

**ORDER NO. 87569**

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

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CASE NO. 9418

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**Issue Date: May 23, 2016**

To: Parties of Record and Interested Persons

On May 23, 2016, the Public Service Commission (“Commission”) held a pre-hearing conference in this matter to establish a procedural schedule for this proceeding and to address any other pending preliminary matters. Representatives from Potomac Electric Power Company (“Pepco” or “Company”), the Office of People’s Counsel (“OPC”), Apartment and Office Building Association of Metropolitan Washington (“AOBA”), POWERUPMONTCO of Montgomery County, (“POWERUPMONTCO”), Montgomery County, Maryland (“Montgomery”), Prince George’s County, Maryland (Prince George’s), Mayor and Council of Rockville, Maryland (“Rockville”), Healthcare Council of the National Capital Area (“HCNCA”), and the Commission’s Technical Staff (“Staff”) appeared at the pre-hearing conference for this matter.

At the hearing, the Commission adopted a procedural schedule for the matter, except for a schedule for the evening public hearings. The Commission determined that two public evening hearings will be held prior to the evidentiary hearings – one in Montgomery County, Maryland and the other in Prince George’s County, Maryland. The Company is therefore directed to work with the Executive Secretary to schedule the dates

and specific locations for two public evening hearings to be held in the Company's service territory. The Commission also granted Petitions to Intervene filed by the following persons: U.S. General Services Administration; City of Gaithersburg, Maryland; Montgomery; Prince George's; Rockville; HCNCA; POWERUPMONTCO; and AOBA (collectively, along with Pepco, OPC and Staff, the "Parties"). In addition, the Commission directed Staff on behalf of the Parties to file a Comparison Chart that reflects the Parties' positions on rate base and operating income adjustments by September 7, 2016.

The procedural schedule, as adopted, requires the extension by 30 days of the initial 150-day suspension period for the tariff revisions filed in this proceeding. Accordingly, pursuant to § 4-204(b)(2)(ii) of the Public Utilities Article, Annotated Code of Maryland, the Commission finds that the proceedings cannot be completed within the initial 150-day suspension period and, therefore, extends the initial 150-day suspension period by an additional 30 days, or until November 15, 2016.

Further, the Commission found that a discovery procedure as proposed by the parties was appropriate and was adopted in this case. Pursuant to Order No. 87503, discovery began on Wednesday, April 20, 2016 for Pepco, OPC and Staff. Discovery commenced immediately on Monday, May 23, 2016 for all other parties to this proceeding.

- Responses to discovery requests served by July 6, 2016 are due within ten business days of service, and any objections to discovery requests must be served within five business days.

- Responses to discovery requests served after July 6, 2016 and up to August 15, 2016 are due within seven business days of service, and any objections to discovery requests must be served within three business days.
- Responses to discovery requests served after August 15, 2016 and up to September 1, 2016 are due within five business days of service, and any objections to discovery requests must be served within three business days.
- Responses to discovery requests after September 1, 2016 are due within three business days and any objections to discovery requests must be served within one business day of service.
- Electronic service of discovery requests, responses and documents is sufficient so long as the recipient acknowledges actual receipt, which the responding party should obtain and maintain, and hard copies shall be made available if electronic service is not successful.
- 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 business days from service of the written objection. The opponent shall respond to the motion within two business days of service of the motion. The motion and

response shall be letter format, and shall each be limited in length to three single-spaced pages with a 12-point or greater font. The letters 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.

**IT IS THEREFORE,** this 23rd day of May, in the year Two Thousand Sixteen by the Public Service Commission of Maryland;

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

- (a) Pepco shall file actual financials and Supplemental Direct Testimony by May 27, 2016;
- (b) Parties, other than Pepco, shall file Direct Testimony by July 6, 2016;
- (c) All Parties shall file Rebuttal Testimony by August 15, 2016;
- (d) All Parties shall file Surrebuttal Testimony by September 1, 2016;
- (e) Initial briefs shall be filed by October 13, 2016; and
- (f) Reply briefs shall be filed by October 26, 2016.

An original and 17 paper copies, and an electronic copy<sup>1</sup>, of the pleadings shall be submitted to David J. Collins, Executive Secretary, Maryland Public Service Commission, William Donald Schaefer Tower, 6 St. Paul Street, Baltimore, Maryland 21202. Five of the paper copies shall be three-hole punched. All pleadings shall be filed with a 12-point or greater font.

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

(3) That evidentiary hearings are scheduled as follows:

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- (a) September 13, 2016, beginning at 10:00 a.m.;
- (b) September 14, 2016, beginning at 10:00 a.m.;
- (c) September 15, 2016, beginning at 10:00 a.m.;
- (d) September 16, 2016, beginning at 10:00 a.m.;
- (e) September 19, 2016, beginning at 10:00 a.m.;
- (f) September 20, 2016, beginning at 10:00 a.m.;
- (g) September 21, 2016, beginning at 1:00 p.m. or ½ hour after completion of the Administrative Meeting, whichever is later;
- (h) September 22, 2016, beginning at beginning at 10:00 a.m.;  
and
- (i) September 23, 2016, beginning at 10:00 a.m.

Pepco may provide live Rejoinder Testimony during its witnesses' appearances at the evidentiary hearings. Live Rejoinder Testimony will also be allowed

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<sup>1</sup> The Commission encourages persons to submit the electronic copy of a filing through the Commission's E-file system, which is available via the Commission's website.

among the intervening parties, but not to Pepco. The Commission reserves the right to revise the hearing schedule, as needed;

(4) That Staff, on behalf of the Parties, is directed to file a Comparison Chart that reflects the Parties' positions on rate base and operating income adjustments by September 7, 2016;

(5) That, pursuant to § 4-204(b)(2)(ii) of the Public Utilities Article, Annotated Code of Maryland, the initial 150-day suspension period previously ordered in this proceeding is hereby extended by 30 days, or until November 15, 2016.

(6) That Pepco is directed to contact the Executive Secretary to establish the dates and locations for the evening public hearings in this matter.

By Direction of the Commission,

*/s/ David J. Collins*

David J. Collins  
Executive Secretary