

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

ORDER ON DELEGATED AUTHORITY¹

November 13, 2025

**FORMAL CASE NO. 1179, IN THE MATTER OF THE INVESTIGATION INTO
WASHINGTON GAS LIGHT COMPANY’S STRATEGICALLY TARGETED PIPE
REPLACEMENT PLAN, Order No. 22737**

I. INTRODUCTION

1. By this Order, the Public Service Commission of the District of Columbia (“Commission”) finds that the Office of the People’s Counsel for the District of Columbia (“OPC”), the District of Columbia Government (“DCG”), and the Sierra Club’s (“Joint Movants”) Motion for an Evidentiary Hearing is moot.² The Commission grants Washington Gas Light Company’s (“WGL” or “Company”) Motion for Leave to Answer and accepts as filed the Answer in Opposition to Joint Statement of Stipulation and Settlement Conference Report and Motion for Evidentiary Hearing.³ In addition, the Commission grants, with modification, DCG’s Unopposed Motion for Modification of the Procedural Schedule.⁴ Attachment A sets forth the updated Procedural Schedule.

II. BACKGROUND

2. By Order No. 22003, the Commission initiated this proceeding, which, among other things, adopted a procedural schedule for filing a revised application for Washington Gas Light Company’s (“WGL” or the “Company”) accelerated pipe replacement program (hereinafter, the

¹ *Formal Case No. 712, In the Matter of the Investigation into the Public Service Commission’s Rules of Practice and Procedure*, Order No. 22731, rel. October 30, 2025; *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. 22003, ¶ 57, rel. June 12, 2024.

² *Formal Case No. 1179*, Office of the People’s Counsel for the District of Columbia, the District of Columbia Government, and the Sierra Club’s Joint Statement of Stipulation and Settlement Conference Report and Motion for Evidentiary Hearing, filed November 5, 2025 (“Joint Motion”). The Joint Motion does not contain page numbers. This Order references the page numbers sequentially beginning on page one of the Joint Motion.

³ *Formal Case No. 1179*, Washington Gas Light Company’s Motion for Leave to Answer and Answer in Opposition to Joint Statement of Stipulation and Settlement Conference Report and Motion for Evidentiary Hearing, Filed November 10, 2025 (“WGL’s Answer”).

⁴ *Formal Case No. 1179*, The District of Columbia Government’s Unopposed Motion for Modification of the Procedural Schedule, filed November 10, 2025 (“DCG’s Motion”).

“District SAFE Plan”) and for filing the lists of any material issues of fact in dispute.⁵ On August 7, 2024, by Order No. 22257, the Commission denied WGL’s Application for Reconsideration of Order No. 22003 and re-emphasized that WGL’s new plan should balance pipeline safety and climate safety and clarified that the Commission does not prioritize electrification over safety.⁶

3. On September 27, 2024, WGL filed the proposed District SAFE Plan, which targets the replacement of certain vintage pipe materials and the recovery of the costs associated with the District SAFE Plan through the previously approved surcharge mechanism for WGL’s accelerated pipe program.⁷

4. Through a series of Orders, the Commission, *inter alia*, amended the procedural schedule and directed parties to file a joint list of material issues of fact in dispute.⁸ Ultimately, the parties filed material issue of fact in dispute, and by Order No. 22716, the Commission held that “the Parties’ submitted material issues of fact in dispute [were] inappropriate for an evidentiary hearing at [that] moment,” but revised the procedural schedule to provide for additional discovery and testimony on limited/new issues surrounding the JANA risk methodology.⁹ Additionally, the parties were directed to submit a joint list of material issues of fact in dispute, and the Order set a legislative or evidentiary hearing date for November 18, 2025.¹⁰

5. Following the additional rounds of discovery/testimony, the Commission issued Order No. 22735, finding limited material issues of fact in dispute regarding the JANA risk model’s capability, and its validation against actual leaks, and converting the previously established hearing date to an evidentiary hearing.¹¹

6. On November 5, 2025, the Joint Movants filed a settlement statement and a motion for an evidentiary hearing (“Joint Motion”).¹² On November 10, 2025, WGL filed an Answer in

⁵ *Formal Case No. 1154, Washington Gas Light Company’s Application for Approval of PROJECTpipes 2 Plan (“Formal Case No. 1154”); Formal Case No. 1175, In the Matter of Washington Gas Light Company’s Application for Approval of PROJECTpipes 3 Plan (“Formal Case No. 1175”); and Formal Case No. 1179, Order No. 22003, rel. June 12, 2024 (“Order No. 22003”).*

⁶ *Formal Case No. 1179, Order No. 22257, ¶¶ 5 and 11, rel. August 7, 2024 (“Order No. 22257”).*

⁷ *Formal Case No. 1179, Washington Gas Light Company’s Revised Application for Approval of The District Strategic Accelerated Facility Enhancement Plan (“District SAFE Plan”), filed September 27, 2024.*

⁸ *Formal Case No. 1179, Order No. 22367, ¶¶ 11, 12, and 20, rel. February 19, 2025 (“Order No. 22367”); Formal Case No. 1179, Order No. 22434, rel. June 6, 2025 (“Order No. 22434”), ¶ 11; Formal Case No. 1179, Order No. 22689, ¶ 7, rel. July 24, 2025 (“Order No. 22689”); Formal Case No. 1179, Order No. 22241, rel. July 26, 2024 (“Order No. 22241”); and Formal Case No. 1179, Order No. 22700, rel. August 8, 2025 (“Order No. 22700”).*

⁹ *Formal Case No. 1179, Order No. 22716, ¶ 16, rel. September 15, 2025 (“Order No. 22716”).*

¹⁰ Order No. 22716, ¶ 16 and Attachment A.

¹¹ *Formal Case No. 1179, Order No. 22735, ¶ 12, rel. November 5, 2025 (“Order No. 22735”).*

¹² This Order need not address the Joint Movants’ statements/allegations regarding the Stipulation and Settlement Conference since this Order revises the procedural schedule.

opposition to the motion for an evidentiary hearing.¹³ Also, on November 10, 2025, DCG filed an Unopposed Motion to modify the procedural schedule due to unforeseen circumstances.¹⁴

III. DISCUSSION

A. Joint Motion for an Evidentiary Hearing

7. The Joint Movants argue that pursuant to D.C. Code §§ 2-509¹⁵ and 34-908¹⁶, a full evidentiary hearing is required to adjudicate the rights of all parties and to ensure WGL carries its burden of proof.¹⁷ Joint Movants argue that WGL, as the proponent of the District SAFE Plan, must show that the Plan is consistent with the Commission's directives and that any proposed plan is strategically targeted at pipe replacement.¹⁸ Joint Movants aver that WGL bears the burden of proving, among other things, the veracity of its assertions and the credibility of its witnesses.¹⁹ Joint Movants acknowledge that the parties challenging the proposal have their own burden "to present credible, concrete challenges to the utility's proposals."²⁰ Joint Movants argue that "[w]hen and if serious doubts are raised about a particular aspect of a utility's proposal, the burden of persuasion falls on the utility to dispel those doubts and to prove that the specifically identified aspect of its proposal is reasonable and correct."²¹

B. WGL's Motion for Leave and Answer

8. WGL asserts that although Rule 105.9 prohibits rejoinder or replies without leave of the Commission, the Commission should allow WGL to respond to the Joint Movant's pleading because while the filing is styled as a Report on Stipulations and Settlement, it includes a Joint Motion requesting a full evidentiary hearing.²² WGL argues that because the pleading includes a request for an evidentiary hearing, the Joint Motion is a flawed attempt to request reconsideration

¹³ WGL's Answer 1-12.

¹⁴ DCG's Motion at 1.

¹⁵ DC Code 2-509 (b) empowers parties to submit evidence and conduct cross-examinations.

¹⁶ DC Code 34-908 states in part that "no Order affecting rates, tolls, charges, schedules, regulations, or act complained of shall be entered by the Commission without a formal hearing." *Id.*

¹⁷ Joint Motion at 3-4.

¹⁸ Joint Motion at 3.

¹⁹ Joint Motion at 3.

²⁰ Joint Motion at 3.

²¹ Joint Motion at 3.

²² Joint Motion at 3. 15 DCMR § 105.9 provides that "no rejoinders of replies to responses shall be accepted without leave of the Commission."

of Order Nos. 22716 and 22735.²³ Nonetheless, WGL contends that the Company is entitled to respond to the filing under Section 140.3 of the Commission's regulations, which allows five (5) business days to respond to a request for reconsideration or for modification.²⁴ WGL claims that it submitted its response on an expedited basis and that the Company would be the only party prejudiced if it were not allowed to respond.²⁵

9. According to WGL, Order Nos. 22716 and 22735 clearly limit the scope of any potential evidentiary hearing to those involving the JANA risk model.²⁶ WGL argues that the Joint Motion should be denied as it "latently attempts to seek reconsideration of Order No. 22716, because it challenges the Commission's prior ruling that the issues which may require evidentiary hearings are limited to those involving the JANA risk model."²⁷ WGL claims that the Joint Motion fails to satisfy the standard for granting reconsideration because it does not demonstrate that the Commission's Orders were unreasonable, arbitrary, capricious, or fatally flawed.²⁸ Moreover, WGL asserts that the Joint Motion points to no error of law or fact in either Order, that the Commission applied the correct legal standards to the proposed material issues of fact, and explained the basis for its rulings. Specifically, WGL points to paragraphs eleven (11) and sixteen (16) in Order No. 22716, where the Commission explained that formal hearings are unnecessary when there is no dispute over material facts, if the only dispute involves law or policy, legal interpretations, policy determinations, prudence, reasonableness, fairness, justification, impact, or alignment with Commission or District policy goals, or which requires the Commission to exercise its judgment.²⁹ WGL notes that Order No. 22735 provides further analysis, recognizing that a rate case Order could not be entered by the Commission without a formal hearing unless there is no dispute over material facts.³⁰ However, the Commission found that an evidentiary hearing was necessary to evaluate material issues of fact in dispute regarding the JANA risk model.³¹

10. According to WGL, the Joint Motion should be denied because it does not specify any issues outside of those identified in Order No. 22716, which limited the scope of possible issues in an evidentiary hearing, and Order No. 22735, which confirmed the limited scope of the

²³ WGL's Answer at 2.

²⁴ 15 DCMR § 140.3 states that "[r]esponses to applications for reconsideration or modification shall be considered by the Commission only if filed with the Commission within five (5) business days after receipt of the application".

²⁵ WGL's Answer at 4-5.

²⁶ WGL's Answer at 6.

²⁷ WGL's Answer at 6.

²⁸ WGL's Answer at 6.

²⁹ WGL's Answer at 7, *citing* Order No. 22716 ¶¶ 11 and 16, *citing* *Watergate East v. Pub. Serv. Comm'n of Dist. of Columbia*, 662 A.2d 881 (D.C. Ct. App. 1985).

³⁰ WGL's Answer at 7-8.

³¹ WGL's Answer at 8.

issues for the evidentiary hearing on which witnesses can be cross-examined.³² Moreover, WGL argues that the Joint Motion is an untimely request for reconsideration of Order No. 22716 and appears to be an intentional litigation strategy designed to disrupt the Commission's directives to the parties regarding final preparation for the evidentiary hearing.³³

11. Lastly, WGL takes no issue with DCG's request to modify the procedural schedule due to unforeseen circumstances noted by DCG.³⁴ However, WGL does oppose any attempt at expanding the scope of the evidentiary hearing beyond the scope established in Order Nos. 22716 and 22735.³⁵

C. DCG's Unopposed Motion

12. Through its motion, DCG seeks a 3-week/21-day modification of the procedural schedule due to counsel of record's unforeseen hospitalization due to a car accident.³⁶ Additionally, DCG notes that witness Asa Hopkins is unavailable because the funding allocation for fiscal year 2026 has not been processed, thus preventing him from preparing and participating in the hearing.³⁷ Both WGL and the Sierra Club planned to cross-examine Witness Hopkins on the JANA model.³⁸ Due to the unforeseen circumstances and the budgeting issue, DCG requests that the hearing date be modified "to allow for legal counsel coverage in advance of the hearing and to ensure that Witness Hopkins is available to participate in the evidentiary hearing."³⁹

IV. DECISION

A. Decision on the Joint Motion and WGL's Motion for Leave and Answer

13. To begin, the Commission grants WGL's Motion for Leave.⁴⁰ We note that the Commission has broad authority in managing its docket. Generally, the Commission will grant a

³² WGL's Answer at 8.

³³ WGL's Answer at 9.

³⁴ WGL's Answer at 3.

³⁵ WGL's Answer at 3.

³⁶ DCG's Motion at 1.

³⁷ DCG's Motion at 2.

³⁸ DCG's Motion at 2.

³⁹ DCG's Motion at 3.

⁴⁰ Although WGL provided an alternative argument that the Joint Motion was one for reconsideration, because the Commission is granting the Motion for Leave to file the Answer, there is no need to address that argument.

request of this nature if good cause is shown.⁴¹ In this instance, we believe that WGL has presented good cause to allow the filing of an answer, as the Joint Motion was styled as a Stipulation and Settlement Report that included a motion. The Company should not be prevented from responding to a motion that is styled otherwise. In addition, the Company's Answer accompanied its Motion for Leave, and it was expeditiously filed. WGL argues that no party would be prejudiced by granting the motion, but that denial of the motion would prejudice the Company. Because the Commission has wide discretion in controlling our calendar, we will grant WGL's motion for leave, because good cause has been shown, and we do not believe that there will be any delay or prejudice to the non-moving parties. In granting the motion for leave to file its Answer, the Commission accepts the Answer into the record as filed.

14. We now turn to the Joint Movants' arguments that D.C. Code §§ 2-509 and 34-908 require the Commission to have a full evidentiary hearing to adjudicate the rights of all parties and to ensure WGL carries its burden of proof. As we stated in both Order Nos. 22716 and 22735, if there are no material issues of fact, the Commission is not required to provide an evidentiary hearing.⁴² In Order No. 22716, the Commission held that the material issues of fact submitted by the parties were inappropriate for an evidentiary hearing at that time.⁴³ However, we revised the procedural schedule to accommodate additional discovery and testimony on limited issues related to the JANA risk methodology.⁴⁴ Subsequently, in Order No. 22735, we determined that there were material facts in dispute regarding the JANA risk model and that an evidentiary hearing was warranted, as we believed it would provide greater transparency and enable the Commission to examine the model, review documents, assess the veracity of witnesses, and observe cross-examination.⁴⁵

15. The Joint Movants argue that a "full" evidentiary hearing is required.⁴⁶ Without further explanation, the Commission is unclear what the Movants intend by "full", as it is not terminology that we use. We are already providing an evidentiary hearing on the limited remaining material issues of fact regarding the JANA risk model. In the scheduled hearing, WGL is expected to present its case to substantiate that the JANA risk model accurately evaluates pipeline risk and prioritizes project selection. It is expected that the parties will present witnesses to support their

⁴¹ See, e.g., *Formal Case No. 1175, In the Matter of Washington Gas Light Company's Application for Approval of PROJECTpipes 3 Plan*, Order No. 21573, ¶ 10 n.16, rel. February 17, 2023.

⁴² See, *Watergate East v. Pub. Serv. Comm'n of Dist. of Columbia*, 662 A.2d 881, 890 (D.C. Ct. App. 1985), the Court clarified that "[e]ven when an agency is required by statute or by the Constitution to provide an oral evidentiary hearing, it need do so only if there exists a dispute concerning a material fact. An oral evidentiary hearing is never required if the only disputes involve issues of law or policy." (internal citations omitted). The Court further explained that a formal hearing is not necessary to allow parties to present their opinions on whether material issues of fact exist. (Internal citations omitted).

⁴³ *Formal Case No. 1179*, Order No. 22716 ¶ 16.

⁴⁴ *Formal Case No. 1179*, Order No. 22716, ¶ 21 and Attachment A.

⁴⁵ *Formal Case No. 1179*, Order No. 22735, ¶¶ 11 and 12.

⁴⁶ Joint Motion at 4.

positions during the hearing. Most importantly, the hearing will provide the parties and the Commission with an opportunity to test the veracity of witnesses through review of documents and cross-examination. As a result of having already determined that a hearing was necessary and scheduling it, the Commission finds that the Joint Motion is moot, since the Commission is providing the parties with an evidentiary hearing on the remaining material issues of fact.

16. The Commission reminds the parties that in Order No. 22735, the parties were put on notice that “we are 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.”⁴⁷ These documents will provide the Commission with an extensive paper record to aid our overall decision-making regarding the District SAFE Plan.

17. Given that the Settlement and Stipulation Conference was not convened as directed in Order No. 22716, and in the interest of streamlining the evidentiary hearing now scheduled for December 9, 2025, it is hereby ordered that a Stipulation Conference be held on or before November 25, 2025, with a post-conference report to be filed on or before December 2, 2025.

B. DCG’s Motion

18. The Commission grants DCG’s Unopposed Motion to modify the procedural schedule by twenty-one (21) days due to the unforeseen circumstances regarding counsel of record. The Commission believes that, under the circumstances, granting the Unopposed Motion is reasonable. We note that having legal representation that is well-versed in matters before the Commission makes for a more efficient evidentiary hearing. In addition, the Commission recognizes that a valuable DCG expert witness, Asa Hopkins, is unavailable for cross-examination due to fiscal year 2026 funding issues that prevent the witness from preparing and participating in the hearing. As a result of the unforeseen circumstances and the budgeting issues, the Commission will modify the hearing date to be consistent with DCG’s proposed updated procedural schedule. See Attachment A for the updated procedural schedule.

THEREFORE, IT IS ORDERED THAT:

19. The Commission **GRANTS** Washington Gas Light Company's Motion for Leave to Answer and **ACCEPTS** as filed the Answer in Opposition to Joint Statement of Stipulation and Settlement Conference Report and Motion for Evidentiary Hearing;

20. The Commission **FINDS** the Office of the People’s Counsel for the District of Columbia’s motion to hold a full evidentiary hearing related to the identified material issues of fact in dispute is **MOOT**;

21. The Commission **GRANTS** the District of Columbia Government’s Unopposed Motion for Modification of the Procedural Schedule;

⁴⁷ Formal Case No. 1179, Order No. 22735 ¶ 16.

22. The Commission **DIRECTS** the District of Columbia Government, Washington Gas Light Company, and Sierra Club to Convene a Settlement and Stipulation Conference on or before November 25, 2025;

23. The Commission **DIRECTS** the attendees of the November 25, 2025, Settlement and Stipulation Conference to file a Report on Joint Stipulation with its other pre-hearing documents by December 2, 2025;

24. The new date for the evidentiary hearing is Tuesday, December 9, 2025, commencing at 9:00 a.m. in the Commission's Hearing Room; and

25. The Updated Procedural Schedule is set forth in Attachment A.

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**

FC1179 District SAFE Plan's Updated Procedural Schedule

Attachment A

1	Order Adopting Amended Procedural	Thursday, November 13, 2025
2	Settlement and Stipulation Conference	On or before Tuesday, November 25, 2025
3	Pre-hearing Filings (including Stipulation Report)	Tuesday, December 2, 2025
4	Objections to Evidentiary Record	Thursday, December 4, 2025
5	Evidentiary Hearing	Tuesday, December 9, 2025
6	Motions to Correct Transcript	Monday, December 22, 2025
7	All Post-Hearing Briefs	Wednesday, January 14, 2026