice opening a new docket, Formal Case No. 1154, to address WGL’s Project Pipes 2 Plan. The Public Notice established an initial and reply comment period, which was ultimately extended to March 22, 2019 and April 8, 2019, at the request of the Office of the People’s Counsel (“OPC”). EDF assisted OPC in preparing the technical affidavit of Virginia Palacios, which was appended to OPC’s initial March 22, 2019 Comments. This affidavit demonstrated the customer, safety, and environmental benefits provided by advanced leak detection technology and data analytics.

On May 3, 2019, the Commission issued Order No. 19919 establishing May 10, 2019 as the date by which petitions to intervene are due. EDF timely submitted its Petition to Intervene in accordance with the deadline provided in Order No. 19919. WGL submitted its opposition to EDF's petition to intervene on May 15, 2019.

II. MOTION FOR LEAVE TO FILE LIMITED RESPONSE

Consistent with Rules 105.8 and 105.9 of the Commission's Rules of Practice and Procedure, good cause exists to grant EDF leave to submit this Limited Response.¹ WGL's Opposition seeks to muddle the intervention standard before this Commission, and EDF's Limited Response corrects the misstatements and deficiencies set forth therein.² Granting EDF's request would ensure that the Commission has all of the accurate information it needs to rule in this proceeding.³ For these reasons, EDF respectfully requests that the Commission grant it leave to submit this Limited Response.

III. LIMITED RESPONSE

A. EDF Has a Distinct and Unique Interest in this Proceeding

WGL did not question the sufficiency of EDF's Petition to Intervene or take issue with EDF's expertise on advanced leak technology and data analytics. Rather, WGL invents a new barrier to intervention before the Commission—an intervenor who is aligned with other parties in the proceeding on certain relevant policy issues and recommendations is somehow rendered

¹ See e.g., Formal Case No. 1017, Order No. 16545 at P 5 (September 19, 2011) (granting the Motions for Leave to Respond “in the interest of allowing as much public participation as possible” on the issues in the proceeding).

² See e.g., Formal Case No. 766, Order No. 16427 at PP 35, 52 (July 7, 2011) (granting OPC's Motion for Leave to Respond, which clarified the record and corrected mischaracterizations).

³ See, e.g., Formal Case No. 1137, Order No. 19118 at n.7 (September 21, 2017) (granting WGL's Motion for Leave to Respond “[i]n an effort to review a complete record”).

ineligible to be a party. Said barrier should not be accepted by the Commission. Such an approach in this proceeding would seem to hinder, not aid, the Commission in crafting regulatory solutions that are aligned with the ambitious climate goals adopted by the District. That a diverse group of parties have all advocated for the integration of advanced leak detection technology and data analytics simply demonstrates the far-reaching benefits such an approach provides, including both improved safety and ratepayer cost-savings.

As WGL acknowledges, to be granted party status, “[f]irst, the intervenor must establish that it has a substantial interest in the proceeding, and second, an intervenor must show that it has a perspective so unique that only party status would allow it to have its views adequately represented.”⁴ EDF has satisfied both prongs. First, as EDF’s Petition to Intervene aptly demonstrated, EDF has a substantial interest in this proceeding based on its national engagement in reducing methane emissions from distribution system pipeline leaks,⁵ its presence and that of its members in WGL’s service territory, and its engagement before this Commission in Formal

⁴ Formal Case No. 1115, Order No. 19090 at 4 (September 8, 2017).

⁵ See, e.g., *Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations of Niagara Mohawk Power Corporation d/b/a National Grid for Gas Service*, NYPSC Case No. 17-G-0239 *et al.*, Order Adopting Terms of Joint Proposal and Establishing Electric and Gas Rate Plans, (March 15, 2018) at 18-19 (approving a Joint Proposal supported by EDF obligating Niagara Mohawk to continue to “develop a methodology for assessing leak size and volume using leak quantification methods” and consider “best practices for identifying and abating high volume leaks”); *Resolution G-3538, Forecast Requests for Utility Natural Gas Leak Abatement Program*, CA P.U.C. Resolution G-3538 (Oct. 11, 2018) (EDF active in development of gas distribution utility leak abatement programs); *Pennsylvania Public Utility Commission v. Peoples Natural Gas Co., LLC*, PA PUC Case C-2016-2437295 (Jan. 18, 2018) (Commission adopts ALJ recommended decision that, among other things, includes settlement provisions that require Peoples Natural Gas Co to work with EDF on exploring the potential new technologies to measure key environmental data, and to create detailed maps that show the location of natural gas leaks from utility facilities located under city streets); and *Illinois Commerce Commission On Its Own Motion vs. Peoples Gas Light and Coke Company*; Ill. Commerce Comm. Case 16-03762018 (Jan. 10, 2018) (The Commission required implementation of a pilot program jointly developed by gas distribution company, the Citizens Utility Board, and EDF).

Case No. 977.⁶ Second, EDF's perspective is unique from all other parties in the case, as evidenced by the substantial and distinct body of work it has developed in this area, including the scientific, technical, and policy-oriented projects it has engaged in over the past three years.⁷ No other party has or can claim similar expertise. Because EDF has satisfied the intervention standard, the Commission should grant its Petition to Intervene.

B. EDF Seeks to Aid the Commission in its Decision-Making Process

It is unfortunate that WGL opposed EDF's intervention on the very same day it represented to the Commission its willingness to engage with EDF during the May 15, 2019 community hearing in Formal Case No. 977. EDF is seeking to intervene to aid the Commission in its decision-making process, as it has in numerous other utility commission proceedings around the country in similar dockets.⁸ During the community hearings in Formal Case No. 977, EDF heard multiple District residents cite or refer to EDF's work.⁹ In this proceeding, several parties have referenced EDF's prior work, including the Department of Energy and Environment,

⁶ *In the Matter of the Investigation into Quality of Service of Washington Gas Light Company*, Formal Case No. 977, Testimony of Natalie Karas on behalf of the Environmental Defense Fund (February 6, 2019); *In the Matter of the Investigation into Quality of Service of Washington Gas Light Company*, Formal Case No. 977, Testimony of Natalie Karas on behalf of the Environmental Defense Fund (May 15, 2019).

⁷ See EDF Petition to Intervene at pages 2-3.

⁸ As demonstrated in footnote 5 above, EDF has meaningfully contributed in similar dockets before a multitude of state commissions, including the New York Public Service Commission, the New Jersey Board of Public Utilities, California Public Utilities Commission, and the Illinois Commerce Commission, among others.

⁹ See, e.g., Testimony of Judy Taylor, Formal Case 977 (February 6, 2019) (citing EDF's work on methane abatement); Testimony of Mary Feeherry, Clean Energy Committee of the Sierra Club DC Chapter (May 15, 2019) (citing EDF's work on advanced leak detection technology and data analytics in Pittsburgh and noting that DC may benefit from a similar approach).

which noted EDF's collaboration with Peoples Gas in Pittsburgh and Con Edison in New York.¹⁰

EDF's objective here is to assist in the development of a robust record in this case upon which the Commission can make a reasoned decision. For these reasons, its Petition to Intervene should be granted.

IV. CONCLUSION

WHEREFORE, EDF respectfully requests that the Commission grant its Motion for Leave to Respond, accept this Limited Response, and grant EDF's Petition to Intervene in this proceeding.

Respectfully,



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¹⁰ Comments by the Department of Energy and Environment, Formal Case No. 1554 at page 8 (March 22, 2019).

Certificate of Service
Formal Case No. 1154

I certify that on this 17th day of May, 2019, copies of the foregoing were emailed to the official service list for this proceeding.

A handwritten signature in black ink, appearing to read "Natalie Karas". The signature is fluid and cursive, with the first name "Natalie" and the last name "Karas" clearly distinguishable.

Natalie M. Karas