

**ORDER NO. 88832**

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| IN THE MATTER OF THE<br>APPLICATION OF WASHINGTON GAS<br>LIGHT COMPANY FOR AUTHORITY<br>TO INCREASE EXISTING RATES AND<br>CHARGES FOR GAS SERVICE AND TO<br>REVISE ITS TERMS AND<br>CONDITIONS FOR GAS SERVICE.<br><hr/> | *<br>*<br>*<br>*<br>*<br>*<br>*<br>*<br>*<br>* | BEFORE THE<br>PUBLIC SERVICE COMMISSION<br>OF MARYLAND<br><br><hr/> CASE NO. 9481<br><hr/> |
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**Issue Date: September 13, 2018**

On August 31, 2018, the Maryland Office of People’s Counsel (“OPC”) filed a Motion to Compel with the Maryland Public Service Commission (“Commission”) requesting that Washington Gas Light (“Washington Gas” or “the Company”) be directed to respond to certain outstanding data requests propounded by OPC in the present rate case. The Motion to Compel relates to OPC’s Data Request Set 13, which consists of 23 sets of questions, which were served upon Washington Gas on August 24, 2018. OPC complains that in response to the data requests, Washington Gas provided boilerplate objections not supported by particularized facts.<sup>1</sup> Additionally, although Washington Gas agreed to respond to several of the questions notwithstanding its objections, OPC complains that Washington Gas refuses to provide those answers until three business days after the filing of its rebuttal testimony. Given that the Commission’s scheduling order (Order No. 88758) provides only seven days to respond to data requests, OPC

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<sup>1</sup> OPC Motion to Compel at 2.

argues that Washington Gas has “improperly and unilaterally decided on its own deadline.”<sup>2</sup>

On September 5, 2018, Washington Gas responded in opposition to OPC’s Motion. The Company claims that many of the answers to OPC’s requests will “require extensive research” relating to multiple years of data and that its witnesses are currently needed to respond to intervenor testimony.<sup>3</sup> Additionally, Washington Gas argues that OPC data requests 13-4 through 13-6 and 13-10 through 13-13 relate to the future merger of the information technology systems of Washington Gas and AltaGas, which “have not been merged and are not expected to be during the rate effective period in this case.”<sup>4</sup> Washington Gas therefore maintains that the information technology data requests are not relevant to any matter in Case No. 9481.

The Commission denies OPC’s Motion to Compel. Although OPC correctly states that a party cannot use boilerplate objections to unilaterally extend its response deadlines in contravention of the Commission’s scheduling orders, the Commission does not view Washington Gas as demonstrating bad faith in this dispute.<sup>5</sup> Both parties acknowledge that their respective counsel held discussions on at least two occasions to attempt to resolve the discovery dispute. The Commission agrees with Washington Gas

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<sup>2</sup> The Commission’s June 22, 2018 Order No. 88758 provides that responses to discovery requests served after August 21 and through September 13 must be sent within seven business days of service. Order No. 88758 at 2.

<sup>3</sup> Washington Gas September 5, 2018 correspondence at 2. Order No. 88758 provides that rebuttal testimony is due on September 13, 2018.

<sup>4</sup> Washington Gas September 5, 2018 correspondence at 3.

<sup>5</sup> The Commission also rejects any implication that OPC intentionally filed extensive discovery requests to interfere with the preparation of Washington Gas’ responsive testimony. *See* Washington Gas September 5, 2018 correspondence at 2. Washington Gas has offered no evidence that OPC’s discovery requests were issued in bad faith.

that some of OPC's data requests may require extensive response time. In light of the impending deadline for filing rebuttal testimony, an extension of the discovery deadline otherwise provided by Order No. 88758 is not unreasonable under the circumstances. Washington Gas will therefore provide responses to OPC data requests within three business days after the filing of its rebuttal testimony, or September 18, 2018, whichever is sooner. Regarding OPC data requests 13-4 through 13-6 and 13-10 through 13-13, the Commission agrees with Washington Gas that if the information technology systems of Washington Gas and AltaGas are not merged during the rate effective period in this case, the information requested by OPC does not appear reasonably calculated to lead to the discovery of admissible evidence. Washington Gas' objections to those data requests are therefore sustained.<sup>6</sup>

**IT IS THEREFORE**, this 13<sup>th</sup> day of September, in the year Two Thousand Eighteen, by the Public Service Commission of Maryland,

**ORDERED:** (1) That the Office of People's Counsel's August 31, 2018 Motion to Compel is denied;

(2) That Washington Gas Light Company shall provide responses to the Office of People's Counsel's data requests within three business days after the filing of its rebuttal testimony, or September 18, 2018, whichever is sooner; and

(3) That Washington Gas Light Company's objections to the

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<sup>6</sup> In ruling on this discovery motion, the Commission is not making any determination regarding the relevance or admissibility of any evidence that may be offered at the upcoming evidentiary hearing.

Office of People's Counsel's data requests 13-4 through 13-6 and 13-10 through 13-13 are sustained.

By Direction of the Commission,

Terry J. Romine  
Executive Secretary