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People's Counsel

August 15, 2025

Brinda Westbrook-Sedgwick
Commission Secretary
Public Service Commission
of the District of Columbia
1325 G Street, N.W., Suite 800
Washington, D.C. 20005

Re: Consumer Complaint No. 9075277, Rebecca Levinson v. Potomac Electric Power Company

Dear Ms. Westbrook-Sedgwick:

Enclosed for filing in the above-referenced proceeding, please find the *Office of the People's Counsel for the District of Columbia's Motion to Compel Pepco to Respond to Data Request*.

If there are any questions regarding this matter, please contact me at 202.727.3071.

Sincerely,

/s/ Stephen Marencic
Stephen Marencic
Assistant People's Counsel

Enclosure

cc: Parties of record

**BEFORE THE
PUBLIC SERVICE COMMISSION
OF THE DISTRICT OF COLUMBIA**

In the Matter of:	)	
	)	
Rebecca Levinson	)	Consumer Complaint
Complainant	)	
	)	No. 2025-9075277
v.	)	
	)	
Potomac Electric Power Company	)	
Respondent	)	

**THE OFFICE OF THE PEOPLE’S COUNSEL FOR THE DISTRICT OF COLUMBIA’S
MOTION TO COMPEL PEPCO TO RESPOND TO DATA REQUESTS**

I. INTRODUCTION

Pursuant to Rule 123.2 of the Public Service Commission of the District of Columbia’s (“Commission” or “PSC”) Rules of Practice and Procedure,¹ the Office of the People’s Counsel for the District of Columbia (“OPC”), on behalf of Rebecca Levinson (“Ms. Levinson” or “Complainant”) respectfully submits this Motion to Compel, requesting the Commission to issue an order compelling the Potomac Electric Power Company (“Pepco”) to provide full and complete responses to Complainant’s June 19, 2025 Data Request² and OPC’s Data Request, served on August 7, 2025.

II. BACKGROUND

On June 19, 2025, Ms. Levinson formally requested that Pepco provide all information relevant to her complaint—including documents, account data, and witness names. She emphasized the reasonableness of the request, rejected Pepco’s reliance on blanket

¹ 15 D.C.M.R. § 123.2 (Lexis 2025).

² The data request served on June 19, 2025, was directly by the Complainant to Pepco.

confidentiality claims under Rule 15-150, and insisted on receiving specific call recordings, emails, written communications, and the April 22 meeting transcript prior to the follow-up conference to address discrepancies and challenge Pepco's Renewed Motion to Dismiss. Pepco responded the next day—on June 20, 2025—by providing a copy of the April 22 meeting transcript pursuant to Complainant's Request #4. Pepco also stated that it would produce responsive information in its possession and did not lodge any formal objections to Ms. Levinson's June 19 data request at that time. Pepco has yet to respond.

On August 7, 2025, OPC served a data request to Pepco, seeking Pepco's official sources and methods for calculating and validating the Complainant's monthly billed usage, including meter data, billing algorithms, discrepancies, and audit trails. OPC also requested documentation on estimated billing, Net Energy Metering agreements, and internal communications related to billing adjustments.

On August 13, 2025, Pepco filed a motion to dismiss OPC's data request, claiming the request (1) was filed beyond the 30-day window allowed under 15 D.C.M.R. § 122.1 following an alleged Order and Report on the Prehearing Conference; (2) seeks sensitive business information, including proprietary algorithms and operational data, which Pepco claims should not be disclosed; and (3) should not be enforced while two motions to dismiss are still pending before the Hearing Officer.³

III. ARGUMENT

Pepco's failure to respond to OPC's data request violates its obligation, prejudices OPC's ability to prepare its case, and its arguments are baseless. Moreover, OPC asserts that all of the information sought by Ms. Levinson should be granted because the request is relevant as defined by well-established Commission precedent.

³ CC2025-9075277, Pepco's Motion for Dismissal of Information Request, p.1-2, filed August 13, 2025.

Ms. Levinson's June 19 Data Request

The Commission has repeatedly held that the scope of discovery in PSC proceedings is broad.⁴ According to the Commission, “[d]iscovery is appropriate so long as the information appears reasonably calculated to lead to the discovery of admissible evidence.”⁵ Moreover, the District of Columbia Court of Appeals has clarified that D.C. Code § 34-1118(c) gives OPC a statutory right to obtain information and documents reasonably relevant and material to a Commission investigation or proceeding, and that the burden of justifying any restriction on disclosure of relevant and material information rests with the utility.⁶ In this instance, the requested information by Ms. Levinson is not only highly relevant and probative, but also central in the evaluation of the reasonableness of the Company’s metering and billing practices as it relates to Ms. Levinson’s bill.

OPC's August 7 Data Request: Pepco's Procedural Timing Argument

Firstly, each one of Pepco’s arguments should be denied. It is true that pursuant to Rule 122.3, requests for information from the utility company shall be served no later than thirty days **from the date of the Order and Report on the Prehearing Conference** unless otherwise specified by the Commission.⁷ In this matter, despite Pepco’s belief however, there has not been an Order and Report on the pre-hearing conference so OPC’s data request is not out-of-time. On August 4, 2025, Commission Hearing Officer, Noel Antonio, granted OPC’s request for an extension of time to schedule a follow-up conference in this matter. Mr. Antonio directed the

⁴ See, e.g., *Formal Case No. 1005, In the Matter of Verizon Washington, D.C. Inc.'s Price Cap Plan 2002 for the Provision of Local Telecommunications Services in the District of Columbia*, Order No. 12801 ¶ 5, rel. July 30, 2003 (“Order No. 12801”).

⁵ *Formal Case No. 850, In the Matter of Investigation into the Reasonableness of the Authorized Return On Equity, Rate of Return, and Current Charges and Rates for Telecommunications Services Offered By the Chesapeake & Potomac Telephone Co.*, Order No. 9699, rel. April 19, 1991.

⁶ *Office of the People's Counsel v. Pub. Serv. Comm'n of the District of Columbia*, 21 A.3d 985, 992 (D.C. 2011).

⁷ 15 D.C.M.R. § 122.3 (Lexis 2025).

parties to submit suggested dates and times to schedule a follow-up conference by August 15,⁸ so, as stated, there has yet to be an Order and Report on the Prehearing Conference.

Furthermore, at a prehearing conference on April 8, 2025, Mr. Antonio directed the parties to meet and discuss the complex data issues regarding Complainant's account. As a result, a technical meeting was held on April 22, 2025. Under 15 D.C.M.R. §122.4,⁹ data requests shall be considered "continuing in nature." Not only is OPC's request timely, the information requested in OPC's data request is a direct continuation of the technical questions raised and are within the scope of the discussions held during the technical meeting.

OPC's August 7 Data Request: Pepco's Confidentiality Concerns Argument

Pepco also asserts that the data request should be denied because OPC seeks "sensitive business information regarding algorithms and company operations."¹⁰ Under the D.C.M.R., Pepco may request that any materials considered confidential or proprietary may be filed under seal and not used except in connection with this proceeding.¹¹ If Pepco should choose to file for confidentiality, OPC is willing to sign an appropriate confidential or proprietary agreement if justified.

OPC's August 7 Data Request: Pepco's Pending Motions Argument

Pepco further alleges that the data request should be denied because there are two motions to dismiss the complaint pending a decision by the hearing officer. Under 15. D.C.M.R. §105.8, written motions may be filed at any time and does not bar OPC from making this current motion. Furthermore, the information to be obtained in OPC's data request is crucial in deciding the merits of Pepco's motions to dismiss and should be granted.

⁸ OPC filed its Notice of Availability on August 15, 2025.

⁹ 15 D.C.M.R. § 122.4 (Lexis 2025).

¹⁰ CC2025-9075277, Pepco's Motion for Dismissal of Information Request, p.2, filed August 13, 2025.

¹¹ 15 D.C.M.R. § 150 (Lexis 2025).

IV. CONCLUSION

The adjudication of this complaint is vitally important as it is a test of the Commission's ability to uphold the rights of District residents who invest in renewable energy and rely on the integrity of the utility system. Solar consumers, like Ms. Levinson, are not only customers; they are energy producers contributing directly to the District's statutory renewable energy targets. This ambitious public policy goal cannot be achieved if the process for generating and billing solar energy is obscured by procedural gamesmanship.

The public interest requires the Commission to hold utilities to the highest standard of conduct in providing full, truthful, accurate and timely information. Pepco's outright refusal to answer OPC's data questions by misapplying a procedural rule or some other manufactured pretext is an attempt to undercut the Commission's fact-finding function, to deprive it of information vital to determining the accuracy of this customer's bills, and to erode public confidence in the utility regulatory process.

The Commission's statutory mandate to safeguard the integrity of utility billing and protect ratepayers from harm is paramount. Pepco should be required to fully answer all of Ms. Levinson's and OPC's information requests. Only then can the Commission be in a position to fairly and accurately evaluate this case, to protect the Complainant from being improperly charged, and to live up to its obligation to ensure that the transition to renewable energy is in the public interest, fair and transparent.

WHEREFORE, OPC respectfully requests that the Commission issue an order compelling Pepco to provide full and complete responses to Complainant's and OPC's Data Requests no later than Monday, August 25, 2025.¹²

¹² Since OPC served the data request on August 4, 2025, Pepco has 21 days to respond under 15 D.C.M.R. § 122.1, which means its response is due by August 25, 2025.

Dated: August 15, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

Consumer Complaint No. 9075277, Rebecca Levinson v. Potomac Electric Power Company

I certify that on August 15, 2025, a copy of the *Office of the People's Counsel for the District of Columbia's Motion to Compel Pepco to Respond to Data Requests* was served on the following parties of record by hand delivery, first class mail, postage prepaid or electronic mail:

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