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ML 227301

**PUBLIC SERVICE COMMISSION**

October 28, 2019

In the Matter of the Application of Baltimore \*  
Gas and Electric Company for Adjustments to its \* Case No. 9610  
Electric and Gas Base Rates \*  
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**NOTICE OF AMENDED PROCEDURAL SCHEDULE**

On October 24, 2019, Baltimore Gas and Electric Company (“BGE”) filed a letter notifying the Maryland Public Service Commission (“Commission”) that the parties<sup>1</sup> to this case, with the exception of the Energy Supplier Coalition (“ESC” or “Coalition”) had reached an agreement in principle on a settlement, including an Unopposed Motion to Amend the Procedural Schedule (“Motion.”). On that same day, the Commission immediately suspended the procedural schedule, including the evidentiary hearings that were scheduled to begin on October 25, 2019 and indicated that it would determine a revised procedural schedule and rule on the Motion subsequent to receipt of a filed settlement agreement. Pursuant to the Motion, on October 25, 2019, BGE filed a Joint Motion for Approval of Agreement of Stipulation and Settlement in this proceeding (“Settlement”).<sup>2</sup> The Settlement resolves all issues among the parties except for one issue – the SOS Administrative Adjustment – that is contested by the Energy Supplier Coalition.

On October 24, 2019, ESC filed a Response to BGE’s Motion to Amend the Procedural Schedule.<sup>3</sup> ESC opposes the process set forth in the Motion of allowing the Coalition to only contest the settlement, rather than reserving issues related to the SOS Administrative Adjustment for litigation. The Coalition indicates that the issue is ripe for consideration now and adjudication should not be further delayed.<sup>4</sup> On October 25, 2019, BGE, The Technical Staff of the Commission (“Staff”) and the Maryland Office of People’s Counsel (“OPC”) filed replies to ESC’s

<sup>1</sup> The parties in this proceeding are: Baltimore Gas and Electric Company (“BGE”), Office of People’s Counsel (“OPC”), Commission’s Technical Staff (“Staff”), Maryland Energy Group and W.R. Grace & Co. (collectively “MEG”), H.A. Wagner, LLC, C.P. Crane, LLC, the United States Department of Defense and all other Federal Agencies (“DOD/FEA”), Walmart, Inc., and NRG Energy, Inc., Direct Energy Services, LLC, Vistra Energy Corp., and Interstate Gas Supply, Inc.d/b/a IGS Energy (“collectively, “Energy Supplier Coalition”).

<sup>2</sup> See Maillog 227292.

<sup>3</sup> See Maillog 227266 (“ESC Response”).

<sup>4</sup> ESC response at 6.

Response.<sup>5</sup> BGE, Staff, and OPC all recommend that the Commission amend the procedural schedule as described in the Motion.<sup>6</sup>

After reviewing the Motion, Settlement, ESC's Response and the Replies from BGE, Staff, and OPC, the Commission has determined that it will not bifurcate review of the uncontested issues in the Settlement and the sole contested issue of the SOS Administrative Adjustment. Furthermore, the Commission has concluded that a Phase II proceeding to address the merits of the SOS Administrative Adjustment is not necessary. Therefore, the Commission denies the Motion and adopts the following revised procedural schedule to address the Settlement and the lone contested issue of the SOS Administrative Adjustment:

Written Testimony:<sup>7</sup>

- Testimony in support of the Settlement (Uncontested Issues) and on the SOS Administrative Adjustment (Contested Issue) shall be filed by all Parties on Friday, November 8, 2019.

Evidentiary Hearings on the Contested and Uncontested Issues:

- Thursday, November 14, 2019, beginning at 10:00 a.m.; and
- Friday, November 15, 2019, beginning at 10:00 a.m. (if necessary)

The hearings will be held in the Frank O. Heintz Hearing Room, 16<sup>th</sup> Floor, William Donald Schaefer Tower, 6 St. Paul Street, Baltimore, Maryland 21202. The Commission reserves the right to modify the start time of the hearings and procedural schedule, as necessary.

By Direction of the Commission,

*/s/ David J. Collins*

David J. Collins  
Acting Executive Secretary

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<sup>5</sup> See Maillogs 227293, 227291, and 227294.

<sup>6</sup> Staff indicates that it is prepared to litigate the merits of the SOS Administrative Adjustment within the confines of the procedural schedule set forth in the Motion, should the Commission desire (ML 227291). BGE indicates if the Commission determines a Phase II (to consider the merits of the SOS Administrative Adjustment) is not beneficial to the public interest, then the Commission could set forth a procedural schedule – including additional hearings to allow for cross-examination – to complete the evidentiary record on the sole contested issue prior to issuing an order on that issue (ML 227293).

<sup>7</sup> An original and 12 paper copies, and an electronic copy, of the testimony shall be submitted to David J. Collins, Acting Executive Secretary, Maryland Public Service Commission, William Donald Schaefer Tower, 6 St. Paul Street, 16<sup>th</sup> Floor, Baltimore, Maryland 21202. Five of the paper copies shall be three-holed punched. In addition, all testimony shall be served electronically on each of the Parties to avoid delay in receipt of such testimony.