

**ORDER NO. 89180**

IN THE MATTER OF THE APPLICATION  
 OF BALTIMORE GAS AND ELECTRIC  
 COMPANY FOR ADJUSTMENTS TO ITS  
 ELECTRIC AND GAS BASE RATES.

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BEFORE THE  
 PUBLIC SERVICE COMMISSION  
 OF MARYLAND

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CASE NO. 9610

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**Issue Date: June 28, 2019**

**PROCEDURAL SCHEDULE ORDER**

On June 27, 2019, the Maryland Public Service Commission held a pre-hearing conference in the above-styled proceeding to establish a procedural schedule for the proceeding, to consider any petitions to intervene, and to address any other pending preliminary matters. Attorneys representing Baltimore Gas and Electric Company (“BGE”), Office of People’s Counsel (“OPC”), and the 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”) (collectively, “Parties”) appeared at the pre-hearing conference.

At the pre-hearing conference, the Commission granted the petitions to intervene of MEG, H.A. Wagner, C.P. Crane, DOD/FEA, Walmart, and the Energy Supplier Coalition (collectively, “Intervenors”). Additionally, the Commission adopted a

procedural schedule for the matter, except for the schedule for three evening public hearings that will be held in the matter. In adopting the procedural schedule, the Commission noted DOD/FEA's concern as to the date that the Intervenors' direct testimony is due and the Energy Supplier Coalition's concern as to beginning the evidentiary hearing on a Friday. For the evening public hearing, BGE, in cooperation with the other Parties, is directed to work with the Executive Secretary to schedule the dates and locations for public evening hearings to be held in BGE's service territory.

Further, the Commission adopted the discovery procedure proposed by the Parties and directed commencement of discovery for the Intervenors (discovery for BGE, OPC, and Staff had already commenced). The discovery procedure is as follows:

- Related solely to discovery requests regarding BGE's supplemental direct testimony and its updates to actuals, BGE will respond to discovery requests within five (5) business days of service with any objections to be made within two (2) business days.
- Otherwise, responses to discovery requests served through September 10, 2019, are due within ten (10) business days of service, and any objections made within three (3) business days. After September 10, 2019, and through October 4, 2019, responses to discovery requests are due within seven (7) business days of service, and any objections made within two (2) business days. After October 4, 2019, discovery responses are due within five (5) business days of service, and any objections made within two (2)

business days. 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 (3) business days from service of the written objection. The opponent shall respond to the motion within two (2) business of service of the motion. The motion and response shall be in letter format and shall each be limited in length to three single-spaced pages with a 12-point or greater font. The letter 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 and shall provide the Executive Secretary an electronic copy of the motion and response.

Finally, pursuant to the Public Utilities Article, *Annotated Code of Maryland*, § 4-204(b)(2)(ii), the Commission finds that extension for an additional 30 days is required to ensure that the proceedings can be completed within the procedural schedule adopted.

**IT IS, THEREFORE,** this 28<sup>th</sup> day of June in the year Two Thousand Nineteen,  
by the Public Service Commission of Maryland,

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

- (a) Baltimore Gas and Electric Company shall file updates to actuals and any supplemental direct testimony by noon on or before August 23, 2019;
- (b) Staff, the Office of People’s Counsel, and Intervenors shall file direct testimony by September 10, 2019;
- (c) Baltimore Gas and Electric Company shall file rebuttal testimony by noon on or before October 4, 2019,
- (d) Staff, Office of People’s Counsel, and Intervenors shall file surrebuttal testimony by October 22, 2019;
- (e) Staff shall file a comparison of the Parties’ Positions by October 24, 2019; and
- (f) All Parties shall file an initial brief two weeks after the evidentiary hearing ends and shall file reply briefs 10 days after the initial brief filing date.

An original and 17 paper copies, and an electronic copy,<sup>1</sup> of the pleadings shall be submitted to Terry J. Romine, 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-hole punched. The Parties are directed to serve all testimony electronically on all parties no later than 6:00 p.m. on the date of the filing;

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<sup>1</sup> The Commission encourages parties to use the Commission’s “e-file” system for filing the electronic copy. Details of the “e-file” system are on the Commission’s web page, [www.psc.state.md.us](http://www.psc.state.md.us). Persons are reminded that if the “e-file” system is used, the original and required paper copies of the filing must be delivered to the Commission’s docket room by noon, the next business day after the e-filing is made to retain the filing date of the e-filed document. In the event the paper copies are received after noon of the next business day, the date on which the paper copies are received becomes the official filing date.

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

(3) That evidentiary hearings will be held in the Commission's 16<sup>th</sup> Floor Hearing Room on the dates and times as follows:

(a) October 25, 2019, beginning at 10:00 a.m.;

(b) October 28, 2019, beginning at 10:00 a.m.;

(c) October 29, 2019, beginning at 10:00 a.m.;

(d) October 30, 2019, beginning at 1:00 p.m.;

(e) October 31, 2019, beginning at 10:00 a.m.; and

(f) November 1, 2019, beginning at 10:00 a.m.

The Commission reserves the right to revise the hearing schedule, as needed;

(5) That the proposed rates filed Baltimore Gas and Electric Company are hereby suspended for 180 days from June 23, 2019; and

(4) That Baltimore Gas and Electric Company 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/ Terry J. Romine*

Terry J. Romine  
Executive Secretary