

ORDER NO. 90263

Delmarva Power & Light Company's
Application for an Electric Multi-Year Plan

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BEFORE THE
PUBLIC SERVICE COMMISSION
OF MARYLAND

CASE NO. 9681

Issue Date: June 16, 2022

On June 15, 2022, the Commission held a pre-hearing conference in the above-captioned proceeding to establish a procedural schedule, to consider any petitions to intervene, and to address any other pending preliminary matters. Attorneys representing Delmarva Power & Light Company ("DPL"), Maryland Office of People's Counsel ("OPC"), the Commission's Technical Staff ("Staff"), and Walmart Inc. ("Walmart") appeared at the pre-hearing conference.

At the pre-hearing conference, the Commission adopted a procedural schedule for the matter, except for the schedule for virtual evening public comment hearings. In addition to the statutory parties (OPC and Staff), the Commission granted intervention for Walmart, conditioned upon approval of its pending pro hac vice motion.¹ DPL, in cooperation with the other parties, is directed to work with the Executive Secretary to schedule the dates and times of two virtual evening public comment hearings.

¹ Discovery commenced on June 15, 2022 for Walmart.

Further, the Commission adopted most of the discovery procedure proposed by the parties. Discovery by DPL, OPC, and Staff has already commenced, and discovery for all other parties commences today. The discovery procedure is as follows:

- Responses to discovery requests served through August 19, 2022, are due within ten (10) business days of service, and any objections made within three (3) business days.
- After August 19, 2022 and through September 19, 2022, responses to discovery requests are due within seven (7) business days of service, and any objections made within two (2) business days.
- On and after September 20, 2022, responses to discovery requests are due within four (4) business days of service, and any objections made within two (2) business days.
- The parties should consult with each other and attempt in good faith to resolve all disputes prior to making an objection and again prior to filing a motion seeking relief from the Commission. In the event parties are unable to resolve a dispute, the aggrieved party may file a motion for relief within three (3) business days from service of the written objection. The opponent shall respond to the motion within two (2) business of service of the motion. The motion and response shall be in letter format, and shall each be limited in length to two pages. The motion must specify the dates and times of all consultations for the purpose of resolving the dispute. The parties shall contact the Executive Secretary via

phone or email to schedule a hearing, if necessary, and shall provide the Executive Secretary an electronic copy of the motion and response.

All testimony and discovery shall be served electronically on each of the parties to avoid delay in receipt, unless the parties agree to a different format. Parties shall ensure that the correct email of the person(s) to whom the testimony and discovery should be sent are updated and current on the service list for this matter.

Furthermore, at the prehearing conference, DPL agreed to an extension of the suspension period to accommodate the proposed schedule and a Commission Order due date of December 15, 2022. Accordingly, the Commission finds that an extension of the suspension period for an additional 30 days is also required to ensure that the proceedings can be completed within the procedural schedule.

IT IS, THEREFORE, this 16th day of June in the year Two Thousand Twenty-Two, by the Public Service Commission of Maryland,

ORDERED: (1) That Parties shall file pleadings in this proceeding as follows:

- (a) Parties, excluding DPL, shall file direct testimony by August 19, 2022;
- (b) Parties shall file rebuttal testimony by September 19, 2022;
- (c) Parties shall file a comparison chart by September 27, 2022;
- (d) Parties shall file an initial brief by October 19, 2022;
and
- (e) Parties shall file a reply brief by November 2, 2022.

Pleadings shall be submitted to Andrew S. Johnston, Executive Secretary, Maryland Public Service Commission, William Donald Schaefer Tower, 6 St. Paul Street, Baltimore, Maryland 21202.² The Parties are directed to serve all testimony electronically on all Parties no later than 5:00 p.m. on the date of the filing;

(2) That the parties shall abide by the discovery procedure set forth in this Order;

(3) That evidentiary hearings will be held on the dates and times as follows:

- (a) September 27, 2022, beginning at 10:00 a.m.;
 - (b) September 28, 2022, beginning at 10:00 a.m.;
 - (c) September 29, 2022, beginning at 10:00 a.m.;
 - (d) September 30, 2022, beginning at 10:00 a.m.;
 - (e) October 3, 2022, beginning at 10:00 a.m. (if needed);
- and
- (f) October 4, 2022, beginning at 10:00 a.m. (if needed)

All parties will be allowed to present Live Rejoinder Testimony at the evidentiary hearings, as necessary. The Commission reserves the right to revise the hearing schedule, as needed;

(4) That, after consultation with the other Parties, Delmarva Power & Light Company is directed to contact the Executive Secretary to establish the dates and times of the virtual evening public comment hearings in this matter; and

² All Parties shall use the Commission's e-file system available on its website to file its pleadings.

(5) That, pursuant to Public Utilities Article, *Annotated Code of Maryland*, § 4-204, the tariff revisions filed by Delmarva Power & Light are hereby suspended for 180 days from June 18, 2022.

By Direction of the Commission,

/s/ Andrew S. Johnston

Andrew S. Johnston
Executive Secretary