SPIEGEL & MCDIARMID LLP

D.C. Office of People's Counsel Wins Remand in Pepco Rate Case

November 10, 2022 | Scott H. Strauss, Amanda C. Drennen

On November 10, 2022, the District of Columbia Court of Appeals — the District's highest court — granted in full the petition for review filed by the D.C. Office of People's Counsel ("OPC"), reversing and remanding D.C. Public Service Commission ("PSC") rulings with respect to two aspects of its approval of Potomac Electric Power Company's ("Pepco") proposed multi-year rate increase.

The first issue concerned whether D.C. ratepayers should be on the hook for costs incurred by Pepco to clean up PCB contamination of the Anacostia River emanating from Pepco's Benning Road power station. The commission had rejected OPC's argument that an earlier, PSC-approved settlement agreement banned the inclusion in rates of environmental remediation investigation and feasibility study costs. The court reversed, rejecting claims that the commission's reading of the settlement language was entitled to deference, and remanded for a determination of the proper allocation of the environmental costs.

The second issue concerned the commission's approval of a Pepco energy efficiency program notwithstanding the company's failure to seek program approval from the District's Sustainable Energy Utility before seeking to include program costs in rates. The court found that the commission's decision was at odds with the plain language of the statute.

Spiegel partner Scott Strauss argued the case and was assisted by associate Amanda Drennen. The court's decision is linked below.

Related Practices and Services

- Electric
- Litigation and Appeals

DOWNLOAD ATTACHMENT:
https://www.spiegelmcd.com/wp-content/uploads/2022/11/DCOPC-v.-DCPSC-2022.pdf

SPIEGEL & MCDIARMID LLP

D.C. Office of People's Counsel Wins Remand in Pepco Rate Case

November 10, 2022 | *Scott H. Strauss, Amanda C. Drennen*

On November 10, 2022, the District of Columbia Court of Appeals — the District's highest court — granted in full the petition for review filed by the D.C. Office of People's Counsel ("OPC"), reversing and remanding D.C. Public Service Commission ("PSC") rulings with respect to two aspects of its approval of Potomac Electric Power Company's ("Pepco") proposed multi-year rate increase.

The first issue concerned whether D.C. ratepayers should be on the hook for costs incurred by Pepco to clean up PCB contamination of the Anacostia River emanating from Pepco's Benning Road power station. The commission had rejected OPC's argument that an earlier, PSC-approved settlement agreement banned the inclusion in rates of environmental remediation investigation and feasibility study costs. The court reversed, rejecting claims that the commission's reading of the settlement language was entitled to deference, and remanded for a determination of the proper allocation of the environmental costs.

The second issue concerned the commission's approval of a Pepco energy efficiency program notwithstanding the company's failure to seek program approval from the District's Sustainable Energy Utility before seeking to include program costs in rates. The court found that the commission's decision was at odds with the plain language of the statute.

Spiegel partner Scott Strauss argued the case and was assisted by associate Amanda Drennen. The court's decision is linked below.

Related Practices and Services

- Electric
- Litigation and Appeals

DOWNLOAD ATTACHMENT:
https://www.spiegelmcd.com/wp-content/uploads/2022/11/DCOPC-v.-DCPSC-2022.pdf