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

November 17, 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

STATEMENT OF INTERIM CHAIRMAN TED TRABUE

1. As we prepare for the evidentiary hearing scheduled to begin on December 7, 2026, it is important to remember how we arrived here and the mandate that we received from the D.C. Court of Appeals.

2. On March 5, 2026 (over 8 months ago), the D.C. Court of Appeals vacated Order Nos. 22328 and 22358, concluding that the Commission failed to hold a full evidentiary hearing and had not sufficiently explained our reasoning on two issues. The court remanded the matter for further proceedings, including a hearing under D.C. Code § 2-509(b).[1] Soon thereafter, Pepco filed a motion asking the Commission to promptly hold the trial-type evidentiary hearing required by the court's remand.[2] OPC[3] and AOBA[4] filed motions to suspend rates.

3. On March 27, 2026, the Commission issued Order No. 22806, which denied Pepco's request for an expedited hearing, held OPC and AOBA's motions in abeyance, established a remand proceeding, and directed the parties to file supplemental briefs on potential interim rate approaches. At the time, a hearing was set for May 12, 2026.[5]

4. On May 8, 2026, the Commission issued Order No. 22860 which did several things including: (1) granted a stay of the procedural schedule; (2) adopted a revised remand procedural schedule; and (3) reauthorized the rates that were in effect as "interim rates" subject to appropriate adjustments upon issuance of a new rate in this proceeding and for the second time, moved the date of the evidentiary hearing back to October 13, 2026.[6]

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[1] *Office of the People's Counsel of Dist. of Columbia v. D.C. Pub. Serv. Comm'n*, 352 A.4d 682 (D.C. 2026).
[2] *Formal Case No. 1176*, Motion of Potomac Electric Power Company for Expedited Evidentiary Hearing at 1-2, filed March 5, 2026.
[3] *Formal Case No. 1176*, Office of the People's Counsel for the District of Columbia's Motion to Suspend Rates Under Multi-Year Rate Plan Approved Under Order No. 22328, Restore the Previously Approved Rates Prior to Order No. 22328, and Issue Refunds to Residential Ratepayers, filed March 6, 2026.
[4] *Formal Case No. 1176*, Motion of the Apartment and Office Building Association of Metropolitan Washington to Restore the Last Approved Electric Rates Consistent with the District of Columbia Court of Appeals Decision Vacating Order Nos. 22328 and 22358 and Refund Improperly Implemented Rate Increases, filed March 9, 2026.
[5] *Formal Case No. 1176*, Order No. 22806, rel. March 27, 2026 ("Order No. 22806").
[6] *Formal Case No. 1176*, Order No. 22860, rel. May 8, 2026 ("Order No. 22860").

5. On June 30, 2026, the Commission issued Order No. 22892, which amongst other things, denied the parties' request to move the hearing to November 18, 2026, but did extend the post hearing brief schedule. At this point, we were still looking at an October 13 hearing date.[7]

6. Additionally, on June 30, Councilmember Charles Allen, possibly realizing that the terms for former Chairman Emile C. Thompson and myself were due to expire after a six month holding period on December 30, 2026, shepherded emergency legislation through the Council of the District of Columbia. The Emergency Declaration Resolution made it clear that Councilmember Allen would not hold a confirmation hearing to reappoint Thompson or myself, but would allow us to stay on the Commission until March 30, 2027, to maintain a quorum and thus a functioning Commission.[8]

7. Former Chairman Emile C. Thompson resigned from the Commission on August 14, 2026, leaving the Commission with only two members.

8. On September 9, 2026, OPC, DCG, and AOBA filed a joint motion to modify the procedural schedule and move the October 13 hearing back by almost 8 months to June 7, 2027. The parties posited that they would benefit from seeing the actual calendar year 2026 data.[9]

9. On September 28, 2026, OPC filed a motion to stay Order Nos. 22806, 22860, 22866 and 22892.[10]

10. On October 2, 2026, the Commission issued a notice of Rescheduled Pre-Hearing Conference and Evidentiary Hearing and moved the date of the evidentiary hearing, for a third time to December 7, 2026.[11]

11. On October 9, 2026, Commissioner Beverly stated that "the Commission is unable to reach a majority decision on the stay by October 12, 2026 or anytime soon thereafter."[12]

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[7] *Formal Case No. 1176*, Order No. 22892, rel. June 30, 2026 ("Order No. 22892").
[8] Public Service Commission Term Holdover Extension Emergency Amendment Act of 2026, D.C. Act 6-373, 73 D.C. Reg 11070 (Aug, 7 2026).
[9] *Formal Case No. 1176*, Office of the People's Counsel, District of Columbia Government, and the Apartment Office Building Association of Metropolitan Washington's Motion to Modify the Procedural Schedule, filed September 9, 2026.
[10] *Formal Case No. 1176*, Office of the People's Counsel's Motion to Stay Order No. 22806, 22860, 22866, and 22892 Pending Review Before the Court of Appeals for the District of Columbia, filed September 28, 2026.
[11] *Formal Case No. 1176*, Public Notice of Rescheduled Pre-Hearing Conference and Evidentiary Hearing, issued October 2, 2026.
[12] *Formal Case No. 1176*, Statement of Commissioner Beverly, ¶ 2, filed October 9, 2026.

12. On November 9, 2026, DC Government filed a motion to modify the procedural schedule based on witness availability and concerns about readiness.[13]

13. This tortuous and circuitous history is important because it has now been more than eight (8) months since the D.C. Court of Appeals vacated Order Nos. 22358 and 22823 with a directive to the Commission to hold an evidentiary hearing. Since that time, the Commission has endeavored to maintain a fair process for all parties, while also fulfilling our court-mandated and statutory duty of developing a record upon which to base any future decision. During this time, the Commission has asked for additional filings by parties and attempted to accommodate conflicting schedules. We changed the hearing date three times and are still receiving more requests from the parties.

14. So where are we? The Commission is at a crossroads. The parties have asked for multiple continuances. We are down to two Commissioners. There is a pending request to move the hearing to June 2027, when a new set of Commissioners will be seated. The proposed June date is over a year and a half after the Court of Appeals remanded the case. In other words, more than a year and a half would have passed, and the Commission would be no closer to issuing a final decision in this matter. Most states adjudicate an entire rate case in less than a year, and 18 months to simply hold an evidentiary hearing is unconscionable. I find this unacceptable. It is unacceptable as a response to the D.C. Court of Appeals, and it is unacceptable to the people who pay their bills every month.

15. In his November 6, 2026 statement, and again in his November 12, 2026 statement reiterating his policy objections to the MRP and his view that a court-directed evidentiary hearing does not change them,[14] Commissioner Beverly correctly recognizes that new Commissioners will be appointed, but there is no certainty around when they will be nominated or confirmed.[15] Additionally, Councilmember Allen is advancing legislation, called the Guiding Renewable Interconnection and Distribution (GRID) Amendment Act of 2026, through the Council (which passed Committee markup on November 10, 2026) that includes a provision to expand the Commission from three to five Commissioners. Assuming this legislation is approved by the Council this year and moves through 30 days of Congressional review next year, the new Commissioners could be nominated as early as the middle of February 2027 and confirmed by April. Councilmember Allen has indicated that the two additional members might not be on the Commission until Fiscal Year 2028. Should we wait for them as well?

16. All of this leaves the Commission in a difficult and unprecedented situation. Potentially, the Commission could be in an indefinite holding pattern as new Commissioners are appointed. Delaying the hearing until June 2027, past the March 30, 2027 expiration of holdover authority, risks leaving the Commission with only a single sitting member and no quorum if

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[13] *Formal Case No. 1176*, District of Columbia Government's Motion to Modify the Procedural Schedule, filed November 9, 2026.
[14] *Formal Case No. 1176*, Statement of Commissioner Richard Beverly in Response to the Potomac Electric Power Company, filed November 12, 2026.
[15] *Formal Case No. 1176*, Statement of Commissioner Beverly, filed November 6, 2026.

Council confirmations slip, whereas holding the hearing in December 2026 ensures the evidentiary record is completed while a quorum exists. In my view, it is critical, to the limited extent of our current capabilities, to move this case forward now, consistent with the Court of Appeals directive.

17. To be clear, holding an evidentiary hearing does not set a new rate nor does it prejudge any party's position on whether the MRP is in the public interest, how the first pilot MRP performed, or what specific factors and elements any rate plan must include. Contrary to Commissioner Beverly's November 12 statement suggesting that threshold policy objections eliminate the need for a hearing, the D.C. Court of Appeals remand and D.C. Code § 2-509(b) require that contested issues be tested through cross-examination and grounded in substantial record evidence. Moreover, holding the hearing fulfills the legislatively mandated duty of the Commission, a duty that was reaffirmed by the D.C. Court of Appeals, while ensuring that every party receives fair and impartial consideration on an open record. As Commissioner Beverly himself acknowledged in his November 12 statement, the final rate setting will occur when there is a majority of Commissioners, who are in agreement, based on the evidence in the record with every Commissioner free to concur or dissent. A future majority can only exercise that authority if we fulfill our duty to compile the fully developed record now.

18. Conscious as I am of my statutory obligations, I will be present to fulfill my duty as Interim Chairman and preside over the evidentiary hearing that is scheduled to begin on December 7, 2026.