

**PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA**  
**1325 G STREET, N.W., SUITE 800**  
**WASHINGTON, D.C. 20005**

**ORDER**

**June 12, 2026**

**FORMAL CASE NO. 1179, IN THE MATTER OF THE INVESTIGATION INTO WASHINGTON GAS LIGHT COMPANY'S STRATEGICALLY TARGETED PIPE REPLACEMENT PLAN, Order No. 22879**

**I. INTRODUCTION**

1. By this Order, the Public Service Commission of the District of Columbia (“Commission”) establishes the Material Issues of Fact in Dispute for the upcoming hearing in this matter. In addition, this order sets forth its determination on the pre-hearing Stipulations, Admissions, Authentication of Documents, and other related matters.

**II. BACKGROUND**

2. By Order No. 17431, the Commission approved the first five (5) year phase of Washington Gas Light Company’s (“WGL” or “Company”) 40-year Revised Accelerated Pipe Replacement Plan (“PIPES 1”).<sup>1</sup> The PIPES 1 plan included proposals to replace aging, leak-prone pipeline infrastructure with the highest risk and leak rates (*i.e.*, cast-iron main lines and bare, unprotected steel mains) at an estimated cost of \$110 million.<sup>2</sup> WGL filed its PROJECT*pipes* 2 Plan (“PIPES 2”) on December 7, 2018, requesting approval for five years (*i.e.*, October 1, 2019, through December 31, 2024) at an estimated cost of \$305.3 million.<sup>3</sup> Instead of the five-year proposal, the Commission approved a three-year Plan requiring WGL to address distribution system safety and reliability, including more restrictive performance targets for replaced pipes and the District’s climate goals.<sup>4</sup> On December 22, 2022, WGL filed its PROJECT*pipes* 3 (“PIPES 3”)

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<sup>1</sup> *Formal Case No. 1093, In the Matter of the Investigation Into the Reasonableness of Washington Gas Light Company’s Existing Rates and Charges for Gas Service (“Formal Case No. 1093”), and Formal Case No. 1115, Application of Washington Gas Light Company for Approval of a Revised Accelerated Pipe Replacement Program (“Formal Case No. 1115”), Order No. 17431, ¶ 1, rel. March 31, 2014 (“Order No. 17431”).* The Accelerated Pipes Replacement Plan was renamed as PROJECT*pipes*.

<sup>2</sup> *Formal Case No. 1093, Washington Gas Light Company’s Request for Approval of a Revised Accelerated Pipe Replacement Plan (Public Version and Confidential Version), at 2-3, and 6, filed August 15, 2013.*

<sup>3</sup> *Formal Case No. 1154, Washington Gas Light Company’s Application for Approval of PROJECTpipes 2 Plan (“Formal Case No. 1154”), filed December 7, 2018 (“WGL’s PIPES 2 Plan”).*

<sup>4</sup> *Formal Case No. 1154, Order No. 20671, ¶¶ 35-36, rel. December 11, 2020 (“Order No. 20671”).*

Application.<sup>5</sup> By Order No. 21960, the Commission granted WGL a 12-month extension on PIPES 2 until February 28, 2025.<sup>6</sup> Through a series of Orders, PIPES 2 was further extended until June 30, 2026.<sup>7</sup> By Order No. 22003, the Commission, among other things, dismissed the PIPES 3 Application and opened *Formal Case No. 1179*.<sup>8</sup>

3. On January 12, 2024, the Commission first rejected WGL's PROJECTpipes3 program proposal and directed it to propose an overhauled pipe replacement plan more focused on prioritizing high-risk pipes and services, maximizing risk-reduced per dollar spent, and adhering to Federal and District climate initiatives.<sup>9</sup> On September 27, 2024, WGL filed its revised pipe replacement plan, the District Strategic Accelerated Facilities Enhancement Plan ("District SAFE Plan").<sup>10</sup>

4. After extensive testimony was filed, the Commission determined that there were material issues of fact in dispute regarding the JANA Lighthouse ("JANA") risk model and directed that an evidentiary hearing be held on those issues on November 18, 2025.<sup>11</sup> The evidentiary hearing was held on December 9, 2025. Later, on March 4, 2026, the Commission issued Order No. 22798 accepting a modified version of the District SAFE Plan and setting the proceedings for the District SAFE Plan in motion.<sup>12</sup> In response, both the Office of People's Counsel for the District of Columbia ("OPC") and the District of Columbia Government ("DCG") filed Applications for Reconsideration of Order No. 22798 on April 3, asserting that procedural due process requires that the Commission hold an evidentiary hearing on all disputed material

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<sup>5</sup> *Formal Case No. 1175, In the Matter of Washington Gas Light Company's Application for Approval of PROJECTpipes 3 Plan ("Formal Case No. 1175")*, Washington Gas Light Company's Application for Approval of PROJECTpipes 3 Plan, filed December 22, 2022 ("PIPES 3 Application").

<sup>6</sup> *Formal Case No. 1154*, Order No. 21960, ¶ 13, rel. February 23, 2024 ("Order No. 21960").

<sup>7</sup> *Formal Case No. 1179, In the Matter of the Investigation Into Washington Gas Light Company's Strategically Targeted Pipes Replacement Plan ("Formal Case No. 1179")*, Order No. 22317, ¶¶ 1, 21, rel. October 24, 2024 ("Order No. 22317"); *Formal Case No. 1179*, Order No. 22367, ¶¶ 1, 29, rel. February 19, 2025 ("Order No. 22367"); *Formal Case No. 1179*, Order No. 22746, ¶ 6, rel. November 26, 2025 ("Order No. 22746").

<sup>8</sup> *Formal Case No. 1179*, Order No. 22003, rel. June 12, 2024 ("Order No. 22003").

<sup>9</sup> *Formal Case No. 1154, Washington Gas Light Company's Application for Approval of PROJECTpipes 2 Plan*; *Formal Case No. 1175, In the Matter of Washington Gas Light Company's Application for Approval of PROJECTpipes 3 Plan*; and *Formal Case No. 1179*, Order No. 22003, rel. January 12, 2024.

<sup>10</sup> *Formal Case No. 1179*, Washington Gas's Revised Application for Approval of the District Strategic Accelerated Facility Enhancement Plan, filed September 27, 2024 ("WGL's Application").

<sup>11</sup> *Formal Case No. 1179*, Order No. 22735, rel. November 5, 2025.

<sup>12</sup> *Formal Case No. 1179*, Order No. 22798, rel. March 4, 2026 ("Order No. 22798").

facts, not just the JANA risk model.<sup>13</sup> WGL filed its response to the other parties' Applications for Reconsideration on April 17, 2026.<sup>14</sup>

5. On May 4, 2026, the Commission issued Order No. 22855, granting the requests for reconsideration and setting the matter for a possible evidentiary hearing on June 29, 2026, scope pending acceptance of lists of material issues of fact submitted by the parties.<sup>15</sup> WGL, OPC, DCG, and the Sierra Club were directed to convene a Settlement Stipulation Conference before May 19, 2026, and to file a Report on Joint Stipulations with any pre-hearing documents by May 26, 2026.<sup>16</sup>

6. On May 20, 2026, the Commission issued Order No. 22687, holding in abeyance the Modified District SAFE Plan, as accepted by the Commission in Order No. 22798.<sup>17</sup> The Commission has held the Modified District SAFE Plan in abeyance to adequately allow for time to review disputed issues.<sup>18</sup> Additionally, Order No. 22687 outlined an updated procedural schedule for Formal Case No. 1179.<sup>19</sup>

7. On May 26, 2026, OPC filed a Renewed Motion for Dismissal in Lieu of June Hearing; and submission of pre-hearing filings required by Order No. 22855.<sup>20</sup> WGL filed its report on Material Issues of Fact in Dispute.<sup>21</sup> WGL also filed its Joint Stipulation Report as

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<sup>13</sup> *Formal Case No. 1179*, Office of the People's Counsel for the District of Columbia's Application for Reconsideration and Request for Clarification of Order No. 22798, filed April 3, 2026; *Formal Case No. 1179*, District of Columbia Government and Sierra Club's Petition for Reconsideration of Order No. 22798, filed April 3, 2026.

<sup>14</sup> *Formal Case No. 1179*, Washington Gas Light Company's Response to the Application for Reconsideration and Request for Clarification filed by the Office of People's Counsel and the Petition for Reconsideration of the District of Columbia Government and Sierra Club, filed April 17, 2026.

<sup>15</sup> *Formal Case No. 1179*, Order No. 22855 ¶¶ 24-26, rel. May 4, 2026 ("Order No. 22855").

<sup>16</sup> Order No. 22855 ¶¶ 34-35.

<sup>17</sup> *Formal Case No. 1179*, Order No. 22687, rel. May 20, 2026 ("Order No. 22687").

<sup>18</sup> Order No. 22687 ¶ 6.

<sup>19</sup> Order No. 22687. The Commission issued Order No. 22872, correcting a scrivener's error in paragraph 9 of Order No. 22867, changing the time for the Pre-Hearing conference to on June 15, 2026.

<sup>20</sup> *Formal Case No. 1179*, Office of the People's Counsel for the District of Columbia's Renewed Motion for Dismissal in Lieu of June Hearing; And Submission of Pre-Hearing Filings Required by Order No. 22855, filed May 26, 2026 ("Renewed Motion").

<sup>21</sup> *Formal Case No. 1179*, Washington Gas Light Company's Report on Material Issues of Fact in Dispute, filed May 26, 2026 ("WGL's MIFID Report").

directed by Order No. 22855.<sup>22</sup> DCG filed a supplemental List of Material Issues of Fact in Dispute, intended to supplement the Joint MIFD list submitted by OPC and Sierra Club.<sup>23</sup>

### III. PARTIES' LISTS OF MATERIAL ISSUES OF FACT IN DISPUTE

8. Commission Order No. 22855 directed the parties to review their prior list of disputed facts, determine which have been resolved, and provide a list of any remaining facts with evidence of their materiality.<sup>24</sup> Below is a summary of each party's said list of intact material facts in dispute filed in response to this directive:

#### A. Compliance with Order No. 22003

##### **OPC/Sierra Club (Joint)<sup>25</sup>**

- a. Does the consolidation of multiple PROJECT*pipes* programs into a single program improve the focus of the District SAFE Plan?<sup>26</sup>
- b. Does the District SAFE Plan prioritize projects on a risk-reduced per dollar basis, and is it limited to only leak-prone vintage materials?<sup>27</sup>
- c. Has the Company adopted the Continuum audit findings as part of its pipe replacement programs and, if so, how has that been done?<sup>28</sup>
- d. Has WGL demonstrated a willingness and ability to evaluate its program continuously for efficiencies and adopted proposed efficiencies where recommended, as alleged by WGL Witness Rogers?<sup>29</sup>

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<sup>22</sup> *Formal Case No. 1179*, Washington Gas Light Company's Response to Order No. 22855, filed May 26, 2026 ("Joint Response"). On May 27, WGL filed a corrected Joint Stipulation Report.

<sup>23</sup> *Formal Case No. 1179*, District of Columbia Government's Supplemental List of Material Issues of Fact in Dispute, filed May 26, 2026 ("DCG Supplemental MIFID").

<sup>24</sup> Order No. 22855 at ¶ 28.

<sup>25</sup> Renewed Motion, Attachment A: The Office of the People's Counsel and the Sierra Club's Joint List of Issues of Material Fact in Dispute ("OPC and SC Joint MIFID")

<sup>26</sup> OPC and SC Joint MIFID at 4.

<sup>27</sup> OPC and SC Joint MIFID at 5.

<sup>28</sup> OPC and SC Joint MIFID at 6.

<sup>29</sup> OPC and SC Joint MIFID at 6, citing Exhibit WG (2A) – Rogers Rebuttal at 19:2-5.

- e. Is WGL’s commitment to conduct an assessment after approval of its proposed District SAFE plan compliant with Order No. 22003?<sup>30</sup>
- f. Is WGL overly reliant on external work crews in performing pipe replacement activities, and does any such reliance increase customer costs?<sup>31</sup>
- g. Has there been a discernible trend of increasing WGL labor costs over the past five years of pipe replacement activity?<sup>32</sup>

**DCG (Supplemental)**<sup>33</sup>

- a. What target amount of leak-prone pipe does WGL expect to eliminate from its system under the District SAFE Plan, and how does that amount compare to PIPES2?<sup>34</sup>

**B. Cost Recovery Mechanism**

**DCG (Supplemental)**

- a. To what extent is WGL’s ability to retain skilled workers to perform necessary pipe replacement work dependent upon WGL’s receipt of surcharge funding?<sup>35</sup>
- b. How many workers were actually laid off or otherwise let go because of any perceived loss of surcharge funding for pipeline replacement work?<sup>36</sup>
- c. Of the workers employed to perform work on WGL’s accelerated pipe replacement program, how many are members of the union labor workforce?<sup>37</sup>

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<sup>30</sup> OPC and SC Joint MIFID at 10.

<sup>31</sup> OPC and SC Joint MIFID at 10.

<sup>32</sup> OPC and SC Joint MIFID at 10.

<sup>33</sup> DCG Supplemental MIFID.

<sup>34</sup> DCG Supplemental MIFID at 4.

<sup>35</sup> DCG Supplemental MIFID at 5.

<sup>36</sup> DCG Supplemental MIFID at 5.

<sup>37</sup> DCG Supplemental MIFID at 6.

- d. Is there a shortage of skilled workers who perform pipe replacement work, and is it financially and logistically possible to expand the number of crews in Years 2 and 3 of the District SAFE Plan to complete the planned replacement targets?<sup>38</sup>
- e. To what extent could WGL maintain its existing pace of pipe replacement work without accelerated surcharge recovery?<sup>39</sup>

### C. Budget and Cost Effectiveness

#### OPC/Sierra Club (Joint)

- a. Does WGL's overestimation of leaks and projects show that the Company fails to meet its duty of care, and that its proposed costs fail to satisfy the just and reasonable standard?<sup>40</sup>
- b. What is the cost-effectiveness of the cost per mile for pipe replacement activity conducted by WGL compared with replacement activity by Consolidated Edison and Baltimore Gas & Electric?<sup>41</sup>
- c. When did the D.C. Department of Transport ("DDOT") policies cited by the Company as elevating costs go into effect, and when did they start enforcing them?<sup>42</sup>
- d. Does DDOT selectively apply the policies to the Company as opposed to other utilities operating in the District?<sup>43</sup>
- e. Has WGL coordinated with DDOT to limit the impact of these policies? If so, how does such coordination impact WGL's costs? Are there misunderstandings that can be resolved to improve the coordination?<sup>44</sup>

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<sup>38</sup> DCG Supplemental MIFID at 6-7.

<sup>39</sup> DCG Supplemental MIFID at 6.

<sup>40</sup> OPC and SC Joint MIFID at 7.

<sup>41</sup> OPC and SC Joint MIFID at 7-8.

<sup>42</sup> OPC and SC Joint MIFID at 8.

<sup>43</sup> OPC and SC Joint MIFID at 9.

<sup>44</sup> OPC and SC Joint MIFID at 9.

- f. Has the Company's accelerated pipe replacement activity been chronically underfunded as Witness Rogers claims?<sup>45</sup>
- g. Does WGL's proposed miles of replacement show that WGL failed to meet its duty of care, and that the Company did not perform accelerated replacement as a prudent utility would have done?<sup>46</sup>
- h. Has the Company demonstrated that it is underfunded for accelerated pipe replacement? If so, is its poor system performance in fact largely the result of this underfunding?<sup>47</sup>
- i. Has the Commission not approved \$910.3 million of requested PROJECT*pipes* funding as claimed by Company Witness Rogers?<sup>48</sup> How much of the requested PROJECT*pipes* funding has the Commission not approved?

### WGL

- a. Has WGL demonstrated that it has experienced and will continue to experience increases in costs associated with pipeline replacement activities due to DDOT's selective enforcement of permit conditions and restrictions?<sup>49</sup>

### DCG (Supplemental)

- a. Has WGL sufficiently demonstrated that the District SAFE plan will reliably and consistently select the highest risk assets for replacement that are strategically located to achieve the most risk-reduced per dollar spent?<sup>50</sup>

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<sup>45</sup> OPC and SC Joint MIFID at 11, citing Exhibit WG (2A) – Rogers Rebuttal at 13:11-17.

<sup>46</sup> OPC and SC Joint MIFID at 11.

<sup>47</sup> OPC and SC Joint MIFID at 11-12.

<sup>48</sup> OPC and SC Joint MIFID at 12, citing OPC (2A) – Fitzhenry Rebuttal at 9-10.

<sup>49</sup> *Formal Case No. 1179*, Washington Gas Light Company's Material Issues of Fact in Dispute, filed May 30, 2025 ("WGL's MIFID List"). Note: WGL noted in its May 26, 2026, letter that its position "has not changed and it continues to adopt its previous filed lists and October 27, 2025, letter indicating that no [additional] material issues of fact have been identified or have arisen that warrant an evidentiary hearing."

<sup>50</sup> DCG Supplemental MIFID at 1.

- b. Will WGL's practice of grouping service projects together in geographical areas achieve the greatest risk-reduction per dollar spent?<sup>51</sup>
- c. Are service-only replacements the most cost-effective option for removing risk from WGL's District system?<sup>52</sup>
- d. How and to what extent does the number of contract workers used to perform work on its accelerated pipe replacement program drive up labor costs as compared to in-house workers?<sup>53</sup>
- e. Has there been a discernible trend of increasing WGL's labor costs over the past five years of pipe replacement activity that WGL can show directly relates to the alleged increase in overall pipe replacement costs?<sup>54</sup>
- f. Does WGL have a different strategy or new plan for managing the District SAFE Plan in light of the regulations and restrictions DDOT may lawfully impose on its pipe replacement activities in the public space and rights of way, including, for example, any restrictions on the hours of construction, managing traffic patterns, obtaining construction permits, etc.?<sup>55</sup>

#### **D. JANA, Risk Modeling, and Project Selection**

##### **OPC/Sierra Club (Joint)**

- a. Will JANA Lighthouse aid in a project prioritization that aligns with the District's climate goals, including projections on Greenhouse Gas ("GHG") emission reductions and preventing yearly leaks?<sup>56</sup>
- b. Does a demonstration that the JANA model can identify more leaks than Optimain correlate to an identification of higher-risk pipe segments?

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<sup>51</sup> DCG Supplemental MIFID at 3.

<sup>52</sup> DCG Supplemental MIFID at 3-4.

<sup>53</sup> DCG Supplemental MIFID at 5.

<sup>54</sup> DCG Supplemental MIFID at 6.

<sup>55</sup> DCG Supplemental MIFID at 9.

<sup>56</sup> OPC and SC Joint MIFID at 6.

- c. Does the Company's Plan include sufficient safeguards, including a list of projects to be completed, to demonstrate that WGL's new approach will result in improved project selection and more focused spending?<sup>57</sup>

#### **DCG (Supplemental)**

- a. What projects actually selected by WGL to date using the JANA tool demonstrate that the District SAFE Plan is strategically focused on the most cost-effective replacement projects?<sup>58</sup>
- b. To what extent does WGL distinguish between normal replacement projects and projects eligible for accelerated recovery, and how does the District SAFE Plan account for this distinction in project selection?<sup>59</sup>
- c. To what extent would the District SAFE Plan result in the selection of projects for abandonment rather than replacement if abandonment projects did not qualify for surcharge cost recovery?<sup>60</sup>

#### **E. Alignment with District Climate Goals and Non-Pipeline Alternatives**

##### **OPC/Sierra Club (Joint)**

- a. Does the Company have the capability to identify actual GHG emissions reductions, as directed by the Commission in Order No. 22003, without the completion of further industry research on how to calculate GHG reductions?<sup>61</sup>
- b. Could WGL calculate GHG emissions reductions using an analytical approach that accounts for: 1) the mains and services being replaced during the District SAFE Plan; 2) the likelihood of leak development based on pipe type and vintage; and 3) the probability of the expected GHG emissions from that segment type?

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<sup>57</sup> OPC and SC Joint MIFID at 6.

<sup>58</sup> DCG Supplemental MIFID at 3.

<sup>59</sup> DCG Supplemental MIFID at 3.

<sup>60</sup> DCG Supplemental MIFID at 4.

<sup>61</sup> OPC and SC Joint MIFID at 5.

**WGL**

- a. Is there evidence of WGL customers electrifying in the District and, if so, at what pace?<sup>62</sup>

**DCG (Supplemental)**

- a. What other measures could WGL reasonably adopt in addition to, or in lieu of, WGL's proposed Customer Choice Pilot Program to mitigate the risk of stranded assets?<sup>63</sup>
- b. In light of the District's GHG emissions reduction targets, to what extent does the District SAFE Plan adequately account for current and future expected reductions in gas usage, particularly as it relates to the risk of stranded assets?<sup>64</sup>
- c. Can WGL identify the District SAFE Plan's GHG emissions reductions independent of industry agreement on how to measure said reductions?<sup>65</sup>
- d. Will any significant reductions in GHG emissions be attributable to the District SAFE Plan or WGL's pipe replacement in general, align with the District's statutory timeframe for reaching its targets?<sup>66</sup>

**IV. JOINT STIPULATION REPORT AND PRE-HEARING FILINGS**

9. On May 26, 2026, WGL filed the Joint Stipulation Report, which contains the pre-hearing stipulations as directed by Order No. 22855.<sup>67</sup> WGL states that it met with OPC, DCG, Sierra Club, and Philadelphia-Baltimore-Washington Laborers' District Council ("PWLBC") on May 15, 2026, to discuss MIFDs and matters related to the June 29-30, 2026, evidentiary hearing, and parties exchanged emails about pre-hearing matters following this meeting.<sup>68</sup> The parties

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<sup>62</sup> WGL's MIFID List at 7.

<sup>63</sup> DCG Supplemental MIFID at 4.

<sup>64</sup> DCG Supplemental MIFID at 7.

<sup>65</sup> DCG Supplemental MIFID at 7-8.

<sup>66</sup> DCG Supplemental MIFID at 8.

<sup>67</sup> Joint Pre-hearing Report.

<sup>68</sup> Joint Pre-hearing Report at 1.

agreed to a Joint Cross-Examination Matrix, a proposed order of witnesses, and certain stipulations.<sup>69</sup>

10. The Cross Examination Matrix is attached to the Joint Pre-hearing Report as Appendix A.<sup>70</sup> WGL states that the parties have tentatively agreed to present witnesses in the order specified in the matrix and have tentatively identified the duration of cross-examination for each witness.<sup>71</sup> WGL adds that at this time, OPC and Sierra Club reserve the right to amend the cross-examination matrix.<sup>72</sup>

#### **A. Agreed to Stipulations**

11. The parties have agreed that the eight (8) stipulations that were set forth in the December 2, 2025, Washington Gas Report on Settlement, Proposed Stipulation, Joint Cross Examination Matrix, Admissions, and Other Pre-hearing Matters (the “December 2025 Pre-hearing Report”), which were subsequently adopted in Order No. 22752, should remain in effect.<sup>73</sup> In addition, the parties have agreed to stipulate to allow witnesses to testify virtually at any further evidentiary hearings held in this matter.<sup>74</sup>

#### **B. Admissions**

12. The parties have not identified any further admissions other than those previously addressed and adopted by Order No. 22752.<sup>75</sup>

#### **C. Authentication of Documents**

13. WGL is not supplementing the List of Authenticated Documents that it originally offered for admission into the record in its December 2025 Pre-hearing Report.<sup>76</sup> WGL states that all preserved written testimony and exhibits, as well as data requests and responses, were admitted

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<sup>69</sup> Joint Pre-hearing Report.

<sup>70</sup> Joint Pre-hearing Report at Appendix A.

<sup>71</sup> Joint Pre-hearing Filing at 1-2.

<sup>72</sup> Joint Pre-hearing Filing at 2.

<sup>73</sup> Joint Pre-hearing Filing at 2-3.

<sup>74</sup> Joint Pre-hearing Filing at 3.

<sup>75</sup> Joint Pre-hearing Filing at 3.

<sup>76</sup> Joint Pre-hearing Filing at 3.

for the December 9, 2025, hearing; therefore, WGL does not believe a new list is necessary.<sup>77</sup> A copy of the list as previously submitted is attached to the Joint Stipulation Report as Appendix B.<sup>78</sup>

**D. Other Matters to be Addressed Prior to Hearing**

14. WGL has asked that the Commission address five (5) other issues no later than June 25, 2026:

- a. The Commission should direct whether any witness for whom a party has requested permission to attend the hearing virtually is permitted to do so.<sup>79</sup>
- b. The Commission should direct that the witnesses whose parts have not been designated for cross-examination are excused from attending the hearing.<sup>80</sup> WGL suggests that the parties file a finalized cross-examination matrix indicating which witnesses are requesting excusal no later than June 19, 2026.<sup>81</sup>
- c. The Commission should direct whether the parties' agreement to waive opening and closing statements is accepted, and if not, then establish time parameters for opening and closing statements.<sup>82</sup>
- d. The Commission should direct that cross-examination exhibits will be provided no later than 5:30 p.m. Eastern on June 26, 2026.<sup>83</sup>

The Commission should direct that, if a party believes that cross-examination will involve confidential or proprietary information, the party shall advise counsel and the Commission by not later than 5:00 p.m. Eastern on June 26, 2026.<sup>84</sup> In the case of confidential material being cross-

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<sup>77</sup> Joint Pre-hearing Filing at 3.

<sup>78</sup> Joint Pre-hearing Filing at Appendix B.

<sup>79</sup> Joint Pre-hearing Filing at 4.

<sup>80</sup> Joint Pre-hearing Filing at 4.

<sup>81</sup> Joint Pre-hearing Filing at 4.

<sup>82</sup> Joint Pre-hearing Filing at 4.

<sup>83</sup> Joint Pre-hearing Filing at 4.

<sup>84</sup> Joint Pre-hearing Filing at 4-5.

examined, any participant in the hearing who has not executed a non-disclosure agreement is asked to exit the hearing for a confidential session.<sup>85</sup>

## V. DECISION

### A. **Decision on Material Issues of Fact in Dispute**

15. In Commission Order No. 22367, we made the preliminary finding that WGL's District SAFE Plan, as proposed, made a satisfactory *prima facie* showing that it met the requirements first set forth in Order No. 22003.<sup>86</sup> That is to say, the proposal met the threshold to warrant further evaluation *on the merits*.<sup>87</sup> The Commission first conducted a merit-based examination of the District SAFE Plan through a holistic review of the extensive testimony and documents filed by the parties, then again through a subsequent evidentiary hearing on December 9, 2025.<sup>88</sup> That evidentiary hearing was limited to the JANA risk model and disputed facts directly adjacent. We note that an oral evidentiary hearing is essential only where "there exists a dispute concerning a *material* fact,"<sup>89</sup> and the Commission determined, at the time, that the functionality of JANA was the only material contested factual issue necessary for hearing.<sup>90</sup> In light of the Commission's need to assess the veracity of the expert witnesses on contested testimony between several Party experts<sup>91</sup> on proposed genuine issues of material facts in dispute and the Parties' persuasive argument for reconsideration of Order No. 22798, the Commission finds it in the best interest of the District to have an evidentiary hearing on the issues the parties have identified as material issues of fact in dispute. This process will allow for full cross-examination of the material issues as identified by the parties and ensure fairness and due process. The Commission finds that

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<sup>85</sup> Joint Pre-hearing Filing at 4-5.

<sup>86</sup> Order No. 22367 at ¶ 20.

<sup>87</sup> Order No. 22367 at ¶ 20.

<sup>88</sup> *Formal Case No. 1179*, Transcript of the Evidentiary Hearing held on December 9, 2025, filed December 23, 2025.

<sup>89</sup> *Watergate E., Inc. v. D.C. Pub. Serv. Comm'n*, 662 A.2d 881, 890 (D.C. 1995) (emphasis added).

<sup>90</sup> *Formal Case No. 1179*, Order No. 22716, ¶¶ 16-19, rel. September 15, 2025; *Formal Case No. 1179*, Order No. 22735, ¶¶ 7, 12, rel. November 5, 2025. While the decision in *Off. of People's Couns. of D.C. v. D.C. Pub. Serv. Comm'n*, 352 A.3d 682, 689 (D.C. 2026) held that "the Commission must hold a hearing in every contested case", it explicitly did not overturn the holding from *Watergate East* that a "trial-type evidentiary hearing" is not needed when there are no "disputes concerning a material fact" (i.e. only questions of law or policy present). See *Watergate East, Inc.* 662 A.2d 881, 890 (A trial-type evidentiary hearing is needed only "if there exists a dispute concerning a material fact.").

<sup>91</sup> *Off. of People's Couns. of D.C. v. D.C. Pub. Serv. Comm'n*, at 690 ("cross-examination 'is the principal means by which the believability of a witness and the truth of his testimony is tested"; and Parties are entitled to cross-examine expert witnesses on values used, and how those values were calculated, in order to explore and test the veracity of the expert's decisions and calculations). *Id.* at 16-17.

the disputed facts listed above in paragraphs 8.A. through 8.E. are material to the Commission's final decision and hereby allow expert testimony and cross-examination on these factual disputes in the upcoming evidentiary hearing on June 29 and June 30, 2026.

### **B. Modified District SAFE Plan Project List**

16. By Order No. 22798, the Commission, among other things, approved a Modified District SAFE Plan, approved the JANA risk model for project selection, and directed that WGL file a Year 1 Annual Project List.<sup>92</sup> On April 21, 2026, WGL filed a Year 1 Project List, with output data, pursuant to the District SAFE Plan, as modified and accepted by Order No. 22798.<sup>93</sup> However, since that time the Commission issued an order mandating a new evidentiary hearing. As such, the project list filed in accordance with Order No. 22798 is now moot. Therefore, any cross-examination on the project list submitted under Order No, 22798 is not relevant to this proceeding.

### **C. Decision on Joint Stipulation Report and Pre-hearing Filings**

17. The Commission notes that the Federal Rules of Evidence apply to formal hearings; however, the Commission has considerable latitude to relax the rules if justice would be better served by doing so.<sup>94</sup> In Order Nos. 22735 and 22737, the Commission stated that, absent detailed objections, “we [would be] accepting into the evidentiary record all pre-filed testimony, exhibits, data requests, responses to data requests, comments, affidavits, and admissions, unless detailed objections are made to a specific document or pleading.”<sup>95</sup> By Order No. 22752, the Commission noted that no party provided detailed objections and accepted these documents into the evidentiary record.<sup>96</sup> We uphold the acceptance of these filings into the evidentiary record. In addition, as in Order No. 22752, ¶ 13, the Commission will “assume the authenticity of any document filed by any party in any proceeding before the Commission that is referenced in pre-filed testimony, exhibits, or data responses, and that parties retain the right to raise objections regarding due process, credibility, relevance, or weight of such documents.”<sup>97</sup> The Commission also maintains its prior decision to “waive authentication of discovery responses submitted to date and to permit

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<sup>92</sup> Order No. 22798, ¶¶ 165, 188, 193.

<sup>93</sup> *Formal Case No. 1179*, Year 1 Project List for the Modified District SAFE Plan, filed April 21, 2026.

<sup>94</sup> 15 DCMR 134.1 (1992).

<sup>95</sup> *Formal Case No. 1179*, Order No. 22735 ¶ 16; and *Formal Case No. 1179*, Order No. 22737 ¶ 16.

<sup>96</sup> *Formal Case No. 1179*, Order No. 22752 ¶ 12.

<sup>97</sup> *Formal Case No. 1179*, Order No. 22752 ¶ 13. This allows for the parties' substantive rights to be preserved while streamlining the proceedings.

cross-examination of sponsoring witnesses without requiring a foundation for those documents ... provided that the sponsoring witness is identified....”<sup>98</sup>

18. Similarly, as to the parties’ request that the Commission maintain the Stipulations, Admissions, and the authentication of documents adopted in Order No. 22752, we find the request reasonable. Consistent with the Commission’s actions in Paragraphs 12 and 13 of Order No. 22752, we adopt the parties’ eight (8) previously agreed-upon and accepted stipulations.<sup>99</sup> The stipulations from Order No. 22752, which the Commission is adopting, are that: (1) no party will make opening or closing statements; (2) the parties’ may reference statutes, regulations, and case law that are electronically available without providing full attachments during the hearing and post-hearing briefs; (3) pre-filed written testimony and accompanying exhibits are to be marked in the same manner as they were labeled when pre-filed; (4) we accept the authenticity and verification of all pre-served and fully conformed testimony and exhibits; (5) we accept the admission of all preserved and fully-conformed testimony and exhibits of witnesses not subject to cross examination (reserving rights to argue relevance and weight on brief); (6) we accept the authenticity and verification of discovery responses (in whole or in part) not previously provided as a pre-served exhibit (if verified in writing) and provided as a cross examination exhibit by 5:30 p.m. on June 26, 2026; (7) the order of cross-examination should be first conducted by the party that raised the relevant material issues of fact in dispute and then in alphabetical order, and subsequent cross examination should not repeat lines of questioning of previous addressed cross; and (8) cross examination should be limited in scope to the specific material issues set for evidentiary hearing.<sup>100</sup>

19. When the Commission granted DCG’s Motion for Leave via Order No. 22393 and admitted DDOT’s comments into the record, they were in a traditional format, rather than in the form of sworn testimony.<sup>101</sup> WGL, who replied to the comments in the form of testimony, argued that DDOT’s comments were “unsigned and unverified.”<sup>102</sup> To remedy this and allow proper cross-examination of the comments, DCG is hereby directed to identify a sponsor for DDOT’s February 26, 2025, comments and re-file the comments with the required attestation by June 19,

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<sup>98</sup> *Formal Case No. 1179*, Order No. 22752 ¶¶ 15-16, *citing* 15 DCMR §§ 122.13 (1995) and 134.1 (1992).

<sup>99</sup> *Formal Case No. 1179*, Order No. 22752 ¶¶ 12-13.

<sup>100</sup> *Formal Case No. 1179*, Order No. 22752 ¶¶ 12-13.

<sup>101</sup> *Formal Case No. 1179*, Order No. 22393, ¶ 7, rel. March 27, 2025. *See also: Formal Case No. 1179*, Comments of the District Department of Transportation on Washington Gas Light Company’s District SAFE Plan, filed February 26, 2025.

<sup>102</sup> *Formal Case No. 1179*, Washington Gas Light Company’s Response in Opposition to the Motion for Leave, filed March 7, 2025.

2026. Parties to this case are free to discuss this matter at the Pre-hearing Conference on June 15, 2026.

20. With respect to admissions, the Commission accepts the same admissions as approved in Order No. 22752, ¶ 14. Specifically, the Commission will allow the admission of WGL’s response to DCG Data Request No. 2 in *Formal Case No. 1154* since there were no objections.<sup>103</sup>

21. With respect to WGL’s other matters to be addressed prior to the hearing, the Commission grants the request that all witnesses who need to attend the hearing virtually be permitted to do so. Witnesses who have not been designated for cross-examination are excused from attending the hearing, and the Commission directs that the parties should file a finalized cross-examination matrix indicating which witnesses are requesting excusal no later than June 19, 2026. Parties should advise counsel and the Commission of cross-examination that will involve confidential or proprietary information not later than 5:00 PM on June 26, 2026, so that a confidential session can be facilitated.

**VI. PROCEDURAL SCHEDULE**

22. The Procedural Schedule below is consistent with the schedule that is set forth in Order No. 22855:

***Formal Case No. 1179 District SAFE Plan’s Procedural Schedule on Reconsideration***

1	Order on Motion to Dismiss and Order on Pre-hearing Filings (including disputed facts and Joint Stipulation Report)	Friday, June 12, 2026
4	Pre-Hearing Conference	Monday, June 15, 2026
5	Evidentiary Hearing	Monday, June 29, and Tuesday, June 30, 2026
6	Motions to Correct Transcript	Tuesday, July 21, 2026
7	All Post-Hearing Briefs	Tuesday, August 11, 2026

**THEREFORE, IT IS ORDERED THAT:**

23. The Commission **FINDS** that the facts listed above in paragraphs 8.A. through 8.E. are material, and are to be addressed in the evidentiary hearing scheduled for June 29-30, 2026;

<sup>103</sup> *Formal Case No. 1179, Order No. 22752 at ¶ 14.*

24. Consistent with paragraphs 16 through 20 of this Order, the Commission sets forth the parameters for Stipulations, Admissions, and Authentication of Documents;

25. A finalized cross-examination matrix **SHALL** be filed by 5:30 p.m. on June 19, 2026;

26. The District of Columbia Government is **DIRECTED** to obtain attestation for the District of Columbia Department of Transportation's comments, filed February 26, 2025, and re-file the attested comments to the docket on or before June 19, 2026;

27. All cross-examination exhibits **SHALL** be served by 5:30 p.m. on June 26, 2026; and

28. Witnesses that have not been designated for cross-examination **SHALL** be excused from appearing at the hearing.

**A TRUE COPY:**

**BY DIRECTION OF THE COMMISSION:**



**CHIEF CLERK:**

**BRINDA WESTBROOK-SEDGWICK  
COMMISSION SECRETARY**

**PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA  
1325 G STREET, N.W., SUITE 800  
WASHINGTON, D.C. 20005**

**June 12, 2026**

**FORMAL CASE NO. 1179, IN THE MATTER OF THE INVESTIGATION INTO  
WASHINGTON GAS LIGHT COMPANY'S STRATEGICALLY TARGETED PIPE  
REPLACEMENT PLAN**

**DISSENT OF COMMISSIONER BEVERLY TO ORDER NOS. 22879 AND 22880**

1. In my dissent to Order No. 22855, I referred to this process as “essentially a long, drawn-out regulatory rubber stamp of a deficient company proposal.”<sup>1</sup> That followed my dissent to Order No. 22798, in which I identified the deficiencies that I believe warrant dismissal: 1) the threadbare nature of the application; 2) WGL’s failure to comply with Order No. 22003; 3) the lack of workplan or pipe lists;<sup>2</sup> 4) reliance on investor risk for pipeline selection at the expense of health, safety, and environmental risk; 5) lack of documentation of actual costs for pipeline replacement; 6) no cost controls; 7) the inclusion of removal costs, potentially resulting in ratepayers paying for them twice; 8) failure to provide GHG emissions reduction estimates; and 9) a focus on future leaks rather than existing ones.<sup>3</sup>

2. Project Pipes 3 was the predecessor of District SAFE. When the Commission dismissed the Project Pipes 3 application in Order No. 22003, we specifically explained what a future plan needed to include to avoid a similar dismissal.<sup>4</sup> However, District SAFE is virtually plan-less, falling well below the detail of the Project Pipes 3 application that we dismissed but it remains before us because WGL claims that it subsequently provided the detail required by Order No. 22003.

3. OPC has now renewed its earlier motion to dismiss, based largely on WGL’s failure to comply with Order No. 22003. In the event that its motion to dismiss is denied, OPC turned WGL’s failure to comply with Order No. 22003 into issues of fact to be pursued in an evidentiary hearing, effectively requiring WGL to prove that it complied with the Order and that the District Safe Plan is otherwise in the public interest.

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<sup>1</sup> The proposal is essentially a budget for unknown work. There are no facts asserted in the proposal beyond that.

<sup>2</sup> I note that a Year 1 pipe list has since become available for review, although portions of it are inexplicably confidential.

<sup>3</sup> I recognize that the parties raised many of these deficiencies in their motions for reconsideration.

<sup>4</sup> For example, Order No. 22003 required GHG emission reductions estimates. It is unclear to me how WGL could possibly provide GHG reduction estimates with an application that has no workplan or pipe lists.

4. As I explained in detail as part of my dissent to Order No. 22367, I don't think the Plan complies with Order No. 22003. Therefore, I agree with OPC that the Plan should be dismissed.

COMMISSION ACTION

**FORMAL CASE NO. 1179, IN THE MATTER OF THE INVESTIGATION INTO WASHINGTON GAS LIGHT COMPANY'S STRATEGICALLY TARGETED PIPE REPLACEMENT PLAN,**

Date 6/12/26 Formal Case No. 1179 Tariff No. \_\_\_\_\_ Order No. 22879

	Approve Initial & Date	Dissent Initial & Date	Abstain Initial & Date
Chairman Emile Thompson	<u>ET/DJ 6/12/26</u>	_____	_____
Commissioner Richard A. Beverly	_____	<u>RB/DJ 6/12/26</u>	_____
Commissioner Ted Trabue	<u>TT/DJ 6/12/26</u>	_____	_____

Certification of Action

*Dionne Joemah*  
General/Deputy General Counsel

Alex Woodward  
OGC Counsel/Staff