

# Office of the People's Counsel District of Columbia



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**Elizabeth A. Noël**  
People's Counsel

December 5, 2008

Garland Pinkston, Jr.  
Clerk of the Court  
D.C. Court of Appeals  
500 Indiana Ave., N.W., Room 6000  
Washington, D.C. 20001

**Re: Nos. 08-AA-17 & 08-AA-148, Washington Gas Light Company v.  
Public Service Commission–Intervenor's Reply Brief**

Dear Mr. Pinkston:

Please accept for filing the enclosed original and three (3) copies of the Supplemental Reply Brief of the Intervenor Office of the People's Counsel in the above-captioned proceedings.

If there are any questions regarding this matter, please contact me at (202) 727-3071.

Sincerely,

Jennifer L. Weberski  
Assistant People's Counsel

Enclosure

cc: Parties of record

NOS. 08-AA-17 and 08-AA-148

IN THE

DISTRICT OF COLUMBIA COURT OF APPEALS

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WASHINGTON GAS LIGHT COMPANY,

v.

*Petitioner,*

PUBLIC SERVICE COMMISSION OF THE  
DISTRICT OF COLUMBIA,

*Respondent,*

and

OFFICE OF THE PEOPLE'S COUNSEL,

*Intervenor.*

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**On Petition for Review**

**from the District of Columbia Public Service Commission Formal Case No. 1054**

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**SUPPLEMENTAL REPLY BRIEF OF INTERVENOR**

**OFFICE OF THE PEOPLE'S COUNSEL**

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December 5, 2008

WASHINGTON GAS LIGHT COMPANY,  
Petitioner

v.

PUBLIC SERVICE COMMISSION OF THE  
DISTRICT OF COLUMBIA,  
Respondent

and

OFFICE OF THE PEOPLE'S COUNSEL,  
Intervenor

CASE NOS. 08-AA-17 and 08-AA-148

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**REPLY BRIEF OF INTERVENOR OFFICE OF THE PEOPLE'S COUNSEL**

Pursuant to D.C. App. R. 28, and the Court's October 6, 2008 order requesting supplemental briefs on four questions, the Office of the People's Counsel ("OPC"),<sup>1</sup> respectfully submits its Supplemental Reply Brief. Despite the contentions of Washington Gas Light Company ("WGL" or "Company"), this Court should affirm the Public Service Commission's ("Commission") imposition of a \$350,000 fine upon WGL for violations of PSC orders to produce information during the discovery phase of a WGL rate proceeding.

As discussed in OPC's Supplemental Brief, the fundamental, overriding issue regarding the four questions posited by the Court is whether or not the Court is forestalled from considering the additional issues due to WGL's failure to raise them before the Commission. As further discussed, the Court cannot reverse the Commission's imposition of the \$350,000 fine based upon the additional arguments. First, the additional contentions were not raised below by the Company and therefore, D.C. statute and case law do not support the Court's review.

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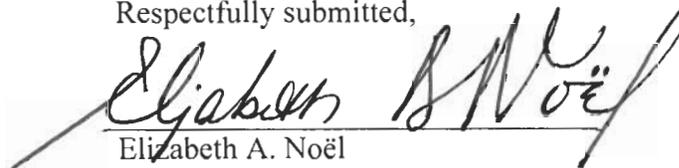
<sup>1</sup> OPC appears pursuant to its mandate as the statutory representative of the utility consumers of the District of Columbia, D.C. Code § 34-804 (d) (2001) (*formerly* D.C. Code § 43-406 (1981)).

Second, the legislative history of the statutes in question reasonably supports the Commission's interpretation of its own governing statutes.

By way of reference, OPC incorporates its response to the Court's October 6, 2008 questions submitted in its November 7, 2008 Supplemental Brief. WGL's Supplemental Brief fails to refute or negate the legislative history and D.C. law cited in OPC's November 7, 2008 Supplemental Brief supporting the Commission's imposition and enforcement of the \$350,000 sanction.

OPC, therefore, respectfully requests that the sanction imposed by the Public Service Commission against Washington Gas be affirmed.

Respectfully submitted,



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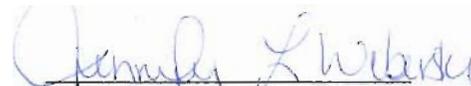
**CERTIFICATE OF SERVICE**

I hereby certify that on this 5<sup>th</sup> day of December, 2008, a copy of the foregoing was served on the following parties of record via electronic delivery, hand delivery or first-class mail:

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