



PRESS RELEASE

OPC Wins A Victory for Pepco Customers in Two Major Appeals Court Decisions

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Washington, DC - The Office of the People's Counsel for the District of Columbia (OPC) reports the DC Court of Appeals (DCCA) has ruled in favor of OPC's challenge of two DC Public Service Commission (PSC) decisions that OPC successfully argued were harmful to Pepco consumers.

"OPC must uphold its statutory duty to challenge every single decision we believe unfairly burdens District consumers," said People's Counsel Sandra Mattavous-Frye. "OPC attorneys take a deep dive into all rate increase applications and do not hesitate to go to court to make things right for DC residents."

The DC Court of Appeals vacated, remanded, and sent back to the PSC for reconsideration portions of its order in Pepco's last rate case and multiyear rate plan. In its appeal, OPC argued that the Commission should not have given Pepco a green light to recover almost \$2 million from its customers to pay for a remedial investigation and feasibility study of possible pollution in the Anacostia River and contamination at the utility's Benning Road generating station in Northeast. Pepco shutdown the station in 2012 and a settlement agreement for cost recovery followed in 2017. However, in filing for a rate increase in 2019, Pepco asked, and the PSC granted, Pepco permission to include the Benning Road cleanup in future rates. The Appeals Court now sides with OPC, ruling that passing these costs on to consumers is contradictory to the earlier settlement, therefore, the PSC must reconsider its approval.

In the second decision, the Court concluded that the PSC wrongfully ignored a provision of the District's clean energy law by not consulting with the District Department of Energy and Environment and the DC Sustainable Energy Utility before including its multiyear rate plan application new energy efficiency programs, \$5 million of which Pepco could later recover from ratepayers. The Court stated the Commission granted approval without any evidence that Pepco complied with this prerequisite, and therefore, demands further

consideration.

“Consultation is critical as we all work together to achieve the District’s clean energy goals. I am pleased the Court sees the importance of mandatory coordination to facilitate a harmonious path forward,” said the People’s Counsel Sandra Mattavous-Frye.

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