

ORDER NO. 87696

IN THE MATTER OF THE APPLICATION
OF POTOMAC ELECTRIC POWER
COMPANY FOR ADJUSTMENTS TO ITS
RETAIL RATES FOR THE DISTRIBUTION
OF ELECTRIC ENERGY

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BEFORE THE
PUBLIC SERVICE COMMISSION
OF MARYLAND

CASE NO. 9418

Issue Date: August 3, 2016

To: All Parties of Record

This Order grants the Motion to Compel filed by Potomac Electric Power Company (“Pepco” or the “Company”) regarding certain data requests that the Company served upon POWERUPMONTCO of Montgomery County (“POWERUPMONTCO” or “PUMC”) on July 1, 2016.

On July 22, 2016, Pepco filed a Motion requesting that the Commission issue an order compelling POWERUPMONTCO to respond to the Company’s PUMC Data Request Set No. 1. Pepco explains that Data Request Set No. 1, consisting of twenty four (24) information requests, including one information request with subparts, was propounded upon PUMC on July 1, 2016 and that to date PUMC has provided no response.

In accordance with Commission Order No. 87569, responses to data requests are due within ten (10) business days of service or any objections thereto must be served within five (5) business days. Therefore, responses to Pepco’s PUMC Data Request Set No. 1 were due on July 18, 2016 or objections were due by July 8, 2016.

In its Motion, Pepco further explains that PUMC did not request any additional time to respond, and that despite follow up efforts by the Company (by telephone and via email), PUMC has neither responded to the Company's data requests nor returned Pepco counsel's calls. Exhibit A to Pepco's Motion also demonstrates that in addition to POWERUPMONTCO's counsel, email correspondence was sent to all members of the PUMC service list seeking information concerning the overdue Data Request Set No. 1 responses.

POWERUPMONTCO intervened in this matter and has been accorded full party status and, as Pepco notes, has actively participated in the case by propounding discovery requests of its own. Pepco notes that to date it has already responded to two sets of data requests from PUMC consisting of some sixty (60) questions. Based on these representations, we find that Pepco has established good cause for its Motion to Compel.

Accordingly, POWERUPMONTCO is hereby ordered to respond to Pepco PUMC Data Request Set No. 1, within five (5) business days, or show cause why it should not be compelled to do so. Failure to comply with this Order may result in appropriate sanctions including, but not limited to, precluding POWERUPMONTCO from filing testimony in this proceeding.

IT IS THEREFORE, this 3rd day of August, in the year Two Thousand Sixteen, by the Public Service Commission of Maryland,

ORDERED: (1) That Pepco's July 22, 2016 Motion to Compel is granted;

(2) That in response to Pepco Data Request No. 1, POWERUPMONTCO shall respond within five (5) business days of this Order, or show cause by that date why it should not be compelled to respond; and

(3) That failure to respond as directed by this Order may result in appropriate sanctions including, but not limited to, precluding POWERUPMONTCO from filing testimony in this proceeding.

By Direction of the Commission,

/s/ David J. Collins

David J. Collins
Executive Secretary