

**ORDER NO. 89667**

Potomac Electric Power Company’s  
Application for an Electric Multi-Year Plan

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BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF MARYLAND

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CASE NO. 9655  
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**Issue Date: November 23, 2020**

On November 23, 2020, the Public Service Commission (“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 Potomac Electric Power Company (“Pepco”), Office of People’s Counsel (“OPC”), the Commission’s Technical Staff (“Staff”), the Apartment and Office Building Association of Metropolitan Washington (“AOBA”), the U.S. General Services Administration (“GSA”), Montgomery County, Maryland (“Montgomery County”), Prince George’s County, Maryland (“Prince George’s County”), and the Town of Chevy Chase View, Montgomery County, Maryland (“Town of Chevy Chase View”),<sup>1</sup> (collectively, “Parties”) appeared at the pre-hearing conference.

At the pre-hearing conference, the Commission adopted a procedural schedule for the matter, except for the schedule for two evening public hearings that will be held

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<sup>1</sup> Although the Town of Kensington, Montgomery County, Maryland (“Town of Kensington”) also intervened, no one appeared on their behalf. Inasmuch as no party objected to their intervention, however, the Town of Kensington’s Petition to Intervene as a Party was granted.

virtually. The Commission granted intervention for all Parties that filed a Petition to Intervene in this proceeding. For the evening public hearings, Pepco, in cooperation with the other Parties, is directed to work with the Executive Secretary to schedule the dates and times of the two public evening hearings.

Further, the Commission adopted the discovery procedure proposed by the Parties. Discovery by Pepco, OPC, and Staff has already commenced, and discovery for all other Parties commences today. The discovery procedure is as follows:

- Responses to discovery requests served through January 26, 2021, are due within ten (10) business days of service, and any objections shall be made within three (3) business days.
- After January 26, 2021 and through February 23, 2021, responses to discovery requests are due within seven (7) business days of service, and any objections shall be made within two (2) business days.
- After February 23, 2021, responses to discovery requests are due within five (5) business days of service, and any objections shall be made within two (2) business days.
- 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 motion 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.

All testimony and discovery shall be served electronically on each of the Parties to avoid delay in receipt. Parties shall ensure that the correct email of the person(s) to whom the testimony and discovery should be sent are updated and current on the service list for this matter.

Furthermore, at the prehearing conference, the parties proposed a procedural schedule under which the Commission would issue a final decision by May 24, 2021. Accordingly, the Commission finds that an extension of the suspension period for an additional 30 days is also required to ensure that the proceedings can be completed within the procedural schedule.

**IT IS, THEREFORE,** this 23<sup>rd</sup> day of November in the year Two Thousand Twenty, by the Public Service Commission of Maryland,

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

- (a) Parties, excluding Pepco, shall file direct testimony by January 27, 2021;
- (b) Parties shall file rebuttal testimony by February 24, 2021;

- (c) Parties shall file surrebuttal testimony by March 16, 2021;
- (d) Staff shall file a comparison of positions by March 19, 2021;
- (e) Parties shall file an initial brief by April 16, 2021; and
- (e) Parties shall file a reply brief by April 26, 2021.

The Parties have agreed to make best efforts to provide workpapers when they file direct, rebuttal, and surrebuttal testimony. Pleadings shall be submitted to Andrew S. Johnston, Executive Secretary, Maryland Public Service Commission, William Donald Schaefer Tower, 6 St. Paul Street, Baltimore, Maryland 21202.<sup>2</sup> The Parties are directed to serve all testimony electronically on all Parties no later than 5:00 p.m. on the date of the filing;

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

(3) That evidentiary hearings will be held in a to-be-determined manner, on the dates and times as follows:

- (a) March 22, 2021, beginning at 10:00 a.m.;
- (b) March 23, 2021, beginning at 10:00 a.m.;
- (c) March 24, 2021, beginning at 10:00 a.m.;
- (d) March 25, 2021, beginning at 10:00 a.m.; and
- (e) March 26, 2021, beginning at 10:00 a.m.

Pepco will be allowed to present Live Rejoinder Testimony limited to the other Parties' surrebuttal testimony at the evidentiary hearings, as necessary. The Commission reserves the right to revise the hearing schedule, as needed;

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<sup>2</sup> All Parties shall use the Commission's e-file system available on its website to file its pleadings.

(4) That Pepco is directed to contact the Executive Secretary to establish the dates and times of the two virtual evening public hearings in this matter; and

(5) That, pursuant to Public Utilities Article, *Annotated Code of Maryland*, § 4-204, the tariff revisions filed by Potomac Electric Power Company are hereby suspended for 180 days from November 25, 2020.

By Direction of the Commission,

*/s/ Andrew S. Johnston*

Andrew S. Johnston  
Executive Secretary