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PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA  
1333 H STREET, N.W., SUITE 200, WEST TOWER  
WASHINGTON, DC 20005

ORDER

August 17, 2006

FORMAL CASE NO. 945, IN THE MATTER OF THE INVESTIGATION INTO  
ELECTRIC SERVICES MARKET COMPETITION AND REGULATORY  
PRACTICES, Order No. 14021

**I. INTRODUCTION**

1. By this Order, the Public Service Commission of the District of Columbia ("Commission") invites interested parties to comment on the District of Columbia Energy Office's ("DCEO") Motion for Reimbursement from the Reliable Energy Trust Fund for All-Ratepayers Test Costs.<sup>1</sup> Comments are due within 15 days of the date of this Order. Reply Comments are due within 25 days of the date of this Order.

**II. BACKGROUND**

2. On March 8, 2006, the Reliable Energy Trust Fund ("RETF") Working Group filed its Report with the Commission.<sup>2</sup> This Report included 10 new energy efficiency programs proposed by DCEO.<sup>3</sup> By Order No. 13953, the Commission rejected the Report and proposed programs.<sup>4</sup> The Commission also directed the RETF Working Group to re-file its Report<sup>5</sup> and ordered DCEO to conduct an All-Ratepayers Test ("ART") on certain programs.<sup>6</sup> Specifically, DCEO was to "include with its ART

<sup>1</sup> *Formal Case No. 945, In the Matter of the Investigation into Electric Services Market Competition and Regulatory Practices, ("F.C. 945")*, Motion by the District of Columbia Energy Office to Obtain Reimbursement from the Reliable Energy Trust Fund for All-Ratepayers Test Costs, ("DCEO Motion"), filed July 28, 2006.

<sup>2</sup> *F.C. 945*, Reliable Energy Trust Fund Working Group Report, ("RETF Report"), filed March 8, 2006.

<sup>3</sup> *F.C. 945*, RETF Report at 1.

<sup>4</sup> *F.C. 945*, Order No. 13953, rel. May 31, 2006 at 1.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.* at 29 (directing DCEO to conduct an ART on each of the following six programs: Affordable Housing Energy Efficient Rebate Program; Weatherization Rehabilitation and Asset Preservation Partnership; New Commercial Building Construction Energy Efficiency Program; Existing Commercial Buildings Energy Efficiency Program; Government Building Energy Efficiency Program; and Condominium and Cooperative Building Energy Efficiency Program).

analysis all relevant supporting materials, including work papers, assumptions, and citations to technical papers such that other parties and the Commission will be able to independently replicate DCEO's results."<sup>7</sup>

3. On July 28, 2006, DCEO filed its Motion "to obtain reimbursement from the RETF for the costs incurred in performing each ART."<sup>8</sup> DCEO states that it will bear the cost of the ART analysis directed by Order 13953 as a "programmatic expense."<sup>9</sup> DCEO argues that since all consumers benefit from the ART, it should be permitted to recover the costs of approximately \$20,000 from the RETF.<sup>10</sup>

4. On August 8, 2006, the Office of the People's Counsel ("OPC") filed a response to DCEO's Motion and argued against reimbursing DCEO.<sup>11</sup> OPC asserts that DCEO should bear the cost of each ART because DCEO is the proponent of the programs.<sup>12</sup> OPC also avows that the programs for which DCEO seeks to obtain recovery are proposed programs and not existing ones.<sup>13</sup>

5. On August 9, 2006, DCEO filed a Motion for Leave<sup>14</sup> to respond to OPC's response as well as its substantive response.<sup>15</sup> DCEO argues that as the administrator of the RETF programs, it is not mandated to expend its own funds to conduct the ART.<sup>16</sup> Rather, DCEO avers, its work will support the Commission's statutory mandate of

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<sup>7</sup> *Id.* at 30.

<sup>8</sup> *F.C. 945*, DCEO Motion at 1.

<sup>9</sup> *Id.* at 1.

<sup>10</sup> *Id.* at 1-2.

<sup>11</sup> *F.C. 945*, Response of the Office of the People's Counsel to the District of Columbia Energy Office's Request to Obtain Reimbursement from the Reliable Energy Trust Fund for All-Ratepayers Test Costs, ("OPC Response"), filed August 8, 2006.

<sup>12</sup> *F.C. 945*, OPC Response at 2-3.

<sup>13</sup> *Id.*

<sup>14</sup> *F.C. 945*, District Department of the Environment/Energy Office's Motion for Leave to Reply to the Response of the Office of the People's Counsel to the District of Columbia Energy Office's Request to Obtain Reimbursement from the Reliable Energy Trust Fund for All-Rate Payers Test Costs, ("DCEO Motion for Leave to File"), filed August 9, 2006.

<sup>15</sup> *F.C. 945*, District Department of the Environment/Energy Office's Reply to the Response of the Office of the People's Counsel to the District of Columbia Energy Office's Request to Obtain Reimbursement from the Reliable Energy Trust Fund for All-Ratepayers Test Costs, ("DCEO Response"), filed August 9, 2006.

<sup>16</sup> *F.C. 945*, DCEO Response at 1-2.

establishing energy efficiency programs. Accordingly, DCEO contends that it should be allowed to recover the costs associated with the ART from the trust fund.<sup>17</sup>

### III. DISCUSSION

6. To aid the Commission in its review of DCEO's request for reimbursement from the RETF, the Commission invites interested parties to submit comments. Parties' comments will help the Commission to determine if DCEO's reimbursement request is just and reasonable and in compliance with District of Columbia law and Commission regulations.

7. Parties who have already filed comments do not need to file additional comments.<sup>18</sup> Furthermore, because the Commission is issuing this Order requesting comments and replies and accepting all previously filed comments, DCEO's motion to reply to OPC is denied as moot.

#### THEREFORE, IT IS ORDERED THAT:

8. Interested parties shall have 15 days from the date of this Order to file comments and 25 days to file reply comments regarding DCEO's Motion;

9. DCEO's Motion for Leave to Reply to the Response of the Office of the People's Counsel to the District of Columbia Energy Office's Request to Obtain reimbursement From the Reliable Energy Trust Fund for All-Ratepayers Test Costs is **DENIED** as moot; and

10. The Comments by OPC and DCEO submitted prior to this Order are accepted by the Commission.

A TRUE COPY:

BY DIRECTION OF THE COMMISSION:

CHIEF CLERK

  
DOROTHY WIDEMAN  
COMMISSION SECRETARY

<sup>17</sup> *Id.* at 3.

<sup>18</sup> *F.C. 945*, OPC Response, filed August 8, 2006; DCEO Response, filed August 9, 2006.