

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

March 31, 2026

NOTICE OF PRE-HEARING CONFERENCE

MAY 7, 2026

**FORMAL CASE NO. 1176, IN THE MATTER OF THE APPLICATION OF THE
POTOMAC ELECTRIC POWER COMPANY FOR AUTHORITY TO IMPLEMENT A
MULTIYEAR RATE PLAN FOR ELECTRIC DISTRIBUTION SERVICE IN THE
DISTRICT OF COLUMBIA,**

1. The Public Service Commission of the District of Columbia (“Commission”), pursuant to Order No. 22806 issued on March 27, 2026, hereby provides this Notice to the Parties that a Pre-hearing Conference in this matter will be held as follows:

Date: May 7, 2026

Time: 10:00 a.m.

Location: Public Service Commission Hearing Room,
1325 G Street NW, Suite 800, Washington, D.C. 20005

2. The Commission adheres to the guidance set forth in *Watergate East v. D.C. Pub. Serv. Comm’n*, 662 A.2d 881 (D.C. 1995) (“*Watergate East*”), which allows the Commission to resolve matters without an evidentiary hearing only where the dispute concerns questions of law rather than fact. In accordance with the District of Columbia Court of Appeals (“Court”) ruling on March 5, 2026, the Commission recognizes that *Watergate East* does not permit the Commission to bypass a trial-type hearing where material factual disputes exist.

3. The Court held that this matter presents a genuine issue of material fact in dispute, including disputes over GT-LV customer counts and the resulting Bill Stabilization Adjustment (“BSA”) deferral balance, as well as forecasting of energy use per customer, and that the Commission must therefore conduct a trial-type evidentiary hearing consistent with D.C. Code § 2-509(b).

4. The Commission requests that the Parties identify any additional genuine issue of material fact in dispute no later than April 6, 2026. Each additional genuine issue of a disputed fact must be presented in the following format:

1. Evidentiary Basis and Source Identification

- Cite the specific page, exhibit, testimony, discovery response, or data source supporting the asserted factual dispute.
- Identify whether the evidence is documentary, testimonial, or data-based.

2. Materiality Statement

- Explain briefly (one or two sentences) why the resolution of the fact could affect the outcome of the proceeding.¹

3. Agreement/Stipulation Status

- State whether any portion of the asserted fact is stipulated or undisputed.
- If so, identify the remaining portion that is contested and explain why.

Failure to submit proposed issues in the required format and within the deadline will result in exclusion from the evidentiary hearing, absent extraordinary circumstances.

5. In addition, consistent with Attachment A of Order No. 22806, each Party shall file, no later than April 6, 2026, a Statement identifying: (1) any witnesses the Party intends to cross-examine; (2) the expected subject matter of each witness's testimony; and (3) the estimated time required for cross-examination of each witness.

6. The purpose of the Pre-hearing Conference is to organize the evidentiary hearing required by the Court to resolve the disputed issues of material fact identified by the Court and to narrow and clarify the factual issues to be resolved on remand. This proceeding is limited to the procedural steps required by the Court's remand and Order No. 22806 and does not reopen issues beyond those necessary to cure the identified procedural defects. The evidentiary hearing will address only disputed issues of material fact. Issues of law, policy, or statutory interpretation must be presented in post-hearing briefs and will not be considered as evidentiary issues under D.C. Code § 2-509(b). In addition, Parties are advised that the Commission must independently provide a full and clear explanation of its Effective Rate Adjustment and BSA determinations, consistent with the Court's mandate. Proposed issues of fact that bear on these subjects should be clearly identified so the evidentiary record is sufficiently developed to allow for such explanation.

7. At the Pre-hearing Conference, the Parties shall be prepared to:

- a) Confirm the witnesses they intend to sponsor at the evidentiary hearing;
- b) Identify the expected subject matter of each witness's testimony;
- c) Provide estimated time requirements for cross-examination of each witness;
- d) Address any additional genuine issue of material fact in dispute identified in filings made pursuant to this Notice;
- e) Address any preliminary evidentiary or procedural matters necessary to ensure an efficient, properly focused evidentiary hearing;
- f) Identify any objections to the participation, admissibility, or scope of any witness or exhibit in advance of hearing; and
- g) Identify any scheduling constraints relevant to the hearing.

8. The Commission will convene an evidentiary hearing on May 12, 2026, as set forth in Attachment A to Order No. 22806. The hearing will address only the genuine issues of material

¹ Under *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242 (1986), only outcome-determinative disputes qualify as "material." A concise materiality statement clarifies whether the proposed issue truly matters under applicable law, Commission precedent, or the structure of the remanded issues.

fact identified by the Court and those additional issues the Commission accepts pursuant to this Notice. Parties shall be fully prepared to present testimony, conduct cross-examination, submit exhibits, and otherwise participate in the hearing consistent with D.C. Code § 2-509(b).

9. The Commission may issue additional notices or orders to refine, clarify, or limit the scope of the evidentiary hearing as necessary to ensure an orderly and efficient proceeding.

A TRUE COPY:

BY DIRECTION OF THE COMMISSION:

A handwritten signature in black ink, reading "Brinda Westbrook-Sedgwick". The signature is written in a cursive, flowing style.

CHIEF CLERK:

**BRINDA WESTBROOK-SEDGWICK
COMMISSION SECRETARY**