

Andrea H. Harper  
Assistant General Counsel

EP9628  
701 Ninth Street NW  
Washington, DC 20068-0001

Office 202.331.6649  
Fax 202.331.6767  
pepco.com  
ahharper@pepcoholdings.com

September 9, 2019

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: Formal Case No. 1156**

Dear Ms. Westbrook-Sedgwick:

Enclosed please find Potomac Electric Power Company's ("Pepco") Notice of Objections to the Office of People's Counsel Data Request Set No. 32, Questions 1, 2, 3, 10 and 11, in the above referenced proceeding.

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

Sincerely,

A handwritten signature in blue ink that reads "Andrea H. Harper".

Andrea H. Harper

Enclosures

cc: All Parties of Record

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

**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** )

**Formal Case No. 1156**

**OBJECTION OF  
POTOMAC ELECTRIC POWER COMPANY  
TO OPC'S DATA REQUEST NOS. 32-1, 32-2, 32-3, 32-10 AND 32-11**

Pursuant to Rule 123.1 of the Rules of Practice and Procedure of the Public Service Commission of the District of Columbia (“Commission”),<sup>1</sup> Potomac Electric Power Company (“Pepco” or the “Company”) hereby respectfully submits the following objections to the Office of the People’s Counsel’s (“OPC”) Data Requests Nos. 32-1, 32-2, 32-3, 32-10 and 32-11 to Pepco. The Company reserves the right to supplement, modify, or clarify any or all of its General Objections or Specific Objections as the need arises.

**I. GENERAL OBJECTIONS**

1. Pepco objects to the requests to the extent they seek information from or regarding any corporate entity other than Pepco as outside the scope of this proceeding.
2. Pepco objects to the requests to the extent they seek information regarding the Company’s or its affiliates’ electric distribution systems, operations, business practices, or customer interactions beyond the District of Columbia. The Commission's jurisdiction does not

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<sup>1</sup> 15 D.C.M.R. §123.1.

extend to such activities outside the boundaries of the District and thus such requests are not calculated to lead to the discovery of admissible evidence.

3. Pepco objects to the requests to the extent that they require disclosure of information protected from discovery by the attorney-client privilege and/or the attorney work product doctrine.

4. Pepco objects to the requests to the extent that they purport to impose upon Pepco a duty to disclose information or documents outside the Company's possession, custody or control or not maintained in the normal course of business.

5. Pepco objects to the requests to the extent that they are cumulative or duplicative.

6. Pepco objects to the requests to the extent that they are overbroad, unduly burdensome, and/or seek information that is neither relevant to this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

7. Pepco objects to the requests to the extent that they seek information outside the scope of this proceeding.

8. Pepco objects to the requests to the extent that they seek information in the public domain.

## **II. SPECIFIC OBJECTIONS**

In addition to the general objections in Part I above, Pepco's specific objections to OPC DR 32-1, 32-2, 32-3, 32-10 and 32-11 are individually set forth below.

**PUBLIC SERVICE COMMISSION OF  
THE DISTRICT OF COLUMBIA  
FORMAL CASE NO. 1156**

**NOTICE OF OBJECTIONS  
OF POTOMAC ELECTRIC POWER COMPANY  
TO OPC DATA REQUEST NO. 32-1.**

**With reference to Mr. McGowan's testimony, Pepco (B) at 21, beginning on line 3, please provide copies of any presentations and portions of presentations made to or prepared for the PHI Board of Directors (or any subcommittee of the Board of Directors) which address, concern, or relate to alternative ratemaking mechanisms (including MRPs or performance-based rates), whether specifically for Pepco, or for any other Exelon distribution company affiliate, or for Exelon's distribution company affiliates generally.**

**PEPCO'S OBJECTIONS:**

This proceeding is in response to the Company's application for authority to implement a Multiyear Rate Plan for electric distribution service in the District of Columbia ("MRP"). Presentations made to or prepared for the PHI Board of Directors regarding other Exelon distribution company affiliates in other jurisdictions are irrelevant to the current proceeding and have no impact on the issues before the Commission in this proceeding. Materials regarding alternate ratemaking mechanisms that other Exelon distribution company affiliates may have considered in other jurisdictions that are subject to different statutory requirements than those of the District of Columbia Public Utilities Act have no bearing on whether the specific MRP proposal Pepco has submitted in this proceeding should be adopted by the Commission pursuant to its authority under Section 34-1504(d) of the District of Columbia Official Code. The information sought by OPC is not likely to elicit discovery of admissible evidence that would be material to this proceeding.

Moreover, to the extent that an Exelon distribution company affiliate proposed an alternative ratemaking mechanism in another jurisdiction, this would be a public record available to OPC (as well as any applicable commission's decision whether to adopt the proposal).

**PUBLIC SERVICE COMMISSION OF  
THE DISTRICT OF COLUMBIA  
FORMAL CASE NO. 1156**

**NOTICE OF OBJECTIONS  
OF POTOMAC ELECTRIC POWER COMPANY  
TO OPC DATA REQUEST NO. 32-2.**

**With reference to Mr. McGowan's testimony, Pepco (B) at 21, beginning on line 3, please provide copies of any presentations and portions of presentations made to or prepared for the Exelon Executive Committee (or any subcommittee of the Executive Committee) which address, concern, or relate to alternative ratemaking mechanisms (including MRPs or performance-based rates), whether specifically for Pepco, or for any other Exelon distribution company affiliate, or for Exelon's distribution company affiliates generally.**

**PEPCO'S OBJECTIONS:**

This proceeding is in response to the Company's application for authority to implement a Multiyear Rate Plan for electric distribution service in the District of Columbia ("MRP"). Presentations made to or prepared for the Exelon Executive Committee regarding other Exelon distribution company affiliates in other jurisdictions are irrelevant to the current proceeding and have no impact on the issues before the Commission in this proceeding. Materials regarding alternate ratemaking mechanisms that other Exelon distribution company affiliates may have considered in other jurisdictions that are subject to different statutory requirements than those of the District of Columbia Public Utilities Act have no bearing on whether the specific MRP proposal Pepco has submitted in this proceeding should be adopted by the Commission pursuant to its authority under Section 34-1504(d) of the District of Columbia Official Code. The information sought by OPC is not likely to elicit discovery of admissible evidence that would be material to this proceeding. Furthermore, this data request is even further attenuated from Pepco then FC 1156 OPC DR 32-1 as it seeks information regarding the Exelon Executive Committee.

Moreover, to the extent that an Exelon distribution company affiliate proposed an alternative ratemaking mechanism in another jurisdiction, this would be a public record available to OPC (as well as any applicable commission's decision whether to adopt the proposal).

**PUBLIC SERVICE COMMISSION OF  
THE DISTRICT OF COLUMBIA  
FORMAL CASE NO. 1156**

**NOTICE OF OBJECTIONS  
OF POTOMAC ELECTRIC POWER COMPANY  
TO OPC DATA REQUEST NO. 32-3.**

**With reference to Mr. McGowan's testimony, Pepco (B) at 21, beginning on line 3, please provide copies of any presentations made to or prepared for the Exelon Board of Directors (or any subcommittee of the Board of Directors) which address, concern, or relate to alternative ratemaking mechanisms (including MRPs or performance-based rates), whether specifically for Pepco, or for any other Exelon distribution company affiliate, or for Exelon's distribution company affiliates generally..**

**PEPCO'S OBJECTIONS:**

This proceeding is in response to the Company's application for authority to implement a Multiyear Rate Plan for electric distribution service in the District of Columbia ("MRP"). Presentations made to or prepared for the Exelon Board of Directors regarding other Exelon distribution company affiliates in other jurisdictions are irrelevant to the current proceeding and have no impact on the issues before the Commission in this proceeding. Materials regarding alternate ratemaking mechanisms that other Exelon distribution company affiliates may have considered in other jurisdictions that are subject to different statutory requirements than those of the District of Columbia Public Utilities Act have no bearing on whether the specific MRP proposal Pepco has submitted in this proceeding should be adopted by the Commission pursuant to its authority under Section 34-1504(d) of the District of Columbia Official Code. The information sought by OPC is not likely to elicit discovery of admissible evidence that would be material to this proceeding. Furthermore, this data request is even further attenuated from Pepco then FC 1156 OPC DR 32-2 as it seeks information regarding the Exelon Board of Directors.

Moreover, to the extent that an Exelon distribution company affiliate proposed an alternative ratemaking mechanism in another jurisdiction, this would be a public record available to OPC (as well as any applicable commission's decision whether to adopt the proposal).

**PUBLIC SERVICE COMMISSION OF  
THE DISTRICT OF COLUMBIA  
FORMAL CASE NO. 1156**

**NOTICE OF OBJECTIONS  
OF POTOMAC ELECTRIC POWER COMPANY  
TO OPC DATA REQUEST NO. 32-10.**

**With reference to Mr. McGowan's response to OPC DR 11-21, please provide all documents or presentations sent to or received from Exelon Utilities concerning alternative ratemaking mechanisms (including the proposed MRP, or performance-based rates), whether specifically for Pepco, or for any other Exelon distribution company affiliate, or for Exelon's distribution company affiliates generally.**

**PEPCO'S OBJECTIONS:**

This proceeding is in response to the Company's application for authority to implement a Multiyear Rate Plan for electric distribution service in the District of Columbia ("MRP"). Presentations made to or prepared for the Exelon Utilities regarding other Exelon distribution company affiliates in other jurisdictions are irrelevant to the current proceeding and have no impact on the issues before the Commission in this proceeding. Materials regarding alternate ratemaking mechanisms that other Exelon distribution company affiliates may have considered in other jurisdictions that are subject to different statutory requirements than those of the District of Columbia Public Utilities Act have no bearing on whether the specific MRP proposal Pepco has submitted in this proceeding should be adopted by the Commission pursuant to its authority under Section 34-1504(d) of the District of Columbia Official Code. The information sought by OPC is not likely to elicit discovery of admissible evidence that would be material to this proceeding. Furthermore, this data request is even further attenuated from Pepco then FC 1156 OPC DR 32-1 as it seeks information regarding the Exelon Utilities.

Moreover, to the extent that an Exelon distribution company affiliate proposed an alternative ratemaking mechanism in another jurisdiction, this would be a public record available to OPC (as well as any applicable commission's decision whether to adopt the proposal).

**PUBLIC SERVICE COMMISSION OF  
THE DISTRICT OF COLUMBIA  
FORMAL CASE NO. 1156**

**NOTICE OF OBJECTIONS  
OF POTOMAC ELECTRIC POWER COMPANY  
TO OPC DATA REQUEST NO. 32-11.**

**With reference to Mr. McGowan's response to OPC DR OPC 11-21, please provide all documents prepared by or for Exelon Utilities concerning MRPs or performance-based rates, whether specifically for Pepco, or for any other Exelon distribution company affiliate, or for Exelon's distribution company affiliates generally..**

**PEPCO'S OBJECTIONS:**

This proceeding is in response to the Company's application for authority to implement a Multiyear Rate Plan for electric distribution service in the District of Columbia ("MRP"). Presentations made to or prepared for the Exelon Utilities regarding other Exelon distribution company affiliates in other jurisdictions are irrelevant to the current proceeding and have no impact on the issues before the Commission in this proceeding. Materials regarding alternate ratemaking mechanisms that other Exelon distribution company affiliates may have considered in other jurisdictions that are subject to different statutory requirements than those of the District of Columbia Public Utilities Act have no bearing on whether the specific MRP proposal Pepco has submitted in this proceeding should be adopted by the Commission pursuant to its authority under Section 34-1504(d) of the District of Columbia Official Code. The information sought by OPC is not likely to elicit discovery of admissible evidence that would be material to this proceeding. Furthermore, this data request is even further attenuated from Pepco then FC 1156 OPC DR 32-1 as it seeks information regarding the Exelon Utilities.

Moreover, to the extent that an Exelon distribution company affiliate proposed an alternative ratemaking mechanism in another jurisdiction, this would be a public record available to OPC (as well as any applicable commission's decision whether to adopt the proposal).

Respectfully submitted,

POTOMAC ELECTRIC POWER  
COMPANY



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Andrea H. Harper  
Assistant General Counsel

Wendy E. Stark, DC Bar No. 1011577  
Kim F. Hassan, DC Bar No. 489367  
Andrea H. Harper, DC Bar No. 483246  
Dennis Jamouneau, DC Bar No. 983375

701 Ninth Street, NW  
Washington, DC 20068  
(202) 331-6649

Counsel for Potomac Electric Power Company

September 9, 2019

## CERTIFICATE OF SERVICE

I hereby certify that a copy of Potomac Electric Power Company's Notice of Objections to the Office of People's Counsel Data Request Set No. 32, Questions 1, 2, 3, 10 and 11 has been served this September 9, 2019 on:

Ms. Brinda Westbrook-Sedgwick  
Commission Secretary  
Public Service Commission  
of the District of Columbia  
1325 G Street, N.W.  
Suite 800  
Washington, DC 20005  
[bwestbrook@psc.dc.gov](mailto:bwestbrook@psc.dc.gov)

Kimberly Lincoln-Stewart, Esq.  
Attorney Advisor  
Public Service Commission  
of the District of Columbia  
1325 G Street, N.W.  
Suite 800  
Washington, DC 20005  
[kstewart@psc.dc.gov](mailto:kstewart@psc.dc.gov)

Craig Berry, Esq.  
Attorney Advisor  
Public Service Commission  
of the District of Columbia  
1325 G Street, N.W.  
Suite 800  
Washington, DC 20005  
[cberry@psc.dc.gov](mailto:cberry@psc.dc.gov)

Brian Caldwell, Esq.  
Assistant Attorney General  
DC Government  
441 4<sup>th</sup> Street, NW  
Suite 600-S  
Washington, DC 20001  
[Brian.caldwell@dc.gov](mailto:Brian.caldwell@dc.gov)

Sandra Mattavous-Frye, Esq.  
Anjali Patel, Esq.  
Travis Smith, Esq.  
People's Counsel  
Office of the People's Counsel  
1133 15<sup>th</sup> Street, NW, Suite 500  
Washington, DC 20005  
[apatel@opc-dc.gov](mailto:apatel@opc-dc.gov)  
[smfrye@opc-dc.gov](mailto:smfrye@opc-dc.gov)  
[tsmith@opc-dc.gov](mailto:tsmith@opc-dc.gov)

Noel Antonio, Esq.  
Attorney Advisor  
Public Service Commission  
of the District of Columbia  
1325 G Street, N.W.  
Suite 800  
Washington, DC 20005  
[nantonio@psc.dc.gov](mailto:nantonio@psc.dc.gov)

Frann G. Francis, Esq.  
Senior Vice President and General Counsel  
AOBA  
1025 Connecticut Avenue, NW  
Suite 1005  
Washington, DC 20036  
[ffrancis@aoba-metro.org](mailto:ffrancis@aoba-metro.org)

Kristi Singleton, Esq.  
Assistant General Counsel  
The U.S. General Services Administration  
1800 F Street, NW #2016  
Washington, DC 20405  
[Kristi.singleton@gsa.gov](mailto:Kristi.singleton@gsa.gov)

Dennis Goins  
Potomac Management Group  
P.O. Box 30225  
Alexandria, VA 22301  
[dgoinspmg@verizon.net](mailto:dgoinspmg@verizon.net)

Lariza Sepulveda  
Economist  
Public Utility Rates and Regulations  
Energy Division  
1800 F Street, NW, Room 5122  
Washington, DC 20405  
[Lariza.sepulveda@gsa.gov](mailto:Lariza.sepulveda@gsa.gov)

Cathy Thurston-Seignious, Esq.  
Supervisor, Administrative & Associate General  
Counsel  
Washington Gas  
1000 Maine Avenue, SW, Suite 700  
Washington, DC 20024  
[Cthurston-seignious@washgas.com](mailto:Cthurston-seignious@washgas.com)

Bruce R. Oliver  
Revilo Hill Associates, Inc.  
7103 Laketree Drive  
Fairfax Station, VA 22039  
[revilohill@verizon.net](mailto:revilohill@verizon.net)

Lucas R. Aubrey  
Logan J. Place  
Sherman Dunn, P.C.  
900 Seventh Street, NW, Suite 1000  
Washington, DC 20001  
[aubrey@shermaddunn.com](mailto:aubrey@shermaddunn.com)

Brian J. Petruska  
General Counsel  
LIUNA Mid-Atlantic Region  
11951 Freedom Drive, Suite 310  
Reston, VA 20190  
[bpetruska@maliuna.org](mailto:bpetruska@maliuna.org)

Gabriele Ulbig  
Associate Counsel  
LIUNA Mid-Atlantic Region  
11951 Freedom Drive, Suite 310  
Reston, VA 20190  
[gulbig@maliuna.org](mailto:gulbig@maliuna.org)

May Va Lor  
Corporate Affairs Department  
LIUNA  
905 16<sup>th</sup> Street, NW  
Washington, DC 20006  
[mlor@liuna.org](mailto:mlor@liuna.org)

Michael R. Engleman, Esq.  
Engleman Fallon, PLLC  
1717 K Street, NW, Suite 900  
Washington, DC 20006  
[mengleman@efenergyllaw.com](mailto:mengleman@efenergyllaw.com)

James Birkelund  
Small Business Utility Advocates  
548 Market St, Suite 11200  
San Francisco, CA 94104  
[james@utilityadvocates.org](mailto:james@utilityadvocates.org)

Brian R. Greene  
Eric J. Wallace  
1807 Libbie Avenue, Suite 102  
Richmond, VA 23226  
[bgreene@greenehurlocker.com](mailto:bgreene@greenehurlocker.com)  
[ewallace@greenehurlocker.com](mailto:ewallace@greenehurlocker.com)

John Adragna, Esq.  
Kevin Conoscenti, Esq.  
McCarter & English, LLP  
1015 Fifteenth Street, NW  
Twelfth Floor  
Washington, DC 20005  
[jadragna@mccarter.com](mailto:jadragna@mccarter.com)  
[kconoscenti@mccarter.com](mailto:kconoscenti@mccarter.com)

Jason Gray, Esq.  
John Coyle, Esq.  
Duncan & Allen  
1730 Rhode Island Ave, NW, Suite 700  
Washington, DC 20036  
[jtg@duncanallen.com](mailto:jtg@duncanallen.com)  
[jpc@duncanallen.com](mailto:jpc@duncanallen.com)

Adrienne Clair, Esq.  
Nicole Allen, Esq.  
Thompson Coburn, LLP  
1909 K Street, NW, Suite 600  
Washington, DC 20006  
[aclair@thompsoncoburn.com](mailto:aclair@thompsoncoburn.com)  
[nallen@thompsoncoburn.com](mailto:nallen@thompsoncoburn.com)

Bhaveeta Mody, Esq.  
Kristen Connolly McCullough, Esq.  
Duncan, Weinberg, Genzer & Pembroke, P.C.  
1667 K Street, N W, Suite 700  
Washington, DC 20006  
[bkm@dwgp.com](mailto:bkm@dwgp.com)  
[kc@dwgp.com](mailto:kc@dwgp.com)

Michael Deupree  
Taylor Deshotels  
Taylor Moragas  
Acadian Consulting Group, LLC  
5800 One Perkins Place Drive, Suite 5-F  
Baton Rouge, Louisiana 70808

Michael Converse  
Real Property Division  
General Services Administration  
1800 F Street, Room 2012  
Washington, DC 20405  
[Michael.converse@gsa.gov](mailto:Michael.converse@gsa.gov)

Scott Strauss, Esq.  
Jeff Schwarz, Esq.  
Spiegel & McDiarmid, LLP  
1875 Eye Street, NW  
Suite 700  
Washington, DC 20006  
[Scott.strauss@spiegelmc.com](mailto:Scott.strauss@spiegelmc.com)  
[Jeffrey.schwarz@spiegelmc.com](mailto:Jeffrey.schwarz@spiegelmc.com)

Amy McDonnell, Esq.  
Ken Holmboe, Esq.  
Duncan & Allen  
1730 Rhode Island Ave, NW, Suite 700  
Washington, DC 20036  
[aem@duncanallen.com](mailto:aem@duncanallen.com)  
[kh@duncanallenc.com](mailto:kh@duncanallenc.com)

Kayla Grant, Esq.  
Thompson Coburn, LLP  
1909 K Street, NW, Suite 600  
Washington, DC 20006  
[kgrant@thompsoncoburn.com](mailto:kgrant@thompsoncoburn.com)

Eli Eilbott, Esq.  
Adriana Velez Leon, Esq.  
Duncan, Weinberg, Genzer & Pembroke, P.C.  
1667 K Street, N W, Suite 700  
Washington, DC 20006  
[ede@dwgp.com](mailto:ede@dwgp.com)  
[avl@dwgp.com](mailto:avl@dwgp.com)

Michael Gorman  
Brian Andrews  
Sally Wilhelms  
Miranda Cotton  
Brubaker &- Associates, Inc  
16690 Swingley Ridge Road, Suite 140  
Chesterfield, MO 63017

Donna M. Ramas  
4654 Driftwood Drive  
Commerce Township, Michigan 43832

Keving Mara  
Linda Gray  
John Hutts  
Ryan Johnson  
Jacob Thomas  
GDS Associates, Inc.  
1850 Parkway Place, Suite 800  
Marietta, GA 30067

John Cochrane  
Maryanne Hatch  
Zack Campbell  
Ian McGinnis  
FTI Consulting, Inc.  
200 State Street, 9<sup>th</sup> Floor  
Boston, MA 02109

Kevin O'Donnell  
Nova Energy Consultants, Inc.  
1350 SE Maynard Road  
Suite 101  
Cary, NC 27511

  
Andrea Harper