

ORDER NO. 88835

IN THE MATTER OF THE APPLICATION OF WASHINGTON GAS LIGHT COMPANY FOR AUTHORITY TO INCREASE EXISTING RATES AND CHARGES FOR GAS SERVICE AND TO REVISE ITS TERMS AND CONDITIONS FOR GAS SERVICE.	* * * * * * *	BEFORE THE PUBLIC SERVICE COMMISSION OF MARYLAND <hr style="width: 100px; margin: 0 auto;"/> CASE NO. 9481
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Issue Date: September 14, 2018

On August 13, 2018, the Apartment and Office Building Association of Metropolitan Washington (“AOBA”) filed with the Maryland Public Service Commission (“Commission”) a Motion for Emergency Relief (“Emergency Motion”) in the above-styled proceeding. In its Emergency Motion, AOBA requested the Commission issue an order striking specific filings by Washington Gas Light Company (“WGL”) in the proceeding or, in the alternative, initiate a Phase II proceeding to provide the opportunity for all stakeholders to address class cost allocation and rate design issues.

On August 15, 2018, the Commission issued a notice advising the parties of the opportunity to respond to the Motion by August 20, 2018. On August 15, 2018, WGL filed its Response to the Motion and asked that the Commission deny the Motion. On August 20, 2018, Technical Staff (“Staff”) of the Commission filed its comments and recommended that the Commission go forward with the case and make a decision based on the record. On August 23, 2018, AOBA filed a Motion for Leave to File Reply Comments along with the Reply Comments. On August 31, 2018, AOBA filed a Motion for Leave to File Supplemental Direct Testimony (“Supplemental Motion”) along with

the Supplemental Direct Testimony of Bruce R. Oliver and Timothy B. Oliver. On September 6, 2018, WGL submitted a letter taking no position on AOBA's Supplemental Motion, but requested that if the Commission granted this Motion, the Commission also grant all parties an opportunity to file limited rebuttal testimony to the Supplemental Direct Testimony within seven days from the date on which the Motion is granted, but not before September 20, 2018.

In its Emergency Motion, AOBA's primary argument is that it will be unable to exercise due process rights because the replacement pages filed by WGL on July 30, 2018, substantively change the exhibits; therefore, AOBA will be unable to propound discovery requests, obtain responses, analyze the information provided, and incorporate the information in testimony to be filed by August 21, 2018. WGL responded to AOBA's concern by explaining why its witness Gibson felt obligated to revise his exhibits after responding to AOBA Data Request No. 3 on July 19, 2018. WGL asserted that the accompanying filing of the replacement exhibits provided a "clear explanation" of why the replacement exhibits were filed. In its Reply Comments Motion, AOBA responded to WGL's arguments as well as to Staff's comments.

Despite AOBA's allegation that WGL failed to identify the specific changes made in the replacement pages for the five updated exhibits supporting the Gibson and Wagner testimony, the Commission finds that WGL did in fact provide a clear explanation regarding why the amendments were made and necessitated re-filing. The Commission concludes that WGL's filing was to correct an error in the original exhibits, and WGL provided a clear explanation as to the reason for the corrected exhibits. Consequently,

the Commission finds no prejudice to AOBA that would impair AOBA's procedural or substantive due process rights.

Moreover, AOBA has submitted a motion along with the Supplemental Direct Testimony of its witnesses to address WGL's replacement pages. The Commission grants AOBA's Motion for Leave to File Supplemental Direct Testimony, and also will allow the other parties an opportunity to file limited rebuttal testimony addressing only matters addressed in AOBA's Supplemental Direct Testimonies. As requested by WGL, the limited rebuttal testimony shall be filed within seven days of the date of this Order, or by September 21, 2018

IT IS, THEREFORE, this 14th day of September in the year Two Thousand Eighteen, by the Public Service Commission of Maryland,

ORDERED: (1) That the Motion for Emergency Relief filed on August 13, 2018, by the Apartment and Office Building Association of Metropolitan Washington is hereby denied;

(2) That the Motion to File Reply Comments filed on August 23, 2018, by the Apartment and Office Building Association of Metropolitan Washington is hereby granted;

(3) That the Motion for Leave to File Supplemental Direct Testimony filed on August 31, 2018, by the Apartment and Office Building Association of Metropolitan Washington is hereby granted; and

(4) That all parties other than the Apartment and Office Building Association of Metropolitan Washington shall file limited Rebuttal Testimony by September 21, 2018; the testimony is limited to addressing matters raised in the

Apartment and Office Building Association of Metropolitan Washington's Supplemental
Direct Testimony of Bruce R. Oliver and Timothy B. Oliver filed on August 31, 2018.

By Direction of the Commission,

/s/ Terry J. Romine

Terry J. Romine
Executive Secretary