RECEIVED 2026 MAR 9 3:44 PM

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

In the Matter of:	)	
	)	
REBECCA LEVINSON,	)	
Complainant,	)	**Consumer Complaint**
	)	**No. 2025-9075277**
v.	)	**March 9, 2026**
	)	
POTOMAC ELECTRIC POWER COMPANY,	)	**CONFIDENTIAL**
Respondent.	)	**VERSION**

ORDER

I. INTRODUCTION

1. Rebecca Levinson ("Complainant" or "Ms. Levinson") is a residential customer of the Potomac Electric Power Company ("Pepco," "Company" or "Respondent") and has a photovoltaic solar system at her home that generates electricity. On February 25, 2025, Ms. Levinson filed a Complaint with the Public Service Commission ("Commission") alleging that Pepco presented her with inaccurate electric bills, requesting a detailed accounting of her bills, and an investigation of Pepco's billing practices.[1] In response, Pepco argues that Complainant's billing issues have been fully addressed, that she has been fully compensated for her solar generation, and requests dismissal of the Complaint.[2] For the reasons stated below, Complainant's request for additional credits to her account is denied and the Complaint is dismissed.

II. BACKGROUND

2. Complainant owns a home at [redacted], Washington, D.C. Following Complainant's request that Pepco inspect her meter, Pepco visited the property on May 21, 2024, and replaced meter 1ND346565614 with meter 1ND313543385. Complainant subsequently applied to install a solar array and submitted an interconnection application on May 29, 2024. Meter 1ND313543385 was programmed for net energy metering ("NEM") on June 26, 2024, and the photovoltaic solar system ("P.V. system") was granted Authorization to Operate ("ATO") on July 24, 2024.

3. Three days following the authorization to operate, on July 29, 2024, Complainant contacted Pepco to inform it that her bill did not reflect generation she believed her system had

---

1 *Consumer Complaint No. 2025-9075277*, *In the Matter of Rebecca Levinson v. Potomac Electric Power Company* ("*CC No. 2025-9075277*"), Complaint, filed February 25, 2025 ("Complaint").

2 *CC No. 2025-9075277*, Answer of Potomac Electric Power Company, filed March 25, 2025 ("Answer").

produced dating back to June 2024 – the month prior to her receiving ATO. Ms. Levinson also inquired why her bill and the meter display did not match. Pepco discovered a communication issue with the meter and sent an interval restart on August 27, 2024. Upon the restart, the data reflected in the Customer's My Account Portal (the "Portal") was also reset. Complainant discussed her concerns with Pepco's customer service representatives on multiple occasions; and eventually, Pepco's Green Power Connect ("GPC") team and other specialists in NEM were engaged.

4. In October 2024, Pepco discovered that meter 1ND313543385 was not billing for the customer's consumption and issued revised bills for the period of June through September 2024. This initial revision calculated Ms. Levinson's excess kWh generation balance through October 23, 2024, to be 145 kWh. On November 15, 2024, Pepco's Meter Data Translation team identified an additional programming error: the net meter programming caused the interval metering data not to sum correctly to the total daily register meter reading data, and caused the daily register readings to be off by a factor of ten. On November 17, 2024, the net meter program was removed and the meter was reconfigured with a correct net metering program. On November 21, 2024, Pepco issued revised bills covering the period from May 22, 2024, to October 23, 2024. The Company rebilled the account using register meter reading data, resulting in an excess generation carryover of 1,449 kWh – ten times the initially calculated 145 kWh. Complainant received an anniversary credit payment based on the corrected total of 1,449 kWh on her December 2024 bill.

5. As a result of the reprogramming, daily energy usage data in the Portal for October 24, 2024, to November 22, 2024, was updated to align with the corrected meter readings. Since November 2024, the meter readings and resulting invoices have been accurate. Ms. Levinson subsequently provided photographs of the meter display suggesting that the meter does not display net metering data. Pepco explained that the figure visible on the meter face represents the net difference between total kWh consumed from the grid minus generation sent to the grid at that moment. A referee meter test was conducted on December 12, 2024, supervised by a Commission representative. Meter 1ND313543385 passed, registering usage data within plus or minus two percent, well within Commission-mandated tolerances.

6. During a pre-hearing conference on April 8, 2025, I directed the parties to meet independently to discuss technical issues. That meeting occurred on April 22, 2025. On August 7, 2025, the Office of the People's Counsel for the District of Columbia ("OPC"), representing Complainant, filed a data request to Pepco seeking detailed information about its billing practices, customer service interactions, and meter procedures.[3] Pepco filed its response on August 13, 2025.[4] OPC filed a Motion to Compel on August 15, 2025.[5] A follow-up pre-hearing conference

[3] *CC No. 2025-9075277*, Office of the People's Counsel Data Request No. 1 to Potomac Electric Power Company August 7, 2025.

[4] *CC No. 2025-9075277*, Potomac Electric Power Company Motion for Dismissal of Information Request, filed August 13, 2025.

[5] *CC No. 2025-9075277*, The Office of the People's Counsel for the District of Columbia's Motion to Compel Pepco to Respond to Data Requests, filed August 15, 2025.

was held on September 5, 2025, wherein I denied OPC's Motion to Compel. In a September 24, 2025, email, I requested briefs addressing the sole issue of credits owed to Complainant based on her solar generation and kWh usage.

7. On December 12, 2025, OPC filed its Brief arguing that a "proxy" methodology – using 2025 billing data as a substitute for 2024 disputed usage – should be applied retroactively to the affected months, yielding an additional credit of $314.25.[6] OPC also requested that Pepco be required to notify the hearing officer, OPC, and Complainant of any future billing errors and that the matter be referred to the Commission to consider financial penalties. Pepco filed its Response on January 5, 2026.[7]

III. DISCUSSION

A. OPC's Position

8. OPC contends that Pepco inaccurately billed Complainant for her solar generation and that she is entitled to additional credits beyond what Pepco has provided. OPC argues that, because Pepco's bills were issued during a period when the meter was improperly programmed, those bills cannot be reliable. OPC further contends that Pepco's repeated billing errors violate 15 DCMR § 304,which mandates accurate billing (§ 304.2), error notification (§ 304.16), and transparent correction procedures (§ 304.18).[8]

9. OPC proposes a proxy methodology to calculate the credits owed. Specifically, OPC recommends using actual billing data from April 24, 2025, through October 23, 2025, as a proxy base period to estimate the disputed billing periods of April 24, 2024, through October 23, 2024. OPC argues these periods are comparable because they span the same calendar months, one year apart. OPC subtracted proxy-period kWh usage from the original 2024 billed kWh for each month, multiplied the resulting difference by the applicable 2024 monthly price per kWh (which OPC calculated by dividing total monthly charges by total kWh), and summed the results. OPC's calculations are as follows:

May 2024: 564 kWh − 889 kWh = 325 kWh × $0.167/kWh = −$54.28
June 2024: 672 kWh − 1,781 kWh = 1,109 kWh × $0.175/kWh = −$194.08
July 2024: 1,052 kWh − 1,201 kWh = 149 kWh × $0.170/kWh = −$25.33
August 2024: 917 kWh − 960 kWh = 43 kWh × $0.171/kWh = −$7.35
September 2024: 701 kWh − 838 kWh = 137 kWh × $0.174/kWh = −$23.84
October 2024: 578 kWh − 631 kWh = 53 kWh × $0.177/kWh = −$9.38

---

[6] *CC No. 2025-9075277*, The Office of The People's Counsel for the District Of Columbia's Filing to Hearing Officer's Request for Solar Generation and Credit Estimation, filed December 12, 2025 ("OPC's Brief").

[7] *CC No. 2025-9075277*, Potomac Electric Power Company Reply Brief to Office of People's Counsel Filing to Hearing Officer's Request for Solar Generation and Credit Estimation, filed January 5, 2025 ("Pepco's Reply Brief").

[8] OPC's Brief at 5.

OPC calculates the total refund owed to Complainant at $314.25 and requests payment by certified check rather than as an account credit. [9]

10. OPC also requests that the hearing officer impose a forward-looking accountability mechanism requiring Pepco to report any future billing errors on Complainant's account to the hearing officer, OPC, and Complainant within 15 business days of detection for a period of two years, and that the hearing officer refer any such error to the full Commission for consideration of financial penalties.[10]

B. Pepco's Position

11. Pepco acknowledges the programming error and the factor-of-ten mistake, but argues that it has fully remediated the account. Pepco contends that, following the November 2024 reprogramming, it rebilled Complainant's account using actual register meter reading data for the period June 25, 2024, through October 23, 2024, and credited her account with 1,449 kWh of excess generation, reflected in her December 2024 bill. Pepco further notes that the December 12, 2024, Commission-supervised referee meter test confirmed that meter 1ND313543385 is operating accurately within the legally required tolerance of plus or minus two percent. Pepco states that its bills have accurately reflected Complainant's usage since November 2024.[11]

12. With respect to the 19 kWh discrepancy identified during its account review, Pepco explains that this difference arose during a period before Complainant was granted ATO; accordingly, under its NEM tariff, generation credits would not ordinarily apply for that period. Nevertheless, Pepco credited Complainant's account with an additional 19 kWh as a goodwill gesture. A scrivener's error caused the credit to be entered as 19,000 kWh, which Pepco states was immediately corrected upon discovery.[12]

13. Pepco opposes OPC's proxy methodology on the grounds that it is not tied to the actual register readings from the meter for the disputed period. Pepco argues that using 2025 data as a substitute for 2024 consumption introduces inaccuracies because weather conditions, energy prices, and usage patterns differ between years. Respondent maintains that the register readings from the bi-directional meter provide the most accurate basis for rebilling and that its method complies with all applicable Commission regulations. Under 15 DCMR § 903.3, excess generation credits are calculated based on metered net energy, not on proxy estimates.[13]

14. Pepco also opposes the equitable relief sought by OPC. Respondent argues that the regulations already provide a clear process for addressing billing errors, that it has acted in good

---

[9] OPC's Brief at 6-9.

[10] OPC's Brief at 9-10.

[11] Pepco's Reply Brief at 6-7.

[12] Pepco's Reply Brief at 10-11.

[13] Pepco's Reply Brief at 11-12.

faith and in compliance with those regulations throughout this proceeding, and that there is no basis in the record for imposing special notification requirements or referring the matter to the Commission for financial penalties. Pepco notes that the mere occurrence of a billing error – which the regulations contemplate may occur – does not constitute bad faith or justify extraordinary remedies. [14]

IV. DECISION

15. **Complainant's Request for Additional Credits.** The dispositive issue in this proceeding is whether Complainant is entitled to additional credits beyond those already provided by Pepco. The burden of proof is on Complainant.[15] For the reasons set forth below, Complainant's request for additional credits is denied.

16. **Controlling Legal Framework.** D.C. Code § 34-301 authorizes the Commission to regulate the rates, charges, and practices of public utilities operating in the District. Pursuant to that authority, the Commission has promulgated regulations requiring that customer bills be based on actual meter readings. Specifically, 15 DCMR § 302.1 requires that electric meters be read within three business days of the scheduled reading date, and 15 DCMR § 304.2 requires that bills be based on meter readings "whenever possible." Where a bill is not based on an actual reading, the bill must identify whether it is based on actual, estimated, or customer-supplied data. 15 DCMR § 304.7.

17. **Net Energy Metering Requirements.** D.C. Code § 34-1518 establishes the right of customer-generators to be compensated for excess generation supplied to the grid through net energy metering. The Commission's implementing regulations, set forth at 15 DCMR §§ 900–908, prescribe how NEM customers are to be credited. Under 15 DCMR § 904.1, "[t]he metering equipment installed for net energy metering shall be capable of measuring the flow of electricity in two directions." Billing credits for NEM customers must be calculated based on metered net energy delivered to and received from the grid. 15 DCMR § 903.3. Monetary compensation for excess generation is required, per 15 DCMR § 903.3, only at the end of the annual true-up period, and only for generation exceeding 100 percent of the customer's annual consumption. No Commission rule or D.C. statute authorizes the use of a proxy or surrogate methodology as the basis for calculating NEM credits in lieu of actual meter readings.

---

14 Pepco's Reply Brief at 12-13.

15 The D.C. Administrative Procedures Act ("APA"), D.C. Code § 2-509 (2002), places the burden of proof on the proponent of an order. Specifically, the APA states, in pertinent part: "(b) In contested cases, except as may otherwise be provided by law, other than this subchapter, the proponent of a rule or order shall have the burden of proof." The D.C. Court of Appeals has interpreted the phrase "burden of proof" to mean the "burden of persuasion." *Washington Pub. Interest Org. v. Public Serv. Comm'n*, 393 A.2d 71 (D.C. 1978), *cert. denied*, 444 U.S. 926 (1979). Absent a legislative or judicial requirement to use a higher standard, the party with the burden of persuasion must establish the elements of its case by a preponderance of the evidence. 2 Am. Jur. 2d *Administrative Law* § 363 (1994). That burden is met when the factfinder is satisfied that the fact in dispute is more likely true than untrue. 29 Am. Jur. 2d *Evidence* § 157 (1994). However, the factfinder cannot rely on unsupported conjecture to explain its decisions. *Natural Resources Defense Council v. Herrington,* 768 F.2d 1355, 1424, 247 U.S. App. D.C. 340, 409 (1985).

18. **Pepco's Methodology is Consistent with Applicable Regulations.** Following the identification of the net meter programming error in November 2024, Pepco rebilled Complainant's account using the archived daily register readings from meter 1ND313543385 for the period June 25, 2024, through October 23, 2024. Register data from a properly installed, Commission-regulated bi-directional meter constitutes "metering equipment installed for net energy metering" within the meaning of 15 DCMR § 904.1. Pepco's use of those register readings to reconstruct the billing record is consistent with the regulatory requirement to base bills on meter data. 15 DCMR § 304.2. Most notably, the accuracy of that meter has been confirmed by a Commission-supervised referee meter test conducted on December 12, 2024, which found meter 1ND313543385 to be operating within the legally required tolerance of plus or minus two percent.

19. **The Proxy Methodology Proposed by OPC is Not Authorized.** OPC proposes substituting 2025 billing data for the disputed 2024 periods on the theory that the same calendar months one year apart represent comparable usage. There is no provision in D.C. Code Title 34, in the Commission's regulations at 15 DCMR §§ 300–308 (Billing Requirements) or 15 DCMR §§ 900–908 (Net Energy Metering), or in the Commission's orders, that authorizes use of a proxy methodology to calculate billing credits for a prior period when actual meter data is available. The Commission's regulations require bills to be based on actual meter readings; surrogate or estimated data is permissible only when the meter is not readable or accessible. 15 DCMR § 304.2. That exception does not apply here: Pepco has provided the actual register readings from the meter for the disputed period. Moreover, the proxy methodology is arguably less precise because it incorporates usage from a different year with different weather conditions, energy prices, and consumption patterns – none of which are controlled for in OPC's calculation.

20. **Complainant's Reliance on her Solar Application Data Does Not Satisfy Her Burden.** Complainant's argument for additional credits rests on figures from her solar software application, which she contends show greater generation than Pepco has credited. No statute or Commission rule requires Pepco to use, or even consider, a customer's private inverter or monitoring application data in calculating billing credits. The Commission's regulations expressly require the use of "metering equipment installed for net energy metering" that measures "the flow of electricity in two directions." 15 DCMR § 904.1. Pepco's equipment – the bi-directional meter – measures net electricity delivered to and received from the grid, which is the relevant quantity for NEM credit purposes. A customer's inverter, by contrast, measures total solar production, including energy consumed within the home, and therefore reflects a different quantity than net export to the grid. Complainant has not disputed the accuracy of the December 2024 referee meter test results, which confirmed that her meter is operating within required tolerances. Complainant has not offered any evidence – beyond her software application data – that Pepco's register readings are incorrect. Accordingly, Complainant has not met her burden of demonstrating entitlement to additional credits.

21. **OPC's Request for Equitable Relief and Penalty Referral is Denied.** OPC requests that the hearing officer impose a special notification regime requiring Pepco to report future billing errors to the hearing officer, OPC, and Complainant within 15 business days of detection, and that any such error be referred to the full Commission for consideration of financial penalties. This request is denied. The Commission's regulations already provide a comprehensive framework for addressing billing disputes and errors. A customer who believes her bill is

inaccurate may file a complaint with the Commission pursuant to 15 DCMR § 326.1. Imposition of a bespoke notification and penalty-referral mechanism on top of this existing regulatory framework is not warranted where, as here, the record reflects that Pepco acted in good faith, identified the errors, corrected the meter programming, reissued accurate bills, and provided Complainant with the generation credits to which she was entitled under her NEM tariff. There has been no showing of bad faith, willful noncompliance, or a pattern of conduct that the existing regulatory process cannot adequately address.

22. For the foregoing reasons, it is hereby **ORDERED** that:

(a) Complainant's request for additional credits to her account based on OPC's proxy methodology is **DENIED;**

(b) OPC's request for imposition of a special notification and penalty-referral mechanism is **DENIED;**

(c) Complainant's Complaint is **DISMISSED;** and

(d) Any party may appeal this decision to the Commission by filing a Petition for Review with the Commission Secretary's Office within 10 days of personal service or service by other technological means, or within 12 days of service by mail.[16]

(e) The Commission Secretary shall serve this Order on the Parties.

Noel S. Antonio
Hearing Officer

[16] *See* 15 DCMR § 326.6 (2008).