1477

PUBLIC SERVICE COMMISSION OF THE

DISTRICT OF COLUMBIA

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IN THE MATTER OF THE JOINT   :
APPLICATION OF EXELON CORPORATION, :
PEPCO HOLDINGS, INC., POTOMAC   :
ELECTRIC POWER COMPANY, EXELON   : Formal Case
ENERGY DELIVERY COMPANY, LLC AND   : 1119
NEW SPECIAL PURPOSE ENTITY, LLC   :
FOR AUTHORIZATION AND APPROVAL OF   :
PROPOSED MERGER TRANSACTION.   : VOLUME VI
-----------------------------------:

                              Washington, D.C.

                              Monday, April 6, 2015

          The evidentiary hearing in the

above-captioned matter began at 10:02 a.m., at the

Public Service Commission of the District of Columbia,

1333 H Street, Northwest, Washington, D.C., 20005.

BEFORE: BETTY ANN KANE, Chairman

         JOANNE DODDY FORT, Commissioner

         WILLIE L. PHILLIPS, Commissioner

Reported by: Denise M. Brunet, RPR

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22  (Appearances continued on the next page.)
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 1                C O N T E N T S

 2  WITNESS:        DIRECT   CROSS   REDIRECT   RECROSS

 3  CHRISTOPHER GOULD

 4  BY MR. KULAK     1486

 5  BY MS. SITARAMAN         1487

 6  BY MR. COYLE             1529

 7  BY MR. WRIGHT            1581

 8  BY MS. ELEFANT           1592

 9  WILLIAM GAUSMAN

10  BY MR. COYLE             1642

11  BY MS. FRANCIS           1676

12

13  EXHIBIT NO.              MARKED      RECEIVED

14  OPC Cross 32 through 60  1488        1636

15  AOBA Cross 44            1677        1767

16  AOBA Cross 45            1677        1767

17  AOBA Cross 46            1678        1767

18  AOBA Cross 47            1678        1767

19  AOBA Cross 48            1678        1767

20  AOBA Cross 49            1679        1767

21  AOBA Cross 50            1679        1767

22  (Exhibits continued on the next page.)
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EXHIBIT NO.	MARKED	RECEIVED
1 EXHIBIT NO.	MARKED	RECEIVED
2 AOBA Cross 51	1680	1767
3 AOBA Cross 52	1680	1767
4 AOBA Cross 53	1680	1767
5 AOBA Cross 54	1681	1767
6 AOBA Cross 55	1681	1767
7 AOBA Cross 56	1681	1767
8 AOBA Cross 57	1682	1767
9 AOBA Cross 58	1682	1767
10 AOBA Cross 59	1682	1767
11 Joint Applicants (2I),		
12 (2I)-1 through (2I)-6,		
13 (3I) and (3I)-1 through		
14 (3I)-3		1636
15 DCG Cross 78 and 79		1639
16 Joint Applicants (E),		
17 (2E), (2E)-1, (3E),		
18 (3E)-1 and (4E)		1762
19 OPC Cross 31		1763
20 OPC Cross 61		1763
21 OPC Cross 62 through 86		1767

22 (Exhibits continued on the next page.)

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 1   EXHIBIT NO.                  MARKED      RECEIVED

 2   DCG Cross 41 through 45,

 3    48, 49, 52, 54 through

 4    57, 59 and 75                           1769

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 1                P R O C E E D I N G S

 2            CHAIRMAN KANE:  Good morning.  Today is

 3  Monday, April 6th.  It is 10:01 a.m.  We are

 4  resuming the evidentiary hearings in formal case

 5  1119.  Hope everyone had a good weekend, a good

 6  holiday, and we are back to work.

 7            Are there any preliminary matters from

 8  any of the parties?

 9            MR. LORENZO:  Yes, Your Honor.

10            CHAIRMAN KANE:  Yes.

11            MR. LORENZO:  Over the weekend we polled

12  the parties in trying to establish both

13  cross-examination estimates for the joint

14  applicants' witnesses and schedule for the OPC and

15  intervenor witnesses, and we're putting together a

16  schedule of those which we hope to distribute

17  sometime today to the parties and the Commission.

18            I do want to note for the Commission that

19  we've calculated the total OPC and intervenor

20  cross on our remaining witnesses, and it comes out

21  to 26 hours.

22            CHAIRMAN KANE:  Four days.
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 1   MR. LORENZO: Thank you.

 2   CHAIRMAN KANE: Thank you. Anything else

 3 from any of the parties? I will note just for the

 4 record, Grid 2.0 is not here, IMM-PJM is not here.

 5 Maryland -- SEIA is not here, and National Council

 6 for Low-income Housing is not here. And Grid 2.0.

 7 And GSA, federal GSA. Those are other intervenors

 8 who are not physically present unless they've got

 9 somebody in the audience but they're not at the

10 table.

11   All right. Call your witness.

12   MR. KULAK: Good morning, Chairman Kane.

13 My name is Ken Kulak. I'm with the law firm of

14 Morgan, Lewis & Bockius appearing before you today

15 representing the joint applicants.

16   Our first witness is Mr. Christopher

17 Gould. And with your permission, we'd like him to

18 take the stand. Thank you.

19   CHAIRMAN KANE: Mr. Gould.

20 WHEREUPON,

21   CHRISTOPHER GOULD,

22 called as a witness, and after having been first

1 sworn by the secretary, was examined and testified

2 as follows:

3   DIRECT EXAMINATION

4 BY MR. KULAK:

5   Q   Mr. Gould, good morning.

6   A   Good morning.

7   Q   For the benefit of the record, would you

8 please state your full name and spell for the

9 court reporter your first and last names.

10   A   My name is Christopher David Gould. The

11 spelling of my name? C-H-R-I-S-T-O-P-H-E-R,

12 David, D-A-V-I-D, Gould, G-O-U-L-D.

13   MR. KULAK: Your Honors, pursuant to

14 order 11790, Mr. Gould's testimony has been

15 stipulated for authenticity and entry into the

16 record. There are two pieces of testimony and

17 accompanying exhibits. His supplemental direct

18 testimony was premarked as Exhibit (2I), fully

19 conformed and filed as of March 25th, with

20 Exhibits 1 through 6. And his rebuttal testimony

21 was premarked as Exhibit (3I), also fully

22 conformed and filed as of March 25th, with three

 1 exhibits, 1 through 3.

 2   With that, Mr. Gould is available for

 3 cross-examination.

 4   CHAIRMAN KANE: Thank you.

 5   People's Counsel.

 6   MS. SITARAMAN: Good morning, Your Honor.

 7 My name is Nicole Sitaraman. I'm an attorney with

 8 the D.C. Office of the People's Counsel. My

 9 notice of appearance was filed in this matter on

10 June 24th, 2014.

11   CROSS-EXAMINATION

12 BY MS. SITARAMAN:

13   Q   Welcome, Mr. Gould. Thank you for coming

14 in today.

15   A   Thank you.

16   MS. SITARAMAN: Before I go into my

17 questions for Mr. Gould, I do want to acknowledge

18 that counsel for joint applicants have agreed to

19 stipulate to a series of Mr. Gould's data

20 responses, and so I'd like to mark those in bulk,

21 first. So the data responses preliminarily marked

22 OPC Cross-Examination Exhibits Numbers 67 through

1 95 (sic), I would like to mark those as OPC

2 Exhibit 32 through 59 (sic).

3   CHAIRMAN KANE: They are so marked.

4   (OPC Cross Exhibit Numbers 32 through 60

5 were marked for identification.)

6 BY MS. SITARAMAN:

7   Q   So, Mr. Gould, your official title within

8 the Exelon Corporation -- your full title is

9 senior vice president, corporate strategy, and

10 chief sustainability officer; is that correct?

11   A   That's correct.

12   Q   And you've held this position since 2010;

13 is that correct?

14   A   That's correct.

15   Q   In your role as Exelon's chief

16 sustainability officer, how would you describe

17 your duties and responsibilities?

18   A   As chief sustainability officer?

19   Q   Yes.

20   A   Yes. Well, it's -- our view of

21 sustainability is a combination of economics,

22 social and environmental concerns about the manner

 1 in which we conduct our business in terms of how

 2 it impacts customers, the environment,

 3 stakeholders, civil society and the like. So it's

 4 a matter of understanding the operations of our

 5 business in those respects and how they translate

 6 into impacts.

 7   Q   Would you please turn to page 6 of your

 8 supplemental direct testimony --

 9   A   Yes.

10   Q   -- and look at lines 7 through 10. There

11 you state that, Nuclear power plants operated by

12 Exelon are the foundation of our low-carbon

13 generation portfolio and account for 81 percent of

14 our total owned generation output; is that

15 correct?

16   A   Yes, it is.

17   Q   Did I read that correctly?

18   A   Yes.

19   Q   So would you say that nuclear energy is

20 the centerpiece of Exelon's sustainability

21 platform?

22   A   Well, I think that it's one of. From a

 1 generation perspective, along within investments

 2 in renewables and gas and things of that nature,

 3 yes. Also, on our regulated utility side, the

 4 delivery and -- transmission and delivery of

 5 electricity to customers as well. But yes.

 6   Q   With respect to the company's generation

 7 portfolio, it is the largest --

 8   A   It is.

 9   Q   -- component of --

10   A   Correct.

11   Q   -- the company's sustainability platform?

12   A   It's the largest component of our mix,

13 and it's certainly a centerpiece of our low-carbon

14 contribution, yes.

15   Q   In your role as chief sustainability

16 officer, do you provide direction in putting

17 guidance on Exelon's policy positions?

18   A   I provide input into them, yes.

19   Q   What do you mean by that? Because I

20 asked for direction and guidance as well. Is your

21 input limited in some way or --

22   A   No. I'm one of many within the company

 1 that would opine upon matters of policy. And so

 2 that's what I meant by it's -- I'm an input.

 3   Q   Okay. And so do you provide input on the

 4 company's proposed positions and proposed

 5 rulemakings on the state and federal level?

 6   A   I would provide an input, an opinion,

 7 during those conversations, but I would not be the

 8 ultimate -- give the ultimate direction on them.

 9   Q   And who would?

10   A   That would be some of my colleagues

11 within the company who are in the federal

12 regulatory and legislative affairs team that

13 directly does that.

14   Q   And you provide input on the company's

15 positions on investigations pending in state and

16 federal regulatory bodies?

17   A   Could you elaborate on that?

18   Q   For example, it's my understanding that

19 Exelon has provided comments in the New York REV

20 matter. So would you provide input on that type

21 of proceeding?

22   A   Yes. Thank you for clarifying. Yes, I

 1 would.

 2   Q   Okay. The testimony you provided in this

 3 case is focused on the seventh public interest

 4 factor pursuant to order number 17597 in this case

 5 that establishes that the Commission will consider

 6 the environment, natural resources, preservation

 7 of environmental quality in evaluating the joint

 8 applicants' proposed merger. Is that fair to say?

 9   A   Yes.

10   Q   Okay. Would you please turn to page 3 of

11 your supplemental direct testimony.

12   A   Okay.

13   Q   And the first two lines, line -- I'm

14 sorry, lines 7 through 8 under Roman numeral II

15 where you say that, Exelon is committed to

16 conducting its business in ways that minimize

17 environmental impacts and support the communities

18 in which we operate.

19   I want to focus just briefly on the part

20 where you say, "support the communities in which

21 we operate." What does that mean to you?

22   A   Well, it can mean many things in terms of

 1 the definition of sustainability that I gave,

 2 social, economic and environmental. So in terms

 3 of social, say, you know, we do -- Exelon is

 4 involved in a lot of charitable and volunteer-type

 5 activities with the communities that we serve.

 6 And that's part of our sustainability initiative.

 7   It could mean, in terms of customers --

 8 as referenced here, in terms of economic, it means

 9 providing affordable electricity that consumers

10 want, clean, affordable, reliable electricity

11 through our power generation assets or delivery

12 companies.

13   And environmentally, it could mean -- it

14 does mean providing environmentally low-impact,

15 low-carbon, low-pollutant -- you know, broadly

16 speaking low environmental impact energy to our

17 customers and communities.

18   Q   So as chief sustainability officer for

19 Exelon, would you say that you have a

20 responsibility to be familiar with the energy

21 policies of the communities in which the company

22 operates?

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 1     A     Yes, I would.

 2     Q     And would you say that you have a

 3  responsibility to embrace and advance the energy

 4  policies of the communities in which Exelon

 5  operates?

 6     A     Yes.  I believe we do and that we have.

 7     Q     Are you familiar with the District of

 8  Columbia's sustainable energy statutes and

 9  policies?

10     A     I am.

11     Q     So have you read or have you become

12  familiar with the Renewable Energy Portfolio

13  Standard Act of 2004?

14     A     Yes, I have.

15     Q     Have you read and become familiar with

16  the Clean and Affordable Energy Act of 2008?

17     A     Yes, I have.  Yes.

18     Q     Have you read and become familiar with

19  the Distributed Generation Amendment Act of 2011?

20     A     I have.

21     Q     Have you read and become familiar with

22  the Sustainable D.C. Amendment Act of 2012?
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 1   A   Could you clarify that one? Is that the

 2   D.C. sustainability plan? Or is it something

 3   different?

 4   Q   So you're not familiar with the

 5   Sustainable D.C. Amendment Act of 2012?

 6   A   I just don't know that I recognize the

 7   title.

 8   Q   Okay. It's a statute that was passed in

 9   2012 by the D.C. council related to the

10   Sustainable D.C. plan?

11   A   Yes, I believe that I am, then. Yes.

12   Q   So you're familiar with the Sustainable

13   D.C. plan?

14   A   I am.

15   Q   But not the Sustainable D.C. Amendment

16   Act of 2012?

17   A   No, I believe that I am.

18   Q   Okay. Have you read and become familiar

19   with the Community Renewables Energy Amendment Act

20   of 2013?

21   A   Yes, I have.

22   Q   And I just want to pause right there and

1 ask you about the company's positions on community

2 shared renewable energy.

3   A   Yes.

4   Q   So is it fair to say that Exelon has

5 consistently opposed community shared renewable

6 energy legislation in recent years?

7   A   No. I don't think that we've

8 consistently opposed community energy. In fact, I

9 know that community energy is part of the

10 legislative initiative that we have in Illinois

11 right now. So no, I wouldn't say that we've

12 consistently opposed it.

13   Q   In the State of Maryland -- well, are you

14 familiar with the community shared renewables

15 legislation bills that have been introduced over

16 the past several years in Maryland?

17   A   Yes, I am.

18   Q   For example, last year, there was House

19 Bill 1192 establishing a pilot program on

20 community renewable energy generation systems.

21 Did Exelon or its subsidiaries take a position on

22 that bill?

 1   A   Yes, I believe we opposed that bill

 2 because we had concerns over cross subsidization

 3 of low-income customers as part of that relative

 4 to, you know, the value of the grid and things of

 5 that nature.

 6   Q   Can you explain what you mean by that?

 7   A   Well, in terms of what the -- how

 8 customers that were not part of the community

 9 energy system would ultimately pay for the value

10 of the grid in terms of backup support or

11 generation, if they had another means of primary

12 power, such as community energy, which is one of

13 the pieces of the Illinois legislation that we've

14 put forward in our own proposals for -- not

15 actually that -- we supported, not put forward,

16 but in terms of our own thinking on how community

17 energy can work.

18   Q   How does the company believe community

19 energy should work?

20   A   Well, I think that, very much like what

21 you asked me -- I'm familiar with what this

22 council has put forward in terms of community

 1 energy. I think very similar to how it's thought

 2 of here in D.C., which is that, you know, for

 3 certain -- you know, for customers that engage in

 4 that, that excess energy would be -- that's sold

 5 back into the market would be of a certain

 6 percent -- I believe it's 120 percent cap on what

 7 could be sold back into the market.

 8   And I believe that it's -- that they

 9 would receive a standard offer price instead of

10 the full retail distribution, full retail rate

11 that includes transmission and distribution. It

12 would cause some of the inequities that we would

13 see for those who were able to engage in community

14 energy versus those who are not and, therefore,

15 avoid the issues that are of concern to us.

16   And that's how we've tried to model that

17 in Illinois, and I believe it's very similar to

18 what this Commission has put forth as well. So we

19 like that.

20   Q   There's currently a community shared

21 renewable energy bill pending in Maryland that was

22 just recently passed by the House of

1 Representatives. Has the company, Exelon, or

2 BG&E, taken a position on that bill?

3   A   I'm not aware that we have.

4   Q   On a related note, I'd like to get your

5 perspective on distributed generation in general.

6 Throughout these hearings, there's been discussion

7 about distributed generation. What is your

8 perspective on distributed generation as it

9 relates to nuclear energy? Do you believe that

10 it's a threat to nuclear energy?

11   A   No, not at all. In fact, you know, one

12 way to think about that -- first of all, just to

13 be direct in your questioning, we view it as an

14 opportunity, distributed generation.

15   And with respect to nuclear generation,

16 we know and understand that this industry is going

17 through a transition. We very much want to be a

18 leader in part of that, and we've demonstrated

19 that through our sustainability efforts and

20 investments.

21   But I'll give you a good example as to

22 why we don't think that it's a competition or a

 1 threat, is because through this transition, it can

 2 take many forms: Renewables, distributed

 3 generation, or, for example, EPA's 111(d) program

 4 that's going through the states right now. PJM,

 5 the market that we operate in, has estimated up to

 6 49,000 megawatts of centralized coal generation

 7 may retire as a result of that -- that proposal,

 8 which creates an enormous amount of opportunity

 9 for all forms of new generation, nuclear --

10 centralized generation or distributed generation.

11   So we view it as a -- quite frankly, a

12 very big opportunity and one that we have a track

13 record of pursuing, both in or commercial business

14 and through enabling through our utilities.

15   Q   How much of an opportunity is it for the

16 company? Is there an upper limit that has been

17 contemplated by Exelon regarding how much

18 renewable energy distributed generation that the

19 company would be willing to participate in?

20   A   Well, you know, it's an -- it's an

21 evolving -- I'm not sure anybody is exactly sure

22 today, the exact time, the pace and the exact

1501

 1 outcome of how distributed generation will occur.

 2   I do know that it's identified by myself

 3 and our leadership team as one of the top trends

 4 that we see in the industry, and by that virtue,

 5 we would recognize it as one of the largest major

 6 opportunities that we have as a company. And we

 7 have businesses that are fully engaged in pursuing

 8 that opportunity today.

 9   Q   Okay. So back to my list of D.C.

10 policies. So you've reviewed the Sustainable D.C.

11 plan?

12   A   I have.

13   Q   And are you familiar with how that plan

14 came about?

15   A   I don't believe that I know that. I know

16 that it was proposed by the mayor at the time, but

17 I'm not sure what prompted it.

18   Q   Well, what is your understanding of the

19 energy goals outlined in the Sustainable D.C.

20 plan?

21   A   So it has numerous ones. It has --

22 contemplates a -- 50 percent of the generation

1502

 1 being renewable generation. It contemplates

 2 50 percent reduction in energy efficiency. And it

 3 contemplates and sets forth objectives around

 4 greenhouse gas goals that are commensurate with

 5 those -- with those goals.

 6   Q   And so based on what you know about --

 7 overall, you mentioned that you've reviewed or

 8 read a number of D.C.'s energy statutes. Would

 9 you agree with me when I say that the deployment

10 of distributed solar generation will be a pivotal

11 component of the District achieving its energy

12 goals?

13   A   Yes, I do, particularly when you think

14 about solar and not in the -- not in the

15 sustainability plan, but what's in the statutes

16 around the 2-1/2 percent carve-out for solar and

17 the need for that to come from within the District

18 and the potential space limitations as it relates

19 to solar utility scale. I think distributed solar

20 would -- would very much need to be part of that

21 discussion, I would think.

22   Q   Thank you. So I have -- you know, I've

 1 been struck by your supplemental direct and

 2 rebuttal testimony where there seems to be a great

 3 deal of emphasis with Exelon as a proven industry

 4 leader in things like energy efficiency. Would

 5 you agree with that today?

 6   A   Yes, I do.

 7   Q   You believe that Exelon is a proven

 8 industry leader in demand response?

 9   A   I do.

10   Q   You believe Exelon is a proven energy --

11 industry leader in smart grid technologies?

12   A   Yes, I do.

13   Q   As well as renewable energy

14 installations?

15   A   Yes.

16   Q   Would you say that Exelon is a

17 forward-thinking company in the area of

18 sustainable energy?

19   A   I definitely would.

20   Q   So you'd say that Exelon is committed to

21 developing effective strategies to address the

22 future energy needs and requirements of the

 1   communities in which Exelon operates?

 2   A   I know that we are.

 3   Q   Would you please turn to what has been

 4   preliminarily marked as OPC Cross Exhibit 77.

 5   A   Yes.

 6   Q   So the question -- this is joint

 7   applicants' response to OPC's data request

 8   number 14, question 31; is that correct?

 9   A   Yes, I see it.

10   Q   And the question asks, among other

11   things, about whether Exelon has quantified the

12   impact of potential greenhouse gas reduction

13   measures on PEPCO ratepayers. Is that correct?

14   A   That's the question, yes.

15   Q   You state, though, that Exelon has not

16   performed an assessment of potential measures that

17   could be employed to reduce PEPCO's greenhouse gas

18   emissions; is that right?

19   A   Yes, that's correct.

20   Q   Is this still true today?

21   A   As far as I know, yes.

22   Q   Have you individually, in your capacity

1 as chief sustainability officer, made any

2 preliminary assessments on potential measures that

3 could be employed to reduce PEPCO's greenhouse gas

4 emissions in the District?

5   A   I've not made any estimates. I've

6 obviously thought through them as it relates to

7 our business as I've communicated in your prior

8 questions, and I've thought about them in the

9 context of -- of, you know, what's being

10 contemplated in that sustainability plan. But

11 I've not estimated the impact on ratepayers, no.

12   Q   But your thoughts have not been

13 documented; is that correct?

14   A   No.

15   Q   Okay. Please turn to what has been

16 preliminarily marked as OPC's Cross Exhibit 82.

17   A   Okay.

18   Q   This is the joint applicants' response to

19 OPC's data request number 14, question 40. Is

20 that correct?

21   A   Yes, it is.

22   Q   The question asks about real-time pricing

1506

 1 and demand response programs of Exelon's

 2 subsidiaries and whether Exelon intends to

 3 implement similar programs here if the merger is

 4 approved. Is that correct?

 5   A   Yes.

 6   Q   You state that, No determination

 7 regarding post-merger changes to demand response

 8 or real-time pricing programs within PEPCO has

 9 been made.

10   Is that correct?

11   A   Yes.

12   Q   Is this still true today?

13   A   Yes, I believe it is.

14   Q   Have you individually in your capacity as

15 chief sustainability officer made any preliminary

16 determinations on prospects for real-time pricing

17 and demand response programs in the District?

18   A   Well, again, determinations, no. I think

19 that that has to be, first of all, something that

20 would be thought through much -- much better in

21 the context of post-merger where you can sit down

22 face to face and have these discussions.

 1   And secondly, any sort of opportunities

 2   that we would see there would naturally be the

 3   result of discussions with commissioners and

 4   stakeholders. So the word "determination" is

 5   certainly not something that we would have, could

 6   have or wanted to arrive at without the benefit of

 7   understanding PHI's perspective and this

 8   Commission's perspective.

 9   In terms of my own thoughts, you asked do

10   I believe that we have leading thought leader and

11   leading actions that back it up on what we've been

12   able to do with our Smart Ideas programs at our

13   three utilities today. They have won awards and

14   are recognized as industry leaders. So I would --

15   my own thoughts are, without making a

16   determination that there ought to be opportunity

17   to advance energy efficiency, I know what PHI is

18   doing today and what the sustainable energy

19   utility is doing on the energy efficiency side,

20   not the demand response side.

21   But I would hope that that's, you know, a

22   significant opportunity for Exelon and PEPCO in

 1 the future.

 2   Q   But again, you have not documented your

 3 thoughts -- any preliminary thoughts about

 4 real-time pricing and demand response in the

 5 District?

 6   A   I have not. I think that that would be

 7 premature until we have the input from all

 8 stakeholders who would have an interest in that.

 9   Q   Would you please turn to what has been

10 preliminarily marked as OPC Cross Exhibit 83.

11   A   Yes.

12   Q   And this is the joint applicants'

13 response to OPC's data request number 14,

14 question 41; is that correct?

15   A   Yes, it is.

16   Q   The question asks, among other things,

17 about whether Exelon has any intention to

18 implement the use of electric vehicles and

19 alternative fuel vehicles if the merger is

20 approved, correct?

21   A   Yes, it does.

22   Q   And you state that, No determination

 1 regarding post-merger changes to fleet management

 2 programs within PEPCO has been made; is that

 3 correct?

 4   A   Yes, that's correct.

 5   Q   And is that still true today?

 6   A   It is true today.

 7   Q   Okay. Would you please turn to what has

 8 been preliminarily marked as OPC Cross Exhibit 85.

 9   A   But again, I would add there I think we

10 have tremendous opportunity with respect to

11 alternative vehicles through many of the

12 investments we've made and are contemplating

13 making. So I would hope there would be

14 significant opportunity there as well.

15   Q   Okay. I believe I just asked for you to

16 turn to what has been marked as OPC Cross

17 Exhibit 85. Are you there?

18   A   Yes.

19   Q   Okay. And this is the joint applicants'

20 response to OPC's data request number 14,

21 question 77, correct?

22   A   Yes.

1   Q   This question asks the joint applicants

2 to identify, explain and quantify the discussions

3 that Exelon has had with any District of Columbia

4 consumers, residents, government officials and/or

5 energy stakeholders regarding the potential for

6 microgrid deployment in the District of Columbia,

7 correct?

8   A   Yes, it does.

9   Q   And you state that, Exelon has not

10 engaged in any discussions with District of

11 Columbia consumers, residents, government

12 officials and/or energy stakeholders regarding the

13 potential for microgrid deployment in D.C.

14   Is that correct?

15   A   Yes. I think that would, again, be

16 premature. But again, as we're doing in all three

17 of our utilities today, and in New York, I would

18 expect that we would -- I know that we would want

19 to fully engage in those discussions, as we are in

20 our other three jurisdictions and New York.

21   Q   I'm going to ask you to turn to what has

22 been preliminarily marked as OPC Cross Exhibit 86.

 1 And I presume you're there.

 2   A   I am. Yes, I'm sorry. Sorry, it's

 3 Monday. Thank you. I'm there.

 4   Q   The joint -- this is the joint

 5 applicants' response to OPC's data request

 6 number 14, question 78, correct?

 7   A   Yes.

 8   Q   And this question asks the joint

 9 applicants to describe Exelon's perspective -- not

10 make any determination, but describe Exelon's

11 perspective on any regulatory barriers to

12 commercial viability of microgrids in D.C.; is

13 that correct?

14   A   Yes, it does.

15   Q   You state that Exelon has not developed

16 any such perspective on microgrid viability in the

17 District; is that correct?

18   A   Yes. I think that's right. It's -- I'm

19 not sure how -- determination and perspective, I'm

20 not sure how we can do that without having a full

21 picture of all stakeholders. I mean, like the New

22 York REV proceeding, these are complex matters

 1 that don't have a certain outcome at the end of

 2 them.

 3   And I think what we're saying here is

 4 that we -- it would be premature to, without the

 5 information of those stakeholders, make statements

 6 or determinations at this point in time. But I

 7 think, again, our record is that we're engaged

 8 heavily in those conversations today in our other

 9 utilities and in New York, and I would very much

10 want and expect that to be the case here as well.

11   Q   So when -- what is the stage of maturity

12 to have even informal discussions about these

13 topics?

14   A   Yeah. I think -- you know, I think --

15 I'm not sure there's a, you know, crystal clear

16 answer to that, but it's a little different here

17 because it's in the context of two companies that

18 are not together today. I can tell you that New

19 York is way out in front in terms of thinking

20 about microgrids and how this whole regulatory

21 process unfolds. I think that's widely

22 recognized. And we've engaged in that and

 1 provided our feedback to that agency.

 2   So that clearly was something where the

 3 stage was set, the stakeholders were gathered by

 4 the state and the commission, and we volunteer --

 5 we don't own distribution companies in New York,

 6 but wanted to be engaged, we wanted to be a

 7 thought leader and participate in this and see

 8 what we could bring back to our own utilities.

 9   In Illinois, there's legislation that has

10 been sponsored that talks about microgrids in

11 Chicago. And again, that was part of a

12 stakeholder process and brought before a

13 commission, and that seemed right in terms of

14 timing.

15   We're doing and following those same sort

16 of paths in PECO and BGE, but again, there were --

17 we're already well informed of our own

18 jurisdictions. We became well informed of New

19 York by being part of that process, and I would

20 fully expect that we would be -- have that same

21 information and stakeholder outreach with the

22 District of Columbia, this Commission, and the

1514

 1 utility customers who we would be advancing this

 2 concept for.

 3   Q   So if it's your position that the company

 4 is not fully informed enough to present its

 5 perspective, preliminary determination, opinion,

 6 analyses, however you want to label it --

 7   A   Sure.

 8   Q   -- how can the joint applicants assure

 9 this Commission that they will be able to meet

10 public interest factor number 7 if you do not have

11 the information and have not gathered the

12 information that you need for even just this

13 preliminary set of subjects that I've covered so

14 far? How can you make that assurance?

15   A   Sure. Well, I think a couple of things.

16 First of all, you've asked a lot of questions

17 about am I informed of, you know, the various

18 statutes and various proceedings, and the answer

19 is yes. So it's not as if we are uninformed of

20 what the objectives of this council and what the

21 District of Columbia want, and we recognize that

22 that's different from our other utilities, as our

 1 utilities that we -- are part of the Exelon family

 2 today are different amongst themselves.

 3   So I think what we're saying is we very

 4 much recognize the distinction between

 5 jurisdictions and customers in each utility.

 6 We're very conscious and sensitive to that and,

 7 therefore, don't want to be in a position before

 8 we close a transaction and have PEPCO part of our

 9 family and get the full benefit of understanding,

10 you know, what precipitated the sustainable energy

11 plan. I told you I don't know. I would hope to

12 know that better after the merger is consummated

13 and that we have the opportunity to learn more

14 about that.

15   Until then, I think it would be

16 presumptuous of us or premature to put out a

17 proposal that wouldn't be fully considerate of all

18 those issues. And I just think it would be more

19 responsible for us to do that after.

20   And just to follow on your -- how would I

21 judge whether we are going to be responsive to it

22 is, I think, a very easy thing to answer. It's

1 our track record. We wouldn't be in Illinois,

2 have legislation on the floor regarding the

3 development of microgrids and community energy and

4 distributed generation and all the things that

5 we're contemplating doing there, and likewise in

6 PEPCO -- or PECO and BGE if we didn't believe that

7 this was what customers wanted and that it wasn't

8 in our best interest to do that. We just wouldn't

9 do it.

10   But we are. We have a track record of

11 that. We have a track record with our energy

12 efficiency programs. And we have a whole

13 commercial business that has nothing to do with

14 ratepayers in terms of cost recovery and things

15 like that, a competitive business that's out

16 trying to market these very same products to

17 customers outside of our service territories.

18   So that's how I would take comfort is in

19 our track record.

20   Q   So you want us to take your word for it

21 without any assurance or any presentation by the

22 company that -- about what it wants to do for

 1 D.C.?

 2   A   Yeah. I think -- I think -- I guess on

 3 that I would add -- and this goes to being what's

 4 the right timing and being conscious of this

 5 balance between making sure we understand what

 6 customers want, the Commission wants versus where

 7 we are today.

 8   This also relates -- you don't have to

 9 take our word for it. We've offered a customer

10 investment fund that sets aside funding for -- one

11 of the reasons we haven't specified what exactly

12 that funding goes to is because we know we're not

13 fully informed of what all these matters are,

14 whether they be customers or the Commission. It

15 just wouldn't be prudent for us today to say --

16 first of all, it's not our place to say where that

17 should go.

18   Secondly, we wouldn't be well informed

19 enough to make that determination. We would want

20 to do that with the full benefit of the

21 stakeholders.

22   So you don't have to take my word for it.

 1 That's what the funding is there for. But how it

 2 happens or -- I guess we're asking you to lean on

 3 we are engaged in pretty much all of the questions

 4 that you've asked me in one part of our business

 5 or another. We're fully engaged and recognized as

 6 leaders in those businesses.

 7   Q   I'd like to shift gears briefly. So you

 8 are familiar with the D.C. sustainable energy

 9 utility --

10   A   I am.

11   Q   -- right?

12   A   Yes.

13   Q   Would you agree that Exelon would not be

14 able to provide direct planning and analysis for

15 D.C.'s energy efficiency programming because the

16 SEU is responsible for that, for energy efficiency

17 programming?

18   A   Yeah, I understand that they're

19 responsible for it. It's not unlike the agency in

20 Illinois, the Illinois Power Agency, that does the

21 procurements on behalf of Commonwealth Edison for

22 both the energy and the renewable energy credits,

1 unlike our other two utilities. So we're very

2 familiar and comfortable with different mechanisms

3 to procure customer products.

4   I would just add that I would hope that,

5 like we are with any stakeholders, that we could

6 be a good partner and provide whatever expertise

7 that -- we think we could help the sustainable

8 energy utility in its objectives, but I agree we

9 would not be directing them, because that's their

10 job.

11   Q   So you know that the SEU has an advisory

12 board pursuant to the statute that established the

13 SEU?

14   A   I do.

15   Q   And you're aware that PEPCO currently

16 serves on that advisory board?

17   A   I am.

18   Q   Do you know who from PEPCO serves on that

19 advisory board?

20   A   I did, but I can't recall. I apologize.

21   Q   Have the joint applicants discussed who

22 would serve on the SEU advisory board if the

1 proposed merger is approved?

2   A   They may have. I'm not aware of it,

3 though.

4   Q   What do you expect the process will be

5 within Exelon's structure of working closely with

6 the SEU, as you mentioned? How will that happen?

7   A   Well, I can -- I think, first off -- this

8 is just my opinion because I think this is

9 obviously something very much in the utilities,

10 and Denis O'Brien would be the best person to have

11 asked that -- a question of that specificity. But

12 I would imagine that through our typical process,

13 it would be very much as I'm alluding to here,

14 that we would want to understand as much about

15 what, you know, the local PEPCO perspective is on

16 the sustainable energy utility and make sure that

17 we, in fact, have the absolute best person who can

18 offer the best advisory input to the entity, as

19 well as understand where the entity is coming from

20 in the first instance, through its creation, and

21 affirm or select the right person to do that. It

22 would be both of those considerations.

1521

 1   Q   Okay. I do want to touch on the topic of

 2 subsidies.

 3   A   Okay.

 4   Q   So you've expressed that the company --

 5 Exelon is supportive of renewable energy, has

 6 invested in a number of projects. However,

 7 recently, Exelon has opposed the renewal of the

 8 tax credit for wind; is that correct?

 9   A   That's correct.

10   Q   And the company further opposed the

11 renewal of the investment tax credit for solar; is

12 that accurate?

13   A   No, I don't think we opposed that. I

14 think the current law is for it to roll down from

15 30 to 10 percent, and we've just agreed that

16 that's -- we've agreed with the current law as

17 opposed to opposing it. It's different than the

18 PTC.

19   Q   Would you please turn in your

20 supplemental direct testimony to page 10.

21   A   Yes.

22   Q   And line 15 through 23. I presume you're

1522

 1 there.

 2   A   No, I'm not. I'm sorry. I'm not there

 3 yet.

 4   Q   Okay.

 5   A   Thank you. Yes, I'm here now. You're

 6 referencing line 10, I think.

 7   Q   Page 10, line 15.

 8   A   Page 10, line 15. Just a moment, please.

 9 Yes.

10   Q   Okay. So there you convey that the

11 greenhouse gas reduction goals of the Obama

12 administration require technology and capital

13 investments that should be left to subsidy-free

14 competitive markets; is that correct?

15   A   Yes.

16   Q   You also state that all forms of

17 low-emission generation should be incentivized

18 equally in the marketplace; is that correct?

19   A   Yes. That's correct.

20   Q   And some examples, you know, just off the

21 top of your head of low emission generation would

22 be what?

 1   A   Renewables is clearly one, whether

 2 they're distributed or utility scale, and nuclear

 3 is obviously low-carbon as well.

 4   Q   But doesn't nuclear energy benefit from

 5 subsidies?

 6   A   Not that I'm aware, no.

 7   Q   Not that you're aware?

 8   A   No.

 9   Q   So it's your position that Exelon has not

10 benefited from any subsidies?

11   A   That's correct. As it relates to nuclear

12 energy?

13   Q   Correct.

14   A   Yes, that's correct.

15   Q   In late February -- recently, actually, a

16 couple of weeks ago in 2015 -- did Exelon recently

17 back a bill in Illinois, HB 3293, labeled the

18 low-carbon portfolio standard, that would, in

19 effect, cause Illinois ratepayers to pay an extra

20 $2 per month to save three money-losing nuclear

21 power plants?

22   A   We supported that bill, which was a

 1 competitive market bill related to recognizing the

 2 value of all low-carbon-emitting resources in the

 3 State of Illinois and their value to the state

 4 through a competitive market solution as opposed

 5 to a technology-specific solution or subsidy that

 6 benefits one form of electricity -- one form of

 7 generation relative to another.

 8   So, no, I would not agree that it is a

 9 subsidy for nuclear because it's not -- it's a

10 market-based approach as opposed to a

11 technology-specific subsidy. So in other words,

12 everybody would have the -- every technology,

13 distributed, solar, wind, renewables, even on the

14 demand side, management -- every technology,

15 including nuclear, would have the ability to

16 compete for the value proposition of having

17 low-carbon electricity, not any one in particular.

18   Q   Okay. So it's your position that, one,

19 Exelon has not benefited from subsidies for

20 nuclear energy generation or nuclear power plants,

21 and, two -- I'm sorry. You're nodding your head.

22   A   Yeah. That is correct. I'm not -- we

 1 have not benefited from subsidies, nor are we

 2 seeking subsidies for our nuclear assets, correct.

 3   Q   Okay. And, two, that the bill pending in

 4 Illinois would not favor Exelon and its -- there

 5 are three power plants that are in --

 6   A   Yes. There are three --

 7   Q   -- that are of concern?

 8   A   -- power plants. Yes, there are.

 9   Q   And so you're stating that that's not a

10 benefit for Exelon; it's an energy source-neutral

11 piece of legislation?

12   A   It is -- so there's two things there.

13 It's an energy source-neutral, so it's

14 establishing the value of low-carbon electricity

15 in the state. And this was a study commissioned

16 by the state, assessing the economic -- actually,

17 the sustainability impacts, economic, social and

18 environmental impact, of all sources of

19 electricity in the state.

20   It was somewhat precipitated by the fact

21 that you're correct that we have challenged

22 nuclear assets in the state and we were on a path

 1 for closure of those facilities.

 2   But again, the state initiated a study

 3 and a determination was made as to the value of

 4 our low-carbon assets and the low-carbon economy

 5 in Illinois that they are part of, and that the

 6 state wanted to be a leader in this aspect and did

 7 not want to be in the business of picking winners

 8 and losers, technology-specific, but they wanted

 9 very much, in a similar way like New York REV has

10 said, that they want a competitive solution; they

11 don't want to pick necessarily a technology or a

12 solution. They want the competitive market to

13 evolve and get the benefit of all technologies,

14 all of the above, and level the playing field for

15 those technologies to compete, which should

16 ultimately benefit the consumer in the best way.

17   That's what I understand that legislation

18 to be about.

19   Q   My final question is, but do you

20 understand that that legislation would impose $2

21 extra more per ratepayer to save Byron, Quad

22 Cities and Clinton?

 1   A   Yeah, I understand the first part, that

 2 it would be -- I believe that that was the

 3 estimate. I don't remember exactly what it was.

 4 I'll take your word that it was $2. There was

 5 some assessment done by the state. That was

 6 deemed to be in excess of the value of the

 7 low-carbon economy that supported -- by all of,

 8 you know, the renewable and low-carbon aspects.

 9   So I would not characterize it as -- as a

10 $2 to save three nuclear plants. I don't believe

11 that's the intent of the legislation.

12   Q   I have one more question.

13   A   Sure. Go ahead, please.

14   Q   But you are aware that there are very

15 different views out there --

16   A   I am.

17   Q   -- with respect to that bill, and that

18 there are many who contend that this bill actually

19 is prejudicial to energy efficiency, renewable

20 energy?

21   A   I'm aware of different opinions on it as

22 part of the stakeholder process. You know, I

 1 think that -- you know, again, I think if you look

 2 at what the intent of the bill is, I think all

 3 technology should end up competing towards

 4 Illinois' objectives as a result of it.

 5   And by the way, I'm not -- the other

 6 reason I wouldn't agree that it would save nuclear

 7 plants is lots of other things are happening in

 8 markets every day in terms of the value of those

 9 assets, and this is one of many attributes that

10 these nuclear plants offer, along with other forms

11 of low-carbon energy, and it may or may not be,

12 you know, everything that's needed to keep those

13 assets whole. So we just need to be conscious of

14 that.

15   MS. SITARAMAN: Thank you so much for

16 answering my questions.

17   THE WITNESS: Thank you.

18   MS. FRANCIS: Good morning, Your Honors.

19 And I have no questions for Mr. Gould.

20   CHAIRMAN KANE: Thank you, Ms. Francis.

21   D.C. government?

22   MR. COYLE: Thank you, Your Honor.

1529

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 1                  CROSS-EXAMINATION

 2  BY MR. COYLE:

 3      Q     Good morning, Mr. Gould.  My name is John

 4  Coyle.  I'll be asking you some questions this

 5  morning on behalf of the District Columbia

 6  government.

 7      A     Good morning.

 8      Q     Would you first go to your supplemental

 9  direct testimony, Joint Applicants' (2I), at

10  page 1, lines 25 to 26.

11      A     (2I)-1?

12      Q     Yes.  That's correct -- I'm sorry, (2I).

13      A     (2I).

14      Q     My mistake.

15      A     I'm sorry.  And which line was it again?

16      Q     25 to 26.

17      A     Okay.  It's in 1999?

18      Q     Right.

19      A     Yes, I'm there.

20      Q     Would you agree with me that although the

21  merger of PECO and Unicom was first announced in

22  September of 1999, it was not consummated until
```

1530

 1 October of 2000?

 2   A   I think that's right. It's been a while,

 3 but I think that's right.

 4   Q   So the first place you worked at in what

 5 became Exelon was really the old PECO power team,

 6 wasn't it?

 7   A   No, actually -- yes, that's correct.

 8   Q   Okay. Going over to your supplemental

 9 direct at page 2, lines 1 through 3, to whom do

10 you report in your current position as director of

11 sustainability?

12   A   I report to William von Hoene.

13   Q   Okay. And in which Exelon affiliate is

14 your position situated?

15   A   I'm at the corporate business service

16 company, not embedded in any of the affiliates.

17   Q   Okay. So that's Exelon Business Services

18 Corporation?

19   A   Correct.

20   Q   Great. Thank you.

21   And has your position been situated there

22 the entire time you've had it since, I think,

1531

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 1  2010, you said?

 2      A    Yes, that's correct.

 3      Q    Okay.  Are you the first person to occupy

 4  that position in Exelon?

 5      A    So it's -- my position is a combination

 6  of corporate strategy and chief sustainability

 7  officer.  The position of chief sustainability

 8  officer was initiated under my tenure.

 9  Previously, it was a program called Exelon 2020

10  which was mostly focused on carbon, and I

11  broadened it to be more expansive of the

12  definition of sustainability.  Corporate

13  strategy -- so that is new.

14           Corporate strategy was an existing

15  position that I filled.

16      Q    Got you.  Thank you.

17           Going over to -- still with your

18  supplemental direct, page 6, line 5 through

19  page 7, line 14, I'd ask you to look at that

20  portion of your testimony.  Read it quietly to

21  yourself and let me know when you're finished.

22      A    I'm sorry.  So you said page 6, lines 7
```

 1 through --

 2   Q   Page 6, line 5 through page 7, line 14.

 3   A   Okay. Just a moment. Okay.

 4   Q   All right. Now, you might need some help

 5 from Ms. Travers on this next question, so I'll

 6 just put her on alert. I'd like you to take a

 7 look at the table on page 7 of your supplemental

 8 direct testimony, and I wanted to compare it to

 9 what is in evidence as Exhibit DCG 36.

10   A   Thank you for prepping for the help.

11   Okay. I have the table.

12   Q   Okay. Here's the question, Mr. Gould:

13 Exhibit DCG 36 is one that I went through with

14 Mr. Crane while he was on the stand, and there's a

15 difference between the total amount of Exelon

16 nuclear capacity shown in DCG 36 -- it's about

17 21,985 megawatts, plus 860 megawatts in the

18 jointly owned Salem Nuclear Generating Station,

19 for a total of 22,845, versus the figure of 19,262

20 shown in the table on page 7 of your testimony, if

21 I'm reading it right.

22   And I was wondering if you could help me

1 reconcile those two figures.

2   A   You know, I -- I can't. I'm looking at

3 the page 7, and the footnotes are -- on my printed

4 version are pretty fuzzy. So I'm not sure why

5 there would be a difference there.

6   Q   Okay. I'm sorry. Had you finished your

7 answer?

8   A   Yes.

9   Q   Okay. Could you tell me, did you compile

10 the table on page 7 of your supplemental direct

11 testimony yourself or did you have some help with

12 that?

13   A   I had help with it. I believe this is a

14 table out of our corporate sustainability report,

15 and that would have been compiled under my

16 direction. I didn't myself compile it.

17   Q   Got you. Okay. Thanks.

18   Same table, still with page 7 of your

19 supplemental direct, shows 7,880 megawatts of

20 gas-fired generating capacity, correct?

21   A   Yes.

22   Q   2,033 megawatts of dual-fuel gas and oil

1534

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 1  generating capacity, yes?

 2      A    Yes.

 3      Q    1,298 megawatts of coal-fired capacity,

 4  correct?

 5      A    Yes.

 6      Q    And 1,006 megawatts of oil-fired

 7  capacity, correct?

 8      A    Yes.  It's hard to read, but I think

 9  those are right.

10      Q    That was part of why I took you through

11  it, was I wanted to make sure I had the numbers

12  right.

13           So if you'll trust me on the math, that's

14  a total of 12,217 megawatts of fossil fuel

15  generating capacity.

16      A    Yes.

17      Q    Okay.  Thank you.

18           Going to page 8, line 1 through page 9,

19  line 10.  And again, I'd just ask you to read that

20  to yourself and let me know when you're finished.

21      A    I'm sorry.  Page 8, which lines?

22      Q    Page 8, line 1 -- this is your
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 1 supplemental direct, (2I). Page 8, line 1 through

 2 page 9, line 10.

 3   A   Okay.

 4   Q   All right. Is it fair for me to

 5 understand that part of your testimony, Mr. Gould,

 6 is conveying the idea that Exelon's distribution

 7 utilities, Commonwealth Edison in Chicago, PECO in

 8 Philadelphia, and BGE in Baltimore, all satisfy

 9 their state-level renewable portfolio standard

10 requirements by purchasing renewable energy

11 certificates?

12   A   That is part of -- that's how they

13 currently do it, in addition to some of the

14 contracts -- early contracts that are mentioned,

15 yes, they procure those RECs.

16   Q   All right. Now, I'll get into the

17 contracts with you in a minute. Do you have sort

18 of a general idea how much of the RPS requirements

19 for each of those utilities is met with RECs

20 versus how much with direct power purchase

21 agreements?

22   A   Yeah, I mean, as of -- they would have

 1 changed through time, but if you looked at it

 2 today in terms of forward purchases for customers,

 3 I think -- I'm pretty sure of the vast majority of

 4 it comes from the purchase of renewable energy

 5 credits from suppliers who are providing those

 6 resources into the market.

 7   Q   Okay. And to the extent that any of the

 8 operating utilities have direct power purchase

 9 arrangements -- I'm not sure whether any of them

10 do, but to the extent they do, would those be

11 managed through Exelon Generation or are they

12 managed directly at the operating utility level?

13   A   Can you clarify what you mean by managed?

14   Q   Yeah. Just, how are the contracts

15 administered -- well, let me --

16   A   Yeah.

17   Q   Let me do a better job of clarification.

18   Where you have an operating utility

19 company that has a power purchase agreement or is

20 involved in a power purchase agreement using that

21 power purchase agreement to satisfy it is

22 renewable portfolio standard requirements, is it

 1 usually the case that the operating utility is a

 2 direct party to the PPA, power purchase agreement,

 3 or does Exelon Generation make the purchase and

 4 then resell it to the operating utility?

 5   A   Yeah, it's the former. It's -- the

 6 utility would be the counter party and the

 7 manager.

 8   Q   All right. Great. Thank you.

 9   Going down to page 9, lines 16 through

10 21, still with your supplemental direct --

11   A   Yes.

12   Q   -- does Constellation Technology Ventures

13 provide sale and lease-back financing for rooftop

14 solar installations for various relatively large

15 buildings?

16   A   So Constellation Technology Ventures is

17 something we're very excited about. It's our

18 investments in things like energy storage and next

19 generation technologies that we think will be part

20 of the future. So it's very much like a venture

21 capital firm that's trying to understand where

22 things are going and how we can leverage those

 1 inside the company through direct investments.

 2   They would not be engaged in the direct

 3 deployment of those technologies. That would be a

 4 business unit that would do that. They're a small

 5 entity. They're a couple of people.

 6   Q   Okay. Can you be a little bit more

 7 precise than a couple?

 8   A   Let's see. I believe they currently have

 9 four people in that organization. That's my best

10 recollection.

11   Q   Okay. I don't mean to get into too much

12 inside baseball here, but there used to be an

13 individual by the name of Michael Smith --

14   A   Yes.

15   Q   -- who was the president, I think, or

16 whatever he was, whatever his title was -- he was

17 in charge of Constellation New Energy.

18   A   Michael -- I do know Michael. He was --

19 led our rooftop solar business that was part of

20 what was then termed or called Constellation New

21 Energy.

22   Q   And what is what was then termed

1539

 1 Constellation New Energy called today?

 2   A   Constellation.

 3   Q   Just Constellation. Okay. All right.

 4   So Constellation New Energy -- was

 5 Constellation New Energy involved in providing

 6 sale and lease-back financing for the installation

 7 of rooftop solar?

 8   A   Yes. I mean, before the merger of the

 9 company -- I assumed that they were -- I think

10 it's a safe assumption that they were doing that

11 as they started that business.

12   Q   Do you have an understanding of how that

13 kind of transaction works, sale and lease-back for

14 rooftop solar?

15   A   I have some understanding of it.

16   Q   Could you explain it to the Commission?

17   A   Well, as I understand it, it's how

18 customers who -- whether they be residential or

19 commercial customers that don't have the capacity

20 or desire to produce a capital outlay to purchase

21 rooftop solar would need financing for -- for

22 their purchase, and that they would -- you know,

1 there are many different ways they could go do

2 that. And one way was a solution that

3 Constellation would offer, which is helping them

4 finance that through a lease.

5   So they would lease the solar equipment,

6 much like you do with a car, and they would make

7 monthly payments on those installations rather

8 than a capital outlay. I guess very similar to

9 whether you would buy or lease a car is the best

10 analogy I would have.

11   Q   Is it typically part of those sale and

12 lease-back transactions, if you know, Mr. Gould,

13 that the lessor of the equipment monetizes the

14 anticipated energy savings due to having the

15 equipment installed and takes that out as a

16 payment in the beginning of the transaction?

17   A   You know, I wouldn't know that. I'm not

18 in the commercial organization, so I wouldn't know

19 what's typical.

20   Q   Okay. Does Exelon have any affiliates

21 other than Constellation that are involved in

22 financing distributed generation?

 1   A   No, not that I'm aware.

 2   Q   And generally speaking, would it be fair

 3 to say that Constellation, where it does finance

 4 distributed generation, generally does not do that

 5 where another Exelon affiliate owns the electric

 6 distribution system?

 7   A   No. I -- I wouldn't say that. I think

 8 our distributed generation -- we are, in terms of

 9 megawatts, one of the -- I think we are the number

10 one provider in Maryland, which includes

11 installations in Baltimore Gas and Electric

12 Service territory and surrounding our generation

13 assets.

14   And the same is true for Pennsylvania and

15 PECO. And to some lesser extent, just because of

16 the -- not any -- the size of the market is

17 smaller in Illinois just because of the market

18 pricing and lower prices and things like that, but

19 to a lesser extent in Illinois and Chicago.

20   Q   Okay. Let's go over to page 13, lines 10

21 through 20, still with your supplemental direct.

22   A   Okay.

 1   Q   Are you aware, Mr. Gould, that PHI, like

 2 many electric utilities, is also a supporting

 3 participant of the Wildlife Habitat Council?

 4   A   Yes.

 5   Q   And that PHI has received a number of

 6 wildlife at work citations for its wildlife

 7 habitat work?

 8   A   Yes, I believe I saw that in their

 9 sustainability report.

10   Q   Okay. Let's go to your rebuttal

11 testimony, Exhibit (3I), please.

12   A   Okay.

13   Q   I'd like you to go to page 4, line 2,

14 begin there, and read through to page 5, line 13

15 to yourself, and let me know when you're ready.

16   A   So line 2 begins with, (B), After the

17 merger?

18   Q   Let me make sure.

19   A   I just want to make sure I'm reading the

20 right thing.

21   Q   Yep.

22   A   I'm reading it anyway. I just want to

1543

 1 make sure it's right.

 2   Q   Yeah, don't wait for me.

 3   Yes, (B), After the merger, is the

 4 beginning of the lane. That's correct. Yep.

 5   A   Okay. Yes. Okay.

 6   Q   Okay. Now, you discuss in that portion

 7 of your rebuttal testimony Exhibit (3I)-1,

 8 correct?

 9   A   Yes.

10   Q   And Exhibit (3I)-1 is a listing of

11 various types of renewable energy that --

12 renewable energy resources that are either, I

13 think it's your phrase -- owned or contracted for

14 by Exelon competitive affiliates.

15   A   Was that the table that we were looking

16 at previously?

17   Q   No. This is Exhibit (3I)-1.

18   A   Okay.

19   Q   It's --

20   A   Yes. Okay. I have it. Thank you.

21   Q   Great. Now, let me ask you, first of

22 all, did you compile this table by yourself or did

1544

1 you have help?

2   A   I had help.

3   Q   Okay.

4   A   Luckily.

5   Q   All right. And who helped you compile

6 the information on this table, Mr. Gould?

7   A   This would have been Bill Brady who works

8 in my organization in sustainability would have

9 worked with our operating company to develop this

10 list, if I'm correct.

11   Q   The first segment of the solar power

12 table or the -- excuse me -- the first segment of

13 the solar power section of the table in

14 Exhibit (3I)-1 discusses, if you'll accept,

15 subject to check, a total of 26.73 megawatts of

16 rooftop solar installations on schools in Pinal

17 and Yuma Counties, Arizona. Would you accept that

18 as correct?

19   A   I'll accept that's correct.

20   Q   Is it true, Mr. Gould, that these Arizona

21 rooftop solar installations were originally

22 developed and contracted for by an organization

 1 known as Kennedy Partners which then brought in

 2 Constellation New Energy to provide the financing

 3 for the installations?

 4   A   I don't know the answer to that.

 5   Q   And do you know if these are the kind

 6 of -- if these Arizona installations involved the

 7 kind of sale and lease-back financing we were

 8 talking about earlier?

 9   A   I apologize. I don't know the specifics

10 of these transactions.

11   Q   Is it also true, Mr. Gould, to your

12 knowledge, that in the 2012-2013 time frame, the

13 Arizona Corporation Commission required Arizona

14 Public Service Company, the owner of the electric

15 distribution system in those counties, to offer

16 rather generous incentives for the installation of

17 rooftop solar generating equipment?

18   A   I'm just not aware of the incentives that

19 Arizona offered, or if they were generous. I'm

20 generally aware that Arizona has had a push

21 towards rooftop solar. So it wouldn't surprise

22 me, but I don't know that for a fact.

1546

 1   Q   Okay. And then would you be aware that

 2 the Arizona Corporation Commission substantially

 3 curtailed those incentives in about February of

 4 2014?

 5   A   I recall hearing of -- of that, yes.

 6   Q   Has Constellation New Energy, or

 7 Constellation as it's become, undertaken any solar

 8 distributed generation financing or construction

 9 in Arizona after the discontinuance of the Arizona

10 Public -- or, sorry -- Arizona Public Service

11 solar renewable energy incentives program in

12 February 2014?

13   A   I don't know.

14   Q   Let me ask you next about the four

15 Sacramento municipal utility district projects

16 that come next in the table in (3I)-1. Those

17 projects were all initially developed by a company

18 called the BELECTRIC, B-E-L-E-C-T-R-I-C; is that

19 correct?

20   A   I'm not -- again, I'm not aware of who --

21 if there was a original developer on these.

22   Q   Okay. Do you know whether those projects

 1 were all developed under a Sacramento municipal

 2 utility district feed-in tariff?

 3   A   I do not know.

 4   Q   Then you wouldn't know whether the

 5 feed-in tariff was implemented by the Sacramento

 6 municipal utility district to comply with Governor

 7 Schwarzenegger's executive order S-14-08.

 8   A   I don't know that.

 9   Q   Do you know what executive order S- --

10 California executive order S-14-08 required?

11   A   I don't know.

12   Q   Okay. Now, we'll come back to Antelope

13 Valley in a minute. That's one of my favorites.

14 But I wanted to try and move this along a little

15 bit more quickly.

16   Other than Antelope Valley, is it true

17 that the rest of the California solar projects

18 that you have listed there in Exhibit (3I)-1 are

19 projects that were financed by Constellation New

20 Energy after they had been developed by someone

21 else?

22   A   And again, I apologize. I just don't

1548

 1 know. I don't have the granularity into how the

 2 projects were, were they original developments by

 3 Constellation or a predecessor company, or the

 4 financing mechanism for them, whether they're

 5 capital or lease-backs.

 6   Q   Okay. Are you aware, Mr. Gould, that

 7 there are three solar projects listed in your

 8 Exhibit (3I)-1 that were not developed or that are

 9 not on your list because Constellation financed

10 them?

11   A   Can you repeat it? I'm sorry.

12   Q   I'm sorry. That was probably not the

13 best phrased question. Let me rephrase it.

14   There are three projects on your list of

15 solar projects that I think we can agree are not

16 on that list because they were financed by

17 Constellation, whatever else you may know about

18 Constellation's financing and activities.

19   A   So there are three projects that are not

20 on my exhibit list that -- they're not on the list

21 because they weren't -- you're saying because they

22 weren't financed by Constellation? I'm just

 1 not sure I -- I apologize. I'm just not

 2 understanding.

 3   Q   Let me withdraw the question again --

 4   A   All right.

 5   Q   -- and try and break it down a little bit

 6 easier.

 7   Chicago Solar City --

 8   A   Yes.

 9   Q   -- is a project that was actually

10 developed by Exelon, correct?

11   A   Yes. Yes.

12   Q   Maryland Clean Horizons is a project that

13 was actually developed by Constellation; is that

14 correct?

15   A   I don't -- I don't know. I'll take your

16 word for that, but I don't know. Again, I'm not

17 in the commercial organization, so I don't know

18 the details of these things.

19   Q   All right. The Antelope Valley Solar

20 Ranch is a project that was originally developed

21 by NextLight, and then by First Solar, and

22 ultimately bought by Exelon, right?

 1   A   That one I know about, yes.

 2   Q   All right. Good.

 3   A   I know one.

 4   Q   Let me talk for a minute about Clean

 5 Horizons and see what you know about that. Do you

 6 know that that project is located in Emmitsburg,

 7 Maryland?

 8   A   I did not know specifically where it's

 9 located, but I'll take your word for it.

10   Q   Would you accept, subject to check, that

11 Emmitsburg, Maryland is served at retail by

12 Allegheny Power, not by BGE?

13   A   I'll accept that.

14   Q   And do you know whether Clean Horizons

15 was built pursuant to a procurement by the

16 Maryland Energy Administration that went out in

17 about 2009 or so?

18   A   I don't know.

19   Q   Okay. So you don't know whether or not

20 Clean Horizons was built pursuant to a competitive

21 market solution?

22   A   I don't know.

1551

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 1     Q    All right.  Let me ask you, with

 2  reference to the locations of these projects, does

 3  an Exelon utility company own or control an

 4  electric distribution system in the State of

 5  Arizona?

 6     A    No, it does not.

 7     Q    In the State of California?

 8     A    No, it does not.

 9     Q    In the State of Oregon?

10     A    No.

11     Q    State of Connecticut?

12     A    No.

13     Q    State of Massachusetts?

14     A    No.

15     Q    State of New York?

16     A    No.

17     Q    State of New Jersey?

18     A    No.

19     Q    District of Columbia?

20     A    No.

21     Q    Ohio?

22     A    No.
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1552

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 1     Q    Colorado?

 2     A    No.

 3     Q    Georgia?

 4     A    No.

 5     Q    Okay.  Now, does an Exelon utility

 6 company serve at retail in Lancaster,

 7 Pennsylvania, where Keystone Solar is located?

 8     A    Some portion of PECO's service territory

 9 is in Lancaster, but I'm not sure exactly that

10 piece.

11     Q    Okay.  Exelon does not own that facility,

12 correct, Keystone Solar?

13     A    I don't -- unless it was part of the --

14 on the list here with Constellation, I don't

15 believe it does.

16     Q    But it does buy the output.

17     A    I don't know.  I'll take your word for

18 it.

19     Q    Okay.  How about the Falls Township

20 project in Pennsylvania, home of the Falls Solar

21 Project?  Is that project developed by a company

22 called Epuron, E-P-U-R-O-N?
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1553

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 1     A     I think -- I'm a little more familiar

 2  with that one.  What was your question related to

 3  it?

 4     Q     Was that project, the Falls Township

 5  solar -- the Falls Solar Project, developed by

 6  Epuron?

 7     A     I believe so, yes.

 8     Q     All right.  And Exelon buys the output of

 9  that project under a power purchase agreement?

10     A     I believe so.  It's been a while, but I

11  believe so.

12     Q     Now, let's go back to Antelope Valley

13  Solar Ranch if we could, for a moment, Mr. Gould.

14  The original developer on Antelope Valley Solar

15  Ranch was an organization called NextLight; is

16  that correct?

17     A     I don't -- I remember the First Solar.

18  I'll take your word that there was a predecessor.

19     Q     Do you know whether one of the principals

20  in NextLight was an individual who had a 23-year

21  history of employment with Pacific Gas and

22  Electric company?
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 1   A   No, I would not know that.

 2   Q   Do you know that the -- let me rephrase

 3 it -- the name of the Exelon affiliate that -- the

 4 special purpose entity that holds title to

 5 Antelope Valley Solar Ranch is AV Solar Ranch I,

 6 LLC?

 7   A   That sounds correct.

 8   Q   And does AV Solar Ranch I, LLC have a

 9 25-year power purchase agreement to sell the

10 output of Antelope Valley Solar Ranch to Pacific

11 Gas and Electric Company?

12   A   Again, I'm not in the commercial

13 organization, but I believe that to be true.

14   Q   Okay. And if I went to FERC and looked

15 in their electronic quarterly reports database,

16 would I find that the price under that power

17 purchase agreement for the output of Antelope

18 Valley Solar Ranch is $129 a megawatt hour?

19   A   I don't know, but I would -- I'll take

20 your word that that's what it says if you looked

21 at it.

22   Q   Okay. Do you know what Exelon paid to

 1 First Solar in order to acquire the Antelope

 2 Valley Solar Ranch project?

 3   A   I don't recall.

 4   Q   Do you know whether that project,

 5 Antelope Valley Solar Ranch, was the subject of a

 6 U.S. Department of Energy loan guarantee under the

 7 American Recovery and Reinvestment Act?

 8   A   It may have been. I don't remember.

 9   Q   Do you recall whether the amount of that

10 loan guarantee was $646 million?

11   A   I -- I don't. But -- that seems like an

12 awfully high number to me, but I don't recall.

13   Q   Okay. Now, Mr. Gould, is it true that

14 Chicago Solar City -- I think you have it at an

15 eight-megawatt nameplate rating; I've heard as

16 much as ten -- Is the only solar facility

17 developed by Exelon in an area in which an Exelon

18 utility owns the electric distribution system?

19   A   I think it's the only utility scale

20 solar, but I think that our -- we have distributed

21 solar located in our service territories that

22 we've put on the system.

1556

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 1     Q    All right.  And those would be the

 2  facilities we talked about that are financed by

 3  Constellation?

 4     A    It could be.  Again, I'm not sure what

 5  the financing mechanisms are.  Some of them may;

 6  some of them may not.  But I know that we have

 7  those installations.

 8     Q    Okay.  Let's talk next about the wind

 9  projects that you have listed in Exhibit (3I)-1.

10     A    Okay.

11     Q    Mr. Crane told me, when he was on the

12  stand last week, that Exelon owns approximately

13  1400 megawatts of wind projects.  And if we go

14  back to page 7 of your supplemental direct

15  testimony, that table we were looking at earlier,

16  you have a listing for 1298 megawatts of owned

17  wind projects; is that right?

18     A    Yes.

19     Q    Okay.  And just guessing here, but is it

20  reasonable for me to infer that the difference

21  between the 1298 megawatts you have listed in your

22  table is because your table goes through
```

1557

 1 December 31, 2013, and there's 100 megawatts of

 2 ongoing development since then?

 3   A   Yes, I think that's right.

 4   Q   Okay. Now, you list 2,795 megawatts of

 5 wind resources on Exhibit (3I)-1, right?

 6   A   I'm sorry. How many?

 7   Q   2,795 megawatts of wind resources.

 8   A   Okay. Oh --

 9   Q   Do you want to take a look at the exhibit

10 and make sure I'm right?

11   A   I mean, there's an obvious difference

12 there.

13   Q   Right.

14   A   I'll take your word that that's the

15 total.

16   Q   Okay. Let me ask you, just for purposes

17 of the record, Mr. Gould, if you go to page 4 of 5

18 of Exhibit (3I)-1 and you go to the blue line

19 that's a little bit up from the bottom of the

20 page, the line that begins, Total wind generation

21 owned/contracted for.

22   A   Yes.

1558

1   Q   That says 2,795 megawatts, does it not?

2   A   Yes, it does.

3   Q   Okay. Now, I think we can agree that the

4 total of owned projects is about 1400 megawatts?

5   A   Yes.

6   Q   Okay. So there's 1200 -- sorry --

7 1395 megawatts of contracted wind resources

8 included in that table, yes?

9   A   Yes.

10   Q   Okay. Is it true, Mr. Gould, that none

11 of the wind resources, the owned wind resources,

12 that are identified in that table in (3I)-1, are

13 located within the footprint of an electric

14 distribution system owned by an Exelon utility

15 company?

16   A   Well, it's hard to tell that from the

17 table as to whether or not it's owned or

18 contracted, and I don't have that depth of

19 distinction. I know that we have owned or

20 contracted wind resources in the systems that we

21 operate, such as PJM, MISO, Texas, things like

22 that, but I'm not sure I can tell what's in our

 1 service territory or not.

 2   Q   Okay. All right. So when you say within

 3 the systems, you're referring to within, what, a

 4 balancing authority, a regional transmission

 5 organization?

 6   A   Yeah. So what I mean is, you know, we

 7 see -- obviously through this table you see we see

 8 a big opportunity in the -- in development of wind

 9 through various mechanisms, pre=developed, our

10 development, owned, contracted, whatever,

11 whichever way that the project is structured. And

12 those projects have been completed in PJM where we

13 own generation assets and utilities. They've been

14 completed in MISO where we own generation assets.

15 They've been completed in SPP, or Texas, where we

16 own generation assets.

17   So we have a history of developing

18 renewables in the regional system operators

19 that -- where we own generation assets and may, in

20 fact, own distribution companies. I just can't

21 distinguish which one is which from the table.

22   Q   Let's talk about Texas for a minute. You

 1 have Exelon Wind 1 through Exelon Wind 11 down

 2 there, right?

 3   A   Yeah.

 4   Q   Those projects are really all the result

 5 of Exelon's purchase of John Deere Renewables in

 6 2011 or 2012; is that right?

 7   A   I think that's right, yes.

 8   Q   Okay. And the same is true of the

 9 Michigan wind projects. Didn't they come into the

10 Exelon group by virtue of the John Deere

11 Renewables acquisition?

12   A   Yes. John Deere had a development

13 pipeline that was -- may have had some existing,

14 but then with -- that's a great example. Michigan

15 is in MISO where we own a nuclear asset around

16 Clinton. So that's a great example of how we've

17 developed in our footprint.

18   Q   Right. But you don't own any electric

19 distribution systems in Michigan?

20   A   No, we do not.

21   Q   Or in Missouri?

22   A   No.

```
 1      Q     Washington State?

 2      A     No, sir.

 3      Q     Oregon?

 4      A     No, sir.

 5      Q     California?

 6      A     No.

 7      Q     Texas?

 8      A     No.

 9      Q     Idaho?

10      A     No.

11      Q     Michigan?  We asked that.  Sorry.

12            Minnesota?

13      A     No.

14      Q     Okay.  Oregon?

15      A     No.

16      Q     Where is the -- never mind.  I have that

17  on the record.

18            You don't own any electric distributions

19  systems in West Virginia, correct?

20      A     No.

21      Q     I think that he -- now, you do own some

22  in Illinois?
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1562

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 1     A     Electric distribution company?

 2     Q     Yes?

 3     A     Yes, Commonwealth Edison.

 4     Q     Okay.  Let me ask you about the Old Trail

 5  Wind project on page 4 -- listed on page 4.

 6     A     Okay.

 7     Q     Old Trail and High Trail.  Where are

 8  those projects located?

 9     A     I don't know specifically.

10     Q     Okay.  And I take it -- well, do you know

11  whether they were developed by Exelon or are those

12  resources where Exelon contracts for the output of

13  a wind project under a power purchase agreement?

14     A     I don't know what the names of those

15  were.  I know that Commonwealth Edison did some

16  early contracting for wind, and these may be them.

17  But I'm not certain of that.

18     Q     Same question as to the Top Crop project,

19  also on page 4.

20     A     Okay.  Same answer.

21     Q     Okay.  Let me invite your attention now

22  down to the segment of your chart that talks about
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1   Biomass.

2   A   Okay.

3   Q   Do you see an entry there for the

4   Montgomery County Resource Recovery Facility?

5   A   I do.

6   Q   And you have that identified as being in

7   Maryland; is that right?

8   A   Yes.

9   Q   Now, are you aware, Mr. Gould, that the

10 Montgomery County, Maryland Resource Recovery

11 Facility is owned by the Northeast Maryland Waste

12 Disposal Authority?

13   A   No, I'm not aware of that.

14   Q   Do you know it's operated by Covanta

15 Maryland, Inc., under contract?

16   A   No, I don't know, sir.

17   Q   What is Exelon's relationship with that

18 facility, if you know?

19   A   All -- I only know what's stated here on

20 the table, that it's an owned or contracted asset.

21   Q   Mr. Gould, are you aware that there is

22 another Covanta facility located in Montgomery

 1 County, Pennsylvania, that does sell its output to

 2 Exelon, the Covanta Plymouth Renewable Energy LP

 3 facility?

 4   A   No, I wasn't aware of that.

 5   Q   That's a little bit smaller than the

 6 Montgomery County, Maryland, Resource Recovery

 7 Facility.

 8   A   Okay.

 9   Q   Would you accept there's some possibility

10 that your listing of a Montgomery County, Maryland

11 Resource Recovery Facility in this table might be

12 mistaken?

13   A   It could be. I'm not sure that it is at

14 all, but -- I don't know.

15   Q   Okay. Thank you. Now I'd like to go to

16 confidential Exhibit (3I)-2.

17   MR. COYLE: And in keeping with the

18 ongoing understanding with counsel, I'll examine

19 the witness about the document without disclosing

20 its contents on the record. Is that agreeable to

21 counsel?

22   CHAIRMAN KANE: Mr. Lorenzo, would you

 1 confirm that?

 2   MR. LORENZO: Your Honor, I'm not sure

 3 Exhibit (3I)-2 is a confidential exhibit.

 4   MR. COYLE: Oh. I had it as confidential

 5 exhibit. But there is a possibility that you

 6 waived -- okay.

 7   MR. LORENZO: This one? Make sure we're

 8 on the same --

 9   MR. COYLE: I'm sorry. I meant to say

10 (3I)-3.

11   CHAIRMAN KANE: (3I)-3 is marked -- there

12 is a confidential version of (3I)-3.

13   MR. COYLE: Thank you, Richard. My

14 mistake.

15   MR. LORENZO: That led to my confusion on

16 the -- yes, Your Honor, he can question on this

17 exhibit.

18   CHAIRMAN KANE: Thank you.

19   THE WITNESS: Okay.

20 BY MR. COYLE:

21   Q   Now, Mr. Gould, in general terms,

22 Exhibit -- confidential Exhibit (3I)-3 represents

 1 a listing of energy efficiency projects that -- I

 2 want to say what are owned or operated by Exelon

 3 affiliates?

 4   A   Yes. I believe that's true, yes.

 5   Q   Which Exelon affiliates are engaged in

 6 sale or management of energy efficiency programs?

 7   A   Well, obviously, our utilities administer

 8 energy efficiency programs, but this table is

 9 referring to Constellation's competitive energy

10 efficiency offering.

11   Q   So these -- all of the projects listed on

12 Exhibit (3I)-3 are Constellation projects?

13   A   I believe so.

14   Q   Okay. Now, I went through this exhibit.

15 What I noticed was there were 38 of the 87

16 projects listed on here that are in states in

17 which Exelon owns the distribution company. There

18 are 19 in Pennsylvania, 16 in Maryland, and I

19 think that leaves three in Illinois --

20   A   Okay.

21   Q   -- if I'm not mistaken.

22   A   All right. I'll accept that.

 1   Q   Do you see that? Okay. So that -- the

 2   other 49 projects are located in jurisdictions in

 3   which Exelon definitely does not own -- an Exelon

 4   affiliate definitely does not own the distribution

 5   system.

 6   A   Correct.

 7   Q   Is that right? Okay.

 8   Of the -- let's go, first, then, to the

 9   projects that are associated with Pennsylvania.

10   We have 19 projects associated with Pennsylvania

11   and, for the record, those are 1, 7, 9, 11, 14,

12   20, 23, 25, 27, 31, 32, 35, 44, 48, 63, 69, 77,

13   81, and 82. Did I get them all?

14   A   I believe you did.

15   Q   Okay. 19 projects in total. Can you

16   tell which of those are located within an electric

17   distribution system owned by an Exelon-affiliated

18   utility?

19   A   No, I can't tell from this table.

20   Q   Some of them might not be, right? There

21   are non-Exelon-affiliated utilities operating in

22   Pennsylvania.

 1   A   There are.

 2   Q   Okay. And then, within Maryland, we have

 3 a total of 16 projects, project number 3, project

 4 number 5, project number 12, 24, 36, 40, 51, 52,

 5 53, 54, 55, 56, 57, 68, 86, and 87. Did I get

 6 those right?

 7   A   86 and 87?

 8   Q   Yes.

 9   A   Yes.

10   Q   So that's a total of 16. And I guess for

11 those as well, we can't tell which ones are and

12 which ones are not located within the footprint of

13 an electric distribution system owned by an Exelon

14 utility company?

15   A   That's correct.

16   Q   Okay. And for the three located in

17 Illinois, those would be project numbers 64, 73

18 and 78, correct?

19   A   Yes.

20   Q   And we can't tell which of those, if any,

21 are located within the footprint of a electric

22 distribution system owned by an Exelon utility

1569

1 company?

2   A   That's correct.

3   Q   Okay. Let me change topics here,

4 Mr. Gould, and ask you to take a look at what's

5 been marked for identification as Exhibit DCG 29.

6 That is the response to data request number

7 DCG 8-20.

8   A   Okay.

9   Q   You are the sponsor of that response; is

10 that correct?

11   A   This is question number 5?

12   Q   No.

13   A   This is in reference to cost cutting at

14 PEPCO?

15   Q   I don't think so. What's been marked

16 for -- bear with me. What's been marked for

17 identification as Exhibit DCG 79 is the -- I'm

18 sorry. I misspoke. I was looking at DCG 79,

19 which is what's been marked for identification --

20 right -- it's the response to DCG 8-20. I

21 apologize for the confusion.

22   A   Yes.

 1   Q   All right. Take a moment, look through

 2 that response, and when you're done, if you can

 3 confirm for me that you're the sponsor.

 4   A   Yes, I am the sponsor.

 5   Q   And that response was correct when you

 6 gave it?

 7   A   Yes.

 8   Q   It's still correct today, as far as you

 9 know?

10   A   Yes.

11   Q   Okay. Let me ask you to take a look next

12 at what's been marked for identification as

13 Exhibit DCG 78, which is confidential attachment A

14 to joint applicants' response to Exhibit (sic)

15 DCG 8-88.

16   A   Yes.

17   Q   I'll ask you to take a look at that

18 document, Mr. Gould, and tell me whether you've

19 seen it before.

20   A   Yes, I've seen the document.

21   Q   Are you the author of that document,

22 Mr. Gould?

 1   A   No, I'm not.

 2   Q   Do you know who is?

 3   A   Yes. And individual in my organization,

 4 Bill Brady.

 5   Q   Okay. And did you review that document

 6 at the time it was prepared, July 30, 2014?

 7   A   I probably did, yes. I don't remember

 8 specifically.

 9   MR. COYLE: I should, before I proceed

10 further, get on the record the traditional and

11 customary understanding that the exhibit remains

12 confidential, but the examination can proceed in

13 public.

14   MR. LORENZO: Yes, Your Honor, that's

15 correct.

16   MR. COYLE: Thank you.

17 BY MR. COYLE:

18   Q   Mr. Gould, do you know whether the

19 analysis reflected in this preliminary assessment,

20 Exhibit DCG 78, has been updated since July 30,

21 2014?

22   A   I'm not aware that it's been updated.

 1   Q   Since Mr. Brady works for you, you would

 2 be aware if it had been updated, probably, right?

 3   A   I would, yes.

 4   Q   Okay.

 5   A   I haven't requested it, let's put it that

 6 way. Somebody else may have, but I haven't.

 7   Q   How did this document, Exhibit DCG 78,

 8 come to be prepared?

 9   A   I think, if I recall, it was, you know,

10 back to some of the other questioning, in order to

11 gain an understanding of the District's

12 sustainability objectives, we reviewed it and

13 decided to provide the -- develop the document.

14   Q   Okay. Do you recall when the application

15 in this proceeding was filed, Mr. Gould?

16   A   I do not.

17   Q   Would you accept June 18th, 2014, subject

18 to check?

19   A   Yes.

20   Q   Okay. Did you ask Mr. Brady to prepare

21 this document, DCG 78?

22   A   Yes.

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 1   Q   I'd like to ask you to -- oh.   In the

 2 third paragraph on page 1, under background,

 3 Mr. Brady says, The following is a cursory

 4 assessment conducted by corporate environmental

 5 strategy.

 6   Is that your organization?

 7   A   Yes.   That's another -- that's the

 8 sustainability organization, correct.

 9   Q   And Mr. Brady goes on to say, This review

10 does not consider input from PHI and is based

11 solely on the Sustainable D.C. plan document

12 available -- and it gives a URL, right?

13   A   Yes.

14   Q   Did Exelon ever seek PHI's input on the

15 issues evaluated in this document?

16   A   There are -- for this particular document

17 when it was prepared, no.   I would trust what it

18 says here.   This was early on.   My -- there have

19 probably been discussions about it subsequent to

20 that, but at the time of this document, I think

21 the answer is no, we did not seek it at that time.

22   Q   But you think there have been discussions

1574

1 subsequently?

2   A   There may have been.

3   Q   Okay.

4   A   I don't know.

5   Q   Were you involved in any?

6   A   No.

7   Q   Okay. Going down to the bottom of the

8 page, page 1, under goal 1, minimize generation of

9 greenhouse gas emissions from all sources,

10 Mr. Brady identifies as additional

11 considerations -- one of the additional

12 considerations, does Washington's model for

13 financial pools on carbon emission align with

14 Exelon's price on carbon approach?

15   Do you see that?

16   A   I do.

17   Q   What is Exelon's price on carbon

18 approach?

19   A   Well, we have been a long-standing

20 proponent of a price on carbon being a competitive

21 market solution for moving towards a low-carbon

22 generation footprint for a very long time. So

 1 that's our -- that's what it means in reference to

 2 price on carbon approach.

 3   Q   Okay. Going over to goal 2 on page 2,

 4 toward the bottom of that segment, it says, Exelon

 5 should seek to have a key role in supporting the

 6 city's assessment of infrastructure ability --

 7 infrastructure resiliency in the development of

 8 recommendations.

 9   Why is that, Mr. Gould?

10   A   Well, I think because -- just like we

11 would -- we would want to be part of the

12 discussion about how to best improve resiliency

13 and climate adaptation for the customers that we

14 serve, one of many stakeholders who would be

15 engaged in that process.

16   Q   And the document goes on to say, Ensuring

17 adequate resiliency will require additional

18 investment, and presumably such investment would

19 be recoverable with a return via the prevailing

20 utility cost recovery mechanism.

21   Do you see that?

22   A   I do.

1576

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 1     Q    What leads you to that conclusion -- or

 2  what led Mr. Brady to that conclusion, do you

 3  know?

 4     A    That we should seek to -- I'm sorry.

 5  Which conclusion?

 6     Q    Well, additional investment.  Let me

 7  break the question down a little bit, Mr. Gould.

 8  I'm sorry.  I was coming at it at too high a

 9  level.

10          What is the basis for the assumption that

11  ensuring adequate resiliency would require

12  additional investment on the part of a utility?

13     A    You know, I'm not sure that I would

14  characterize it as a conclusion.  I think it was

15  probably a generalization that if a utility were

16  making an investment, that there would be fair

17  rate recovery.

18     Q    Okay.

19     A    I don't think it necessitates the

20  investment per se.

21     Q    And that's why you would want to, reading

22  a little bit further down under additional
```

 1 considerations, assess whether resiliency

 2 investments would qualify for a recovery and a

 3 return on investment?

 4   A   Yeah. This is a good example of not

 5 wanting to get too far ahead of yourself in these

 6 sort of matters before you can get the full input

 7 of your counterparties and the community. So yes.

 8   Q   Okay. Looking under the heading Energy

 9 on page 3 --

10   A   Okay.

11   Q   -- the third paragraph in that section

12 says, Exelon should seek to engage the city in

13 discussion about how this could be accomplished in

14 a constructive fashion that considers the

15 utility's investment return and need for future

16 revenue for maintaining the system. Reducing

17 energy use while ensuring greater resiliency could

18 drive up T&D rates for customers and

19 disproportionately for those who are not able

20 substantially to reduce their use.

21   Does that reflect an Exelon policy,

22 Mr. Gould?

1578

 1   A   No, I don't think that this would be a

 2 policy. This is just an observation, if you will.

 3   Q   Okay. Did you -- or do you, as you sit

 4 here today, have an understanding as to a

 5 particular class or classes of customers who are

 6 not able to substantially reduce their use of

 7 electricity?

 8   A   I could read into this that -- and again,

 9 for customers that may not have the ability to,

10 even despite programs offered by the utilities,

11 the opportunity to use their own capital to put

12 towards certain energy efficiency matters that,

13 you know, may require assistance, and that those

14 customers, because they weren't able to reduce

15 their energy consumption whereas other customers

16 who would, that, with -- with the price of

17 prevailing rates, may end shouldering more that

18 have savings than the people who have had that

19 opportunity.

20   Q   Thank you. Going over to page 4, do you

21 see the target involves increased use of renewable

22 energy to make up 50 percent of the District's

 1 energy supply?

 2   A   Yes.

 3   Q   Do you see that?

 4   A   I do.

 5   Q   And are you aware, Mr. Gould, that the

 6 District currently has a target for solar

 7 penetration?

 8   A   Yes. 2-1/2 percent by 2023.

 9   Q   Do you know approximately how many

10 megawatts that equates to?

11   A   250.

12   Q   Do you know where we are today?

13   A   33.

14   Q   Okay. Thank you. Under the Exelon

15 assessment segment, the last sentence of that

16 paragraph that begins, Exelon assessments, you

17 say, Cost for backup power and the value of

18 produced distributed renewable generation sold to

19 the utility should be based on true costs rather

20 than on incentivized pricing models that advance

21 public policies.

22   Do you see that?

 1   A   I do.

 2   Q   Okay. I think we can agree, Mr. Gould,

 3 that Exelon has not -- well, let me rephrase the

 4 question.

 5   I think we can agree, based on our review

 6 of the projects identified in Exhibit (3I)-1, that

 7 Exelon has not been diffident about availing

 8 itself of incentivized pricing models when it was

 9 to its advantage; is that right?

10   A   Can you explain that? I'm sorry.

11   Q   Well, we were talking, for example, about

12 solar incentives in Arizona or California,

13 programs like that.

14   A   Yes.

15   Q   Right?

16   A   Yes.

17   Q   So Exelon has availed itself of those in

18 the past, has it not?

19   A   Yes, it has.

20   Q   All right.

21   A   Yes.

22   Q   Okay. But it's a little bit different,

 1 isn't it, when Exelon owns the utility that is

 2 administering those incentives?

 3   A   No, I don't believe that it is. I think

 4 that we have been engaged in -- from a matter of

 5 policy perspective, in tracking or participating

 6 in different state proceedings, including Arizona

 7 and California, observing what the implications of

 8 renewable and distributed generation have been in

 9 California with the duck curve and all of those

10 things. And engaging in those, like we are in New

11 York, in the New York REV proceedings, is a matter

12 that our policy team would participate in. And

13 I'm sure that our positions would be the same

14 irrespective if we owned the distribution company

15 or not.

16   Q   Okay. Thank you, Mr. Gould.

17   MR. COYLE: I have no further questions

18 for this witness.

19   THE WITNESS: Thank you.

20   CHAIRMAN KANE: Thank you, Mr. Coyle.

21   DC SUN?

22   CROSS-EXAMINATION

1582

 1 BY MR. WRIGHT:

 2   Q   Good afternoon, Mr. Gould. My name is

 3 Ollie Wright. I'm one of the attorneys

 4 representing DC SUN.

 5   A   Good afternoon.

 6   Q   Could you please familiarize yourself

 7 with page 14, lines 1 through 10 of your rebuttal

 8 testimony?

 9   A   I'm sorry. Could you repeat the -- I

10 apologize.

11   Q   Yes. Page 14 --

12   CHAIRMAN KANE: Mr. Wright, if I might

13 interrupt you for one second.

14   MR. WRIGHT: Absolutely.

15   CHAIRMAN KANE: We were going to take a

16 break after two hours for the court reporter to

17 start uploading things. So before you get

18 started, I think we'll take that ten-minute break,

19 and we will be back in -- about 12:10.

20   (Whereupon, a short recess was taken.)

21   CHAIRMAN KANE: We are back on the record

22 at 12:15 p.m.

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 1          Mr. Wright.

 2   BY MR. WRIGHT:

 3      Q     Your microphone.

 4      A     Yes, thank you.

 5      Q     Before the break, I was asking you to

 6   look at page 14, lines 1 through 10 of your

 7   rebuttal testimony.

 8      A     Okay.

 9      Q     Can you tell me when you are familiar

10   with it?

11      A     1 through 14?

12      Q     Page 14, lines 1 through 10.

13      A     Okay.  Yes.

14      Q     You testified that BGE has over 4,400

15   net metered customers with over 50 megawatts of

16   distributed generation, correct?

17      A     Correct.

18      Q     And those 4,400 net metered customers are

19   out of about 1.25 million BGE customers, correct?

20      A     That sound right, yes.

21      Q     How many of those 50 megawatts consists

22   of distributed solar generation?
```

 1   A   I'm not sure I have an exact answer for

 2 that, but I would venture that it's the majority

 3 of them, if not all.

 4   Q   And do you know what kinds of distributed

 5 generation are there at BGE that are not solar?

 6   A   That's what I was just trying to think.

 7 I -- no. I think that would be -- the likely is

 8 solar.

 9   Q   And are you able to differentiate how

10 many of those 50 megawatts are specifically

11 residential distributed solar generation?

12   A   I am not.

13   Q   Mr. O'Brien testified last week that a

14 great measure that can be used to assess the

15 success of a utility's practice with respect to

16 the facilitation of distributed generation would

17 be the penetration rate for distributed

18 generation; in other words, how much of the

19 utility's load is supplied through distributed

20 generation.

21   Could you tell us how much of BGE's load

22 is supplied through distributed generation?

 1   A   I don't know off the top of my head what

 2 that number is. I'm sorry.

 3   Q   Could you approximate?

 4   A   I would approximate it as similar to --

 5 the way I would think about that is that I know

 6 that the national average for distributed

 7 generation today is somewhere around 1 percent,

 8 and would I guess that BGE is somewhere around

 9 that, probably a little bit less, or somewhere in

10 that neighborhood.

11   Q   Thank you. You also testified that PECO

12 has more than 2,500 customer with approximately 53

13 megawatts of renewable resources enrolled in its

14 net metering program.

15   A   Yes.

16   Q   And those 2,500 customers are out of

17 about 1.6 million PECO customers?

18   A   Yes.

19   Q   Am I correct in assuming that all of

20 those 53 megawatts are distributed generation?

21   A   I believe they are, yes.

22   Q   How many of those 53 megawatts are

 1 distributed solar generation?

 2   A   I would -- I would -- I believe it would

 3 be substantially all of them.

 4   Q   And do you know what kinds of distributed

 5 generation are there at PECO that's not solar?

 6   A   I can't think of any -- I think about

 7 things like fuel cells or, you know, maybe some

 8 small distributed wind, but that's got to be very

 9 minor relative to the solar installations.

10   Q   Are you able to tell me how many of those

11 53 megawatts are residential distributed solar

12 generation?

13   A   I'm not, from this information.

14   Q   Aren't substantially all of those 53

15 megawatts of net metered distributed generation at

16 PECO residential solar?

17   A   I don't know. I just am not familiar

18 enough with the breakdown between the two.

19   Q   Can you tell us how much of PECO's load

20 is supplied through distributed generation?

21   A   I would -- similar to BGE, I would put it

22 somewhere around the national average of around

 1 1 percent or less today.

 2   Q   You testified that ComEd has more than

 3 300 net metered customers with more than three

 4 megawatts of renewable generation?

 5   A   Yes.

 6   Q   Of those 300 net metered customers --

 7 pardon me. Those 300 net metered customers are

 8 out of about 3.8 million --

 9   A   Yes.

10   Q   -- total ComEd customers?

11   A   Yes.

12   Q   Are those 3 megawatts of renewable -- are

13 ar those 3 megawatts all renewable distributed

14 generation?

15   A   I believe they are.

16   Q   How much of the 3 megawatts is

17 distributed solar generation?

18   A   I believe all. If not all, most of it

19 is.

20   Q   How much is distributed residential solar

21 generation?

22   A   Again, I'm not able to make that

 1 determination.

 2   Q   How much of ComEd's load is supplied

 3 through distributed generation?

 4   A   I think, in this instance, it would be

 5 something less than the national average, somewhat

 6 a function of pricing in that market for the

 7 economics of solar or any other distributed

 8 generation.

 9   Q   Mr. Gould, of PEPCO's approximately

10 265,000 customers in the District of Columbia, do

11 you know how many are net metered customers?

12   A   I did. I can't recall exactly that

13 number.

14   Q   You testified earlier that there were

15 currently 33 megawatts of solar generation in the

16 District?

17   A   Yes, that's right, but it's hard to -- I

18 don't remember the exact customer count.

19   Q   How many megawatts of distributed

20 renewable generation are installed in the District

21 of Columbia?

22   A   Renewable distributed?

 1   Q   How many megawatts of renewable

 2 distributed generation are installed in the

 3 District of Columbia?

 4   A   I would venture that most of the

 5 33 megawatts are distributed solar renewable

 6 generation.

 7   Q   And how many megawatts of the

 8 renewable -- pardon me.

 9   And would you be able to tell me how many

10 of those would be residential solar distributed

11 generation?

12   A   I don't have that distinction.

13   Q   How much of PEPCO's load in the District

14 of Columbia is supplied through distributed

15 generation?

16   A   I believe I read that there's -- in some

17 of the updates on where things are in the

18 District, that it's potentially slightly above the

19 national average of 1 percent, but I'm not -- I

20 haven't calculated that.

21   Q   Could you approximate the customer count

22 for the number of net metered customers in the

 1 District of Columbia?

 2   A   You know, I would -- I think it's

 3 somewhere in the -- I mean, judging by the service

 4 territories of the other ones in the -- if I

 5 remember reading, somewhere in the 15 to 2,000,

 6 but I don't remember exactly.

 7   Q   Mr. Gould, you are familiar with

 8 Ms. Schoolman's testimony in this proceeding?

 9   A   Yes.

10   Q   Do you have the testimony available for

11 your review?

12   A   I have her direct testimony.

13   Q   Could you please turn to page 20 and

14 review lines 10 through 23?

15   It is there that Ms. Schoolman quotes an

16 excerpt from the council of the District of

17 Columbia committee on public service and consumer

18 affairs committee report for the Clean and

19 Affordable Energy Act of 2008.

20   A   Okay. I read it.

21   Q   Mr. Gould, do you disagree with the D.C.

22 council's finding that the District is uniquely

1 suited to host a robust solar energy program due

2 to its geography, electricity demand profile and

3 building stock?

4   A   No, I don't disagree with that.

5   Q   And Exelon has not done any studies to

6 refute the finding of the D.C. council?

7   A   No.

8   Q   Mr. Gould, could you please familiarize

9 yourself with Ms. Schoolman's testimony at

10 page 17, lines 6 through page 18, line 2.

11   A   Okay.

12   Q   Do you disagree with the findings of the

13 National Renewable Energy Laboratory of the U.S.

14 Department of Energy that the District could

15 generate as much as 2,490 gigawatt hours of its

16 consumption from rooftop solar?

17   A   I mean -- yeah. I'm not obviously deeply

18 familiar with the study, so I wouldn't be in a

19 position to disagree with it. I would just, you

20 know, note that, as I read through it, it talks

21 about some of the constraints that might be

22 identified in doing so. But as a matter of

 1 potential, I have no basis to disagree with it,

 2 no.

 3   Q   And to your knowledge, Exelon has not

 4 done any studies to refute the findings?

 5   A   No.

 6   MR. WRIGHT: That is all I have. Thank

 7 you.

 8   THE WITNESS: Thank you.

 9   CHAIRMAN KANE: Thank you, Mr. Wright.

10   Ms. White?

11   MS. WHITE: Good afternoon. I have no

12 cross for this witness, Madam Chair.

13   CHAIRMAN KANE: Thank you.

14   MAREC?

15   CROSS-EXAMINATION

16 BY MS. ELEFANT:

17   Q   Yes. Good afternoon, Mr. Gould. How are

18 you?

19   A   I'm good. Good afternoon. How are you?

20   Q   Good. I don't have that many questions

21 for you.

22   CHAIRMAN KANE: Excuse me. Ma'am, you

1593

1 need to identify yourself.

2 BY MS. ELEFANT:

3   Q   My name is Carolyn Elefant. I'm with the

4 Mid-Atlantic Renewable Energy Coalition, and we

5 also spoke last month in Maryland. That was

6 probably why I already felt familiar in asking you

7 questions.

8   I'm going to cross-examine you on some of

9 your testimony in this case today.

10   A   All right.

11   Q   So earlier, Mr. Gould, you had talked

12 about how Exelon's nuclear assets contribute to

13 the goals of reducing carbon emissions; is that

14 right?

15   A   Yes.

16   Q   But I did want to clarify that nuclear

17 doesn't satisfy the renewable portfolio standard

18 here in D.C.; is that correct?

19   A   That's correct.

20   Q   Okay. And I also wanted to ask you, when

21 you were talking about nuclear contributing to

22 this policy of reduced carbon emissions, were you

1594

 1 speaking specifically to the EPA Clean Air Act

 2 111(d) or just overall reductions?

 3   A   I think both, I guess. You know, the EPA

 4 111(d) has brought that into focus by establishing

 5 baselines that recognize nuclear, but more

 6 broadly, just the notion that they're there and

 7 they're an asset that can provide baseload

 8 low-carbon energy was part of the broader point.

 9   Q   Because I did want to clarify -- are you

10 aware that, because D.C. does not have any fossil

11 fuel plants within the footprint of the District,

12 that it technically is not subject to the

13 requirements of 111(d)?

14   A   Oh, I wasn't -- I'm not deep enough to

15 know that, but I -- okay.

16   Q   Would that change your position on the

17 use of -- would it -- would that knowledge

18 necessitate some sort of different policy that

19 Exelon might have in terms of addressing reduced

20 carbon emissions here in D.C.?

21   A   You know, I think -- not sure we would

22 have ever -- the nuclear that's in -- that I'm

 1 referring to and the nuclear that's referred to in

 2 111(d) is, except for maybe the southern plants

 3 that are being built, existing nuclear. So I

 4 don't think that we ever contemplated the new

 5 construction of nuclear plants.

 6   So it wouldn't change anything because I

 7 don't think we had ever contemplated that in the

 8 first instance.

 9   Q   Now, do you recall in the proceeding in

10 Maryland you had testified about some of the

11 requirements that Exelon was subject to under

12 Maryland order 9271, which was the order approving

13 the Constellation and Exelon merger back in 2012?

14   A   Yes. I recall.

15   Q   And do you recall testifying or -- do you

16 recall testifying at that hearing about the

17 125-megawatt requirement for Exelon to develop or

18 assist in development of renewable resources?

19   A   I do.

20   Q   And at the Maryland proceeding, you had

21 testified that to comply with that requirement,

22 one of the steps that Exelon took was that it

1596

1 acquired a wind plant from Synergies (phonetic) --

2 Synergies Company, developed by Synergies?

3   A   Yeah, I don't remember the exact name and

4 whatnot, but I recall that -- that statement.

5   Q   And do you recall that originally that

6 the plant, as proposed, had been proposed to be

7 built at approximately 60 megawatts, and when it

8 was acquired by Exelon, it was resized to

9 40 megawatts?

10   A   I'll take your -- I don't -- that sounds

11 right. I don't remember that exactly, but that

12 could be right.

13   Q   Do you remember just generally that it

14 was downsized, irrespective of the size.

15   A   I really don't. I'll take your word for

16 it, but I don't -- I'll accept that that's right.

17   Q   Sure. And do you also recall, when you

18 were testifying in Maryland, that you had

19 acknowledged at one point that Exelon still had

20 some additional -- still had some additional

21 renewable energy commitments to provide in order

22 to satisfy the requirement of order 9271?

 1   A   I do.

 2   Q   Okay. You've also testified a little bit

 3 about -- or you commented in your testimony on the

 4 production tax credit. Is that right?

 5   A   That's right.

 6   Q   And you criticized -- or you've stated

 7 that Exelon's position just generally is that the

 8 production tax credit is a subsidy and Exelon has

 9 opposed the production tax credit; is that

10 accurate?

11   A   Yes, we've opposed it. We view it as a

12 mature technology. It no longer requires it.

13 But, yes, we've opposed it.

14   Q   Would Exelon agree that the production

15 tax credit reduces the cost of compliance with the

16 renewable portfolio standards?

17   A   Well, I think that, overall, the cost of

18 wind generation is what it is. It's a function of

19 a cost of the technology, you know, the height of

20 the poles, the wind, everything that goes into --

21 the blades, I mean, everything that goes into the

22 cost of the resource. Whether or not it's

 1 subsidized or not changes who pays for it and, you

 2 know, whether it comes out of the federal PTC or

 3 the states or whatnot.

 4   So I think the cost is what it is, and

 5 the industry has had a tremendous track record of

 6 reducing costs, just like solar. And I think

 7 that -- you know, ultimately the cost is borne

 8 through -- to consumers one way or another,

 9 through tax dollars for the PTC or through REC

10 prices in a market or pass-throughs for contracts

11 that are signed. So I view it as sort of

12 indifferent as to whether or not it's subsidized

13 or not. But I understand how others could view it

14 as, you know, a more targeted implication for

15 ratepayers.

16   Q   Okay. Now, I wanted to turn your

17 attention -- do you still have your rebuttal

18 testimony up there?

19   A   I do.

20   Q   I just wanted to turn your attention

21 to -- it's at page 9 where you've discussed some

22 of Mr. Burcat's testimony -- and, actually, I'm

1599

 1 sorry. So it starts on page 9, but then over to

 2 page 10. I just wanted to check that we have the

 3 same pagination.

 4   A   We do.

 5   Q   Okay. Okay. Actually, then, if you

 6 would turn to page 10, you, at lines -- I guess in

 7 your answer at line 1 to 12, if you just want to

 8 take a minute to look at that. And there you're

 9 responding to one of Mr. Burcat's proposals about

10 the possibility of having long-term contracts as a

11 merger condition.

12   A   Yes.

13   Q   And here you discussed -- you made

14 reference to something along the lines of,

15 requiring PEPCO to enter into a long-term, for

16 example, 20-year contract for a portion of solar

17 energy would result in higher costs.

18   And I just wanted to clarify. Mr. Burcat

19 did not argue or advocate for 20-year contracts;

20 is that right?

21   A   I -- I don't recall. I see it says here

22 "for example." So I think probably that's right.

 1 I don't remember him saying that specifically.

 2   Q   And is there some reason why you use the

 3 20 years here as an example? Is there a long --

 4 something that might be considered a long-term

 5 contract that would not have those same cost

 6 implications, for example, a 15-year contract or a

 7 10-year contract?

 8   A   Well, you know, I think what we're

 9 referring to is the fact that these technologies

10 have demonstrated and the industry has

11 demonstrated incredible cost down curves over the

12 last 10, 20 years. And our expectation is that

13 will continue.

14   And I think the general observation in

15 the industry -- the industry itself is very

16 proactive in saying that that's going to continue,

17 and we agree. So I think anything of a shorter

18 tenure is going to help the issue of, if you lock

19 in a price today that you anticipate is going to

20 be lower tomorrow because of improved technology,

21 that that helps.

22   I don't have a specific -- you know, is

 1 it five years or ten years? But in general, I

 2 think the lesser, the better.

 3   Q   And on the flip side of that, would you

 4 agree, however, that long-term contracts do often

 5 help with financing projects?

 6   A   Well, I think that -- the view of whether

 7 a project is a contracted project or a merchant

 8 non-project -- non-contracted project is -- gets

 9 into the return expectation of those projects.

10   So projects can be done either way. It

11 really ultimately matters as to what the customer

12 wants. If the customer wants a locked-in product

13 for two years, five years, ten years, it will be a

14 contract and, that's the customer preference and

15 that will end up having a risk reward for a

16 developer. And if a -- if a contract -- if a

17 developer wants to build a merchant facility and

18 sell the output, it will have a different one.

19   So I think that it can happen either way,

20 and it's really a function of what customers are

21 after.

22   Q   Okay. Now, you have also stated here in

 1 your supplemental -- I'm sorry -- your rebuttal

 2 testimony at the bottom of page 9 or -- bottom of

 3 9, top of 10 that Exelon would not agree to

 4 long-term contract requirements. Is that right?

 5   A   I'm sorry, could you point me to where

 6 that is again?

 7   Q   Yes. I'm sorry. It's -- at the bottom

 8 of page 9 of the rebuttal testimony, there's a

 9 question, Will Exelon agree to the long-term

10 contract requirement?

11   And your answer there is, No.

12   A   Yes.

13   Q   Okay. Yes. And so -- now, are you aware

14 that the District of Columbia has been exploring

15 the possibility of longer-term contracts for

16 standard offer service?

17   A   I was not aware of that, no.

18   Q   If the District of Columbia were to make

19 long-term contracts a requirement for standard

20 offer service or require some sort of long-term

21 contractual procurements, is that something that

22 Exelon would oppose?

 1   A   No, we wouldn't oppose that. I think, as

 2 we've shown in examples from what we've done in

 3 Commonwealth Edison with some of the wind

 4 projects, that Commonwealth Edison has entered

 5 into direct contracts with wind developers. That

 6 was something that the IPA and the stakeholder

 7 process determined they wanted to do, and we did

 8 it.

 9   If -- the same thing was true in PECO in

10 the early days with solar. PECO entered into a

11 long-term contract with a solar facility. That

12 was through discussion with the Commission and

13 stakeholders, and we did it.

14   So we have our opinion, and it's part of

15 one of many voices in the discussion here. But

16 ultimately what the Commission decides is

17 something that we're going to abide by and do. We

18 wouldn't not do that.

19   Q   I just have one more line of questioning,

20 going back to the RPS requirements. Are you aware

21 that the states -- many of the states that

22 participate in PJM will have RPS requirements that

 1 will be increasing over the next five to ten

 2 years?

 3   A   Yes, absolutely.

 4   Q   Does Exelon anticipate that there will be

 5 a shortage of RECs or -- and/or renewable energy

 6 to satisfy RPS requirements, say, over the next --

 7 well, I guess until 2020, which is when the

 8 District has a 20 percent compliance. Does Exelon

 9 anticipate between now and 2020 that these

10 accelerating needs for RECs will have an impact on

11 compliance?

12   A   No, I think that -- if you look at

13 history, we could ask ourselves the same question

14 five years back and look forward to today and --

15 and speculate that we were going to have problems

16 because of the same trajectory. And I think the

17 industry has shown a great ability to meet those

18 challenges.

19   In fact, it's been in many instances --

20 and, again, we're broad-brushing this. I'm not

21 talking about the District itself. I'm talking

22 about -- your question was more broadly for PJM

 1 and its participants, so there may be very

 2 different local concerns that we would want to

 3 make sure are understood.

 4   But broadly, as your question says, the

 5 industry has shown a great ability to use those

 6 cost declines. As the demand has been ticking up

 7 through the RPS requirements, cost declines have

 8 been, you know, very productive, and the economics

 9 of those -- solar and wind have improved

10 dramatically.

11   In many cases, if you look at -- you

12 know, with the uncertainty around the PTC, there's

13 been a mad rush and an overbuild of renewables

14 rather than an underbuild. So I think -- you

15 know, it's a question of not just the supply or

16 demand side. It's a question of supply as well.

17   Supply costs are coming down. Renewables

18 are entering the market. REC prices will reflect

19 scarcity or not. But I would anticipate right now

20 we have a visible line to REC prices that are

21 very, very cheap in terms of wind. Right? 1 to

22 $2 because of the supply that's entered the

 1 market.

 2   So we sort of view the world through both

 3 supply and demand. We know demand is going up.

 4 We also know what's happening with supply, and

 5 it's really the intersection of those two things

 6 that formulates that view. Again, I recognize the

 7 challenges that the District may have in terms of

 8 solar and carve-outs and things like that inside

 9 the District and things like that. So I don't

10 want to not recognize -- I'm talking broadly about

11 PJM, not about challenges that individual

12 utilities may have.

13   Q   Okay. Let's see. Now, does Exelon

14 consider RPS to be a subsidy program?

15   A   No, we do not. RPS is a reflection of

16 customer desires for renewable energy, as put into

17 legislation by elected officials who listen to

18 that view.

19   Q   So when you had testified earlier about

20 the importance of treating all carbon or

21 emission-free technologies on equal footing, given

22 that nuclear doesn't qualify for the RPS, that

 1 doesn't mean that Exelon has taken the position of

 2 opposing the RPS, is it?

 3   A   No, we do not oppose the RPS. We have no

 4 problem with RPS standards.

 5   Q   Although Exelon did, in fact, oppose an

 6 increase in the RPS in Maryland -- I think the

 7 last legislative session, correct?

 8   A   If you'll give me the benefit of my last

 9 comment, that it's a broad brush versus a --

10   Q   Sure.

11   A   -- specific instance. You know, we have

12 no history of opposing RPS as it is when there

13 are -- there was an increase of that magnitude.

14 We asked questions about customer impacts and what

15 the implications were and for a more thoughtful

16 process to debate that, and ultimately had to

17 oppose it based on our inability to get to that

18 answer.

19   But that is -- I don't want that to be

20 construed as opposition to RPS. That was a

21 specific instance of increasing without having the

22 full picture, I think.

 1   Q   Thank you.

 2   MS. ELEFANT: I don't have any further

 3 questions.

 4   THE WITNESS: Thank you.

 5   CHAIRMAN KANE: Thank you.

 6   Commissioner Fort?

 7   COMMISSIONER FORT: Just briefly.

 8 Mr. Coyle did me the favor of asking part of the

 9 questions I was going to ask you -- I guess he

10 stepped into Ms. Francis' role since she didn't

11 have questions -- to try to place you, you know,

12 within the Exelon structure, which I'm trying to

13 understand.

14   THE WITNESS: Okay.

15   COMMISSIONER FORT: You mentioned a

16 couple of times that decisions were not made by

17 you, but they were made by the commercial unit.

18 Who is the head of the commercial unit that you

19 were referring to?

20   THE WITNESS: Yes. So commercial unit

21 resides in the generation company, and it's led by

22 an individual named Joe Nigro.

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1   COMMISSIONER FORT: Do you have any role

2 within your job of deciding where RECs which are

3 owned by Exelon projects or Exelon-controlled

4 projects are registered, in which jurisdiction

5 those RECs for the renewable energy-generating

6 facilities are registered?

7   THE WITNESS: I do not. I think that --

8 the way I understand that works is it's -- you

9 know, if the generation company, the commercial

10 organization, owns the output of either an owned

11 or contracted renewable, I think it goes through

12 the process of marketing those RECs, you know, to

13 customers who want them, like we've done here with

14 the Dunbar High School and, you know, being able

15 to participate in the D.C. REC market and serve

16 load here.

17   I think that happens in the commercial

18 organization. And in the utilities, they're

19 purchasing RECs for -- obviously for their

20 consumers and retiring them on their behalf.

21   COMMISSIONER FORT: So that those

22 decisions would be made in Exelon Generation? Is

 1 that -- in the commercial unit in Exelon

 2 Generation that you just mentioned?

 3   THE WITNESS: The former ones do, about

 4 the competitive wind and solar assets that we went

 5 through in the table. Since that's owned by the

 6 generation company, they would decide, you know,

 7 where those RECs are marketed.

 8   In the utilities, generation would

 9 have -- has no -- commercial unit -- I'm using

10 them interchangeably, commercial and generation.

11 The competitive side would have no interaction

12 whatsoever with what the utilities are doing in

13 terms of acquiring RECs for customers that they

14 serve. There's nothing there.

15   COMMISSIONER FORT: Thank you. Those

16 were my only questions.

17   THE WITNESS: Okay. Thank you.

18   CHAIRMAN KANE: Thank you. I have a

19 couple of questions mostly in the area of

20 clarification.

21   Would you look first at your -- page 3 of

22 your supplemental direct testimony. Looking at

 1 specifically the answer to the question that

 2 begins on line 6. And the question is, What is

 3 Exelon's commitment to environmental

 4 sustainability? I'll wait until you get it.

 5   THE WITNESS: Almost there. All right.

 6 I think I might have got one here. 6. Page 6 --

 7 I'm sorry. Could you repeat the line again?

 8   CHAIRMAN KANE: Line 6. That's where the

 9 question starts, on line 6. And I'm looking more

10 at the answer to the question --

11   THE WITNESS: Okay. Yes.

12   CHAIRMAN KANE: -- which starts on

13 line 7, the answer, Exelon is committed to

14 conducting its business in a way that minimize --

15 I think you mean minimizes -- environmental

16 impacts and supports the communities in which we

17 operate.

18   And the next sentence: Our mission is to

19 be the leading diversified energy company by

20 providing reliable, clean, affordable and

21 innovative energy products.

22   A number of witnesses for the joint

 1 applicants have spoken of the alignment of the

 2 mission of PHI, PEPCO in particular, with the

 3 mission of Exelon. Is it your understanding that

 4 the mission of PEPCO is to be a diversified energy

 5 company?

 6   THE WITNESS: Well, here, the term

 7 "diversified" means -- it can mean a lot of

 8 things. So I think what we meant from a strategy

 9 perspective here is -- there's two things I'd say

10 about it, I guess. One is diversified in terms of

11 the integrated model of a competitive company that

12 we just talked about with utilities.

13   The other way that I think about it --

14 that's a business model strategy. The other way

15 that I think about it from a strategy perspective

16 is in terms of our participation across all the

17 things that are referenced here, like innovative

18 products, clean, affordable, reliable.

19   So, for instance, you know, we are

20 involved with not only the traditional central

21 generation, which -- coal, nuclear, gas, and

22 traditional transmission and distribution. We're

 1 obviously -- not obviously. We are also in both

 2 our regulated companies and our competitive

 3 companies, albeit in different ways, involved

 4 across other aspects of the emerging energy

 5 landscape, for instance, distributed generation.

 6   So our utilities are enabling that

 7 through our programs, and our competitive business

 8 is supplying customers with those products, as

 9 opposed to other companies in our industry that

10 don't have that opinion that maybe don't think the

11 change is coming, that don't think that they need

12 to participate and -- whereas we do. It's a

13 question of when, not if.

14   And I do firmly believe that, in that

15 definition of diversified across the traditional

16 business and what is the emerging business,

17 distributed generation, things like that, I do

18 believe that PHI is equally aligned with that

19 vision that it's coming and they need to be

20 diversified across those products.

21   CHAIRMAN KANE: Okay. My question really

22 didn't go to traditional versus new --

1614

 1   THE WITNESS: I'm sorry. Okay.

 2   CHAIRMAN KANE: -- but energy versus

 3 distribution.

 4   THE WITNESS: Oh.

 5   CHAIRMAN KANE: Would you agree that

 6 PEPCO is, and under D.C. law must remain, a

 7 distribution company?

 8   THE WITNESS: Yes. Yes. I'm sorry I

 9 misunderstood.

10   CHAIRMAN KANE: Would you then turn to

11 page 5 of your supplemental direct?

12   THE WITNESS: Yes.

13   CHAIRMAN KANE: And this entire page is

14 devoted to the answer to the question at the top,

15 Have Exelon's utility companies undertaken efforts

16 to reduce emissions associated with their

17 facilities and operations?

18   Would you agree that you give here on

19 this page examples from ComEd, from BG&E and from

20 PECO of specific things that you say they have

21 done in terms of reducing emissions with their

22 facilities and operations?

 1   THE WITNESS: Yes, Commissioner.

 2   CHAIRMAN KANE: And specifically call

 3 your attention to two. In each of these cases for

 4 each of these three companies you cite either a

 5 100 percent reduction or a significant number of

 6 reductions in something called sulfur hexafluoride

 7 (SF6) breakers and leak detection in those three?

 8   THE WITNESS: Yes, ma'am.

 9   CHAIRMAN KANE: And do I understand

10 correctly these are breakers -- circuit breakers

11 on high-voltage lines?

12   THE WITNESS: Yes.

13   CHAIRMAN KANE: And would you then turn

14 to page 20 of the -- your same supplemental direct

15 testimony?

16   THE WITNESS: Okay.

17   CHAIRMAN KANE: And the question that

18 starts at line 12 where you speak of Exelon and

19 PHI sharing a common vision regarding

20 sustainability, and starting on line 19, you cite

21 some of PHI's sustainability programs including,

22 at line 21, greenhouse gas emission programs such

 1   as replacing SF6 breakers.

 2   THE WITNESS: Yes.

 3   CHAIRMAN KANE: So this is something that

 4   reducing these -- these emissions from these

 5   breakers is already going on at PHI.

 6   THE WITNESS: It is.

 7   CHAIRMAN KANE: To your knowledge, it's

 8   already going on at PEPCO within PHI?

 9   THE WITNESS: Yes, I believe it is, yes.

10   CHAIRMAN KANE: So becoming part of a

11   company that's doing that is nothing new -- would

12   be nothing new for PEPCO; is that correct?

13   THE WITNESS: Addressing that issue would

14   not be new.

15   CHAIRMAN KANE: Would not be new, okay.

16   Then if you go back -- sorry I keep you

17   going back and forth -- but back to page 5, you

18   also cite, in terms of ComEd, BGE and PECO, their

19   internal energy use, reducing internal energy

20   electrical use by having LEED certification for

21   their facilities and using electric vehicles, I

22   believe -- yeah. Well, specifically talking about

1617

 1 LEED certification on their vehicles. And you

 2 cite over on the next page renovations at a

 3 facility in Chicago that also did that.

 4   Then would you again turn back to page --

 5 well, let me ask you this: Are you aware whether

 6 the PEPCO building you referred to called Edison

 7 Place is LEED certified?

 8   THE WITNESS: I believe it is, yes.

 9   CHAIRMAN KANE: So that becoming part of

10 a company that is doing LEED certified

11 facilities -- building them, renovating -- would

12 not be anything new.

13   THE WITNESS: They would not be new.

14   CHAIRMAN KANE: Thank you. I wanted to

15 clarify that.

16   You mentioned the Dunbar High School

17 solar, and that is -- you mentioned that on page 7

18 of your direct testimony. It says, In 2013 -- if

19 you could turn to line 8: In 2013, we also

20 installed 1,940 solar panels on Dunbar High School

21 in the District of Columbia. And it says, This

22 system has the capacity to produce 463 kilowatts,

 1 which will meet approximately 20 percent of the

 2 school's annual estimated energy needs and is one

 3 of the largest rooftop solar power systems on a

 4 singling building in the District.

 5   What is the arrangement for the Dunbar

 6 facility? What was Exelon's role? You say, We

 7 installed. What was your role in that?

 8   THE WITNESS: I'm not sure I'm going to

 9 be able to answer your question as well as you

10 would like, but --

11   CHAIRMAN KANE: Let's try.

12   THE WITNESS: Okay. I'll try. But --

13 you know, I believe what was the case there was we

14 likely contracted with somebody to do the actual

15 installation as opposed to installed it ourselves

16 as a -- you know, as the specific contractor to do

17 that. But I'm not sure of that.

18   And then I know that we sold, you know, a

19 power purchase agreement to Dunbar. And then we

20 retained the renewable credits and used them as

21 part of the -- our -- you know, our retail

22 activities in the District.

 1   CHAIRMAN KANE: So that was done through

 2 your retail subsidiary?

 3   THE WITNESS: Yes. Through the

 4 competitive retail that's run by Joe Nigro, the

 5 individual I referred to with the commissioner.

 6   CHAIRMAN KANE: And for the record, that

 7 is Constellation --

 8   THE WITNESS: Correct.

 9   CHAIRMAN KANE: -- which is a licensed

10 retail supplier?

11   THE WITNESS: Correct. Yes, ma'am.

12   CHAIRMAN KANE: And was this done in

13 response to an RFP from the D.C. government?

14   THE WITNESS: I don't know.

15   CHAIRMAN KANE: Or did Exelon voluntarily

16 come in and offer to do it?

17   THE WITNESS: I don't know. I don't know

18 the answer to that. I'm just not that close to

19 the commercial organization to know.

20   CHAIRMAN KANE: And did you receive any

21 tax credit for that?

22   THE WITNESS: I don't know.

1620

1   CHAIRMAN KANE: You don't know whether

2 there was any tax credit. Done how long the power

3 purchase -- is it a power purchase agreement?

4   THE WITNESS: Yes.

5   CHAIRMAN KANE: Do you know how long it's

6 for?

7   THE WITNESS: I -- I thought it was for

8 20 years, but I would have to check that.

9   CHAIRMAN KANE: Because I thought -- and

10 maybe I misunderstood, but you had in your earlier

11 discussions expressed concern and opposition to

12 20-year power purchase agreements --

13   THE WITNESS: Yeah.

14   CHAIRMAN KANE: -- as being not good for

15 customers.

16   THE WITNESS: Yes. I mean, as a general

17 matter, I think that customers are -- you know,

18 it's sort of like thinking about refinancing your

19 home and interest rates. You know, how you think

20 rates are going to go down or up is a matter of

21 customer preference.

22   So if this customer wanted to lock in a

 1 portion of their long-term energy supply,

 2 that's -- you know, if the customer wants to do

 3 that, then we're happy to do that for them on

 4 their behalf. Some other customers don't like

 5 that. They would rather have Constellation buy

 6 energy for them on an index and wait for prices to

 7 come down and lock it in.

 8   So it just really isn't really what we

 9 think as much as what does the customer want. In

10 this case, the customer wanted a locked-in price.

11   CHAIRMAN KANE: So you don't think the

12 District government made a mistake in entering

13 into a 20-year power purchase agreement with you?

14   THE WITNESS: No, I don't think that at

15 all. I think that -- again, some customers may

16 have a view that solar costs are -- have come down

17 as far as they're going to come down and they want

18 to lock in for security a particular price, or

19 even if they don't have that view, they just may

20 want to fix a piece for certainty purposes.

21 Others don't. Others think that other things are

22 going to happen that are going to change these

 1 dynamics and they would rather take that risk.

 2   I don't think there's anything right,

 3 wrong or mistake about it. I just think it's a

 4 mater of what the customer wanted. And to answer

 5 your question, yes, we were -- we were happy to do

 6 that for them.

 7   CHAIRMAN KANE: One more question, again,

 8 on the issue of subsidies. Mr. Coyle asked some

 9 questions about D.C. Government Exhibit 78, which

10 is a confidential document. And under his

11 agreement with the joint applicants, the questions

12 he asked did not violate that confidentiality.

13   I'm going to ask a question on two parts

14 of that, which I believe he has already referred

15 to. And counsel can let me know if I'm incorrect.

16 So this would be, as I said, D.C. Government

17 Exhibit 78, preliminarily marked as

18 D.C. Government 78.

19   THE WITNESS: Yes, I see it, ma'am.

20   CHAIRMAN KANE: Okay. And on page 1 of

21 this -- I believe Mr. Coyle referred to this --

22 near the bottom, above -- just above the last

1623

 1 paragraph which starts, Additional considerations,

 2 there is a sentence, While Exelon and Washington,

 3 D.C. are generally aligned on the importance of

 4 reducing greenhouse gas emissions, the parties may

 5 not necessarily agree on the means by which such

 6 reductions are achieved -- then it's, paren, e.g.,

 7 renewable subsidies, RPS, aggressive energy

 8 efficiency mandates.

 9   Do you see that?

10   THE WITNESS: I do.

11   CHAIRMAN KANE: The e.g., does that

12 indicate, the way that's structured, that Exelon

13 may disagree about renewable subsidies?

14   THE WITNESS: We may.

15   CHAIRMAN KANE: Or about RPS or -- what

16 do you mean by aggressive energy efficiency

17 mandates?

18   THE WITNESS: So maybe the best way to

19 describe this, in my role as chief sustainability

20 officer, we used to produce what -- McKinsey

21 (phonetic) Group produced a curve that showed what

22 are the best ways to achieve an outcome of

 1 greenhouse gas emissions.

 2   So let's say the country wanted to

 3 achieve 80 percent by 2050, and it sort of -- it

 4 stacked up the potential greenhouse gas emissions

 5 in terms of the most economic to least economic.

 6 And we used to use that as a means to communicate

 7 what's here in e.g.

 8   And so, for instance, energy efficiency

 9 is always at the very front of that. It's by far

10 the most economic thing to do. It doesn't require

11 subsidies. It doesn't require any additional

12 taxpayer money. It works. The economics are in

13 favor of the customers. And we would often say

14 that's a great place to start. Not at the

15 exclusion of other things, but just in terms of

16 voicing our opinion about what we think are the

17 best ways to give clean, affordable, reliable

18 energy to customers. We had a method by which we

19 would assess that and -- from a customer impact

20 perspective.

21   So this is just a shorthand way to give

22 you -- there were some examples of what were on

 1 that curve and why we may think, hey, energy

 2 efficiency, there's a lot more that can be done

 3 here than maybe what we've done so far, just as an

 4 example.

 5   CHAIRMAN KANE: Do -- do you think that

 6 energy efficiency is free?

 7   THE WITNESS: No, I don't think it's free

 8 at all. I meant that if you stack it up in terms

 9 of its cost and its pay-back relative to other

10 alternatives to reduce greenhouse gas emissions, a

11 lot of times it compares favorably, but it's

12 certainly not free. I didn't mean that.

13   CHAIRMAN KANE: So you are aware that

14 16 million or more dollars of ratepayer money in

15 the District, electric ratepayer money, is being

16 put into the sustainable energy utility for --

17   THE WITNESS: Yes.

18   CHAIRMAN KANE: -- energy efficiency?

19   THE WITNESS: I am. Yes.

20   CHAIRMAN KANE: Is that a subsidy?

21   THE WITNESS: I -- not -- no, I don't

22 believe that it is. I'm trying to think through

 1 it, but no.

 2   CHAIRMAN KANE: I'm trying to get my head

 3 around the -- the concern that was expressed by --

 4 going back to Mr. Crane --

 5   THE WITNESS: Yes.

 6   CHAIRMAN KANE: -- about subsidies --

 7   THE WITNESS: Okay.

 8   CHAIRMAN KANE: -- and the company's

 9 opposition to subsidies.

10   THE WITNESS: So I think that maybe the

11 way to think about this is energy efficiency --

12 it's like you have a renewable portfolio standard,

13 right, that has a REC that is available to all

14 different sorts of technologies that could

15 participate in that RPS. I wouldn't call a REC a

16 subsidy. I would call a PTC a subsidy because it

17 singled out wind as a particular recipient of

18 that.

19   On energy efficiency, I think that

20 incentives for utilities to provide customers with

21 energy efficiency is not a subsidy. But if, for

22 instance, you directly pointed to, we should cut,

 1 you know, a nest thermostat or some -- you know,

 2 really singled out some specific thing instead of

 3 allowing all the different technologies that

 4 compete to deliver that energy efficiency, that

 5 might be viewed more as a subsidy.

 6   CHAIRMAN KANE: So the direct load

 7 control program that PEPCO is currently

 8 implementing under order of the Commission in

 9 which they used federal money to purchase

10 thermostats, smart thermostats, communicating

11 thermostats to put into -- federal tax money,

12 grants, and they chose the thermostat --

13   THE WITNESS: They chose it.

14   CHAIRMAN KANE: They chose it. The

15 customer didn't. Is that a subsidy program?

16   THE WITNESS: I suppose if it was chosen,

17 if it wasn't from the customer, then it would be,

18 yes.

19   CHAIRMAN KANE: I'm just trying to get my

20 head around -- and I want to look at -- just on

21 this, again, going back to this D.C. government

22 exhibit, turn to page 4.

 1   THE WITNESS: Oh. Yes.

 2   CHAIRMAN KANE: This is, again, the

 3 confidential exhibit, and I know Mr. Coyle did

 4 quote this sentence that I'm going to ask about.

 5 And it's the bullet -- first one under -- well,

 6 it's not bullets, but the first paragraph, I'll

 7 say, under target, labeled, Exelon assessment.

 8   THE WITNESS: Yes.

 9   CHAIRMAN KANE: And you're speaking of

10 increasing distributed renewable generation

11 consistent with net zero could create similar

12 reliability and system operations.

13   Now, the second sentence is the one I

14 want to ask about: Costs for backup power and the

15 value of produced distributed renewable generation

16 sold to the utility should be based on true costs

17 rather than incentivized pricing models that

18 advance public policies.

19   I want to ask you about that sentence.

20 What is an incentivized pricing model that

21 advances public policies? What are you referring

22 to there? Or -- this is -- I know you didn't

 1 write this --

 2   THE WITNESS: Right.

 3   CHAIRMAN KANE: -- document, but what is

 4 the company referring to there?

 5   THE WITNESS: I'll do my best. Again, I

 6 didn't write this, so I'll do my best to reflect

 7 what I think we're talking about there.

 8   I think that what it is is the whole

 9 notion of backup power, and if the grid does, you

10 know, become a backup source of power, and

11 distributed generation is the primary source, the

12 whole discussion that's occurring around what's

13 the value of the grid and pricing that properly so

14 that it's just that, it's priced as a -- as a

15 backup rather than a incentivized distributed

16 generation resource. I think that's what we meant

17 there.

18   CHAIRMAN KANE: Can this be more

19 generalized? Does the company have a view that

20 services should be based on true costs in general

21 rather than incentivized pricing models that

22 advance public policies?

1   THE WITNESS: Again, it I think it

2   depends really on how specific it gets. This is

3   why my answer to we do not oppose renewable

4   portfolio standards is what it is.

5   Renewable portfolio standards, I believe,

6   is a reflection of public policy, and those are

7   going to -- the fulfillment of RPS is going to

8   occur whether or not there's a specific subsidy

9   like PTC or ITC; it's going to happen no matter

10 what.

11   So generally seeking, we have no -- you

12 know, we have no issue whatsoever with public

13 policy driving what the future energy mix is going

14 to look like.

15   Our concern is and always has been around

16 picking winners and losers within that without

17 full sort of understanding of customer

18 implications and grid implications.

19   CHAIRMAN KANE: Pricing models that

20 advance -- incentivized pricing models that

21 advance public policy. There's a wide range of

22 public policies --

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 1            THE WITNESS:  Yeah.

 2            CHAIRMAN KANE:  -- that could be referred

 3  to as being supported or advanced by incentivized

 4  pricing models rather than pricing models that

 5  reflect true cost.  Would you agree on that?

 6            THE WITNESS:  I would.  So, for instance,

 7  I've -- use the RPS standard.  There's a REC

 8  that's an incentive, and we're saying we don't

 9  have a problem with that.  It's not something that

10  we've opposed, nor do we anticipate ever opposing

11  an RPS standard.  We recognize that it's a matter

12  of public policy.

13            I think -- and that's an incentive.

14  That's an incentive for those resources that

15  otherwise would cost more.  You have to pay the

16  REC to get them into the system.  I just view that

17  as different than the PTC, which is directed

18  specifically --

19            CHAIRMAN KANE:  Yeah, I wanted to go

20  beyond the PTC because that's a meter of

21  federal --

22            THE WITNESS:  Oh.
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 1   CHAIRMAN KANE: That's a federal law --

 2   THE WITNESS: Okay.

 3   CHAIRMAN KANE: -- that I don't we can

 4 have anything directly to do with here in the

 5 District, particularly given our non-voting

 6 status.

 7   But you're aware that rates in the

 8 District, distribution -- and we really need to

 9 talk about distribution, because PEPCO is not and

10 cannot be in the business of generation or of

11 sales except as an intermediary in the -- in its

12 SOS role.

13   But -- I mentioned the sustainable energy

14 utility. And Mr. Crane mentioned a concern about

15 only rich people, if I can paraphrase, being able

16 to have solar, and low-income kind of paying for

17 everybody else. Are you aware of the Solar

18 Advantage Plus Program that the sustainable energy

19 utility has launched to provide -- are you aware

20 of that program?

21   THE WITNESS: Is that the program where

22 it's anything under a certain kilowatt is able to

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1 recover the full retail rates?

2   CHAIRMAN KANE: No, that's our program.

3   THE WITNESS: Okay. Then I'm confused.

4 I'm sorry.

5   CHAIRMAN KANE: That's our rules.

6 Commission rules. I'm talking about the use of

7 the -- one of the programs for the sustainable

8 energy utility, which we have established is paid

9 for by a surcharge on all customers except for

10 low-income customers.

11   THE WITNESS: Okay.

12   CHAIRMAN KANE: They don't pay the

13 surcharge. And it's $16 million --

14   THE WITNESS: Okay.

15   CHAIRMAN KANE: -- of PEPCO distribution

16 company customers' money.

17   THE WITNESS: Yes, ma'am. I'm aware of

18 it. I didn't put the pieces together, though.

19   CHAIRMAN KANE: Okay. Are you aware of

20 the Solar Advantage Plus Program that -- you're

21 not?

22   THE WITNESS: No.

 1   CHAIRMAN KANE: That is a program where

 2 low-income households will receive for free

 3 installation of solar panels. Would you consider

 4 that a subsidy?

 5   THE WITNESS: No, I don't believe I

 6 would.

 7   CHAIRMAN KANE: Would you consider the

 8 fact that there's a discount on electricity for

 9 low-income people, their energy paid for by other

10 customers -- is that a subsidy?

11   THE WITNESS: No, I don't believe I

12 would.

13   CHAIRMAN KANE: What is it, then?

14   THE WITNESS: It's a rate, like any other

15 rates for different classes of customers.

16   CHAIRMAN KANE: I'm trying to reconcile

17 that with -- when you're saying that things should

18 be based on the true cost rather than on pricing

19 levels that advance public policies --

20   THE WITNESS: Yeah. I think --

21   CHAIRMAN KANE: -- isn't that a pricing

22 model, by putting a surcharge on a bill, on

1 everybody else's bill, a pricing model that

2 advances a public policy?

3   THE WITNESS: It is.

4   CHAIRMAN KANE: I won't pursue that

5 anymore. I could give a lot of other examples of

6 public policies that are subsidized or where there

7 are pricing models specifically done to advance

8 that public policy.

9   I did just want to ask one clarification.

10 You answered, I believe, in answer to Mr. Coyle,

11 that there was 33 megawatts of installed solar in

12 the District?

13   THE WITNESS: That's what I believed,

14 yes.

15   CHAIRMAN KANE: Would you agree, subject

16 to check, the actual number is about 13?

17   THE WITNESS: Sure. Yes, I didn't

18 understand that.

19   CHAIRMAN KANE: Thank you. That's all I

20 have.

21   Redirect? Do you have any redirect for

22 this witness?

 1   MR. KULAK: No, Your Honor. Thank you.

 2   CHAIRMAN KANE: Exhibits?

 3   MR. KULAK: Your Honor, if we may at this

 4 time move in the exhibits that I spoke of at the

 5 beginning of Mr. Gould's testimony which are Joint

 6 Applicants' Exhibits 3 -- (2I), with Exhibits 1

 7 through 6, and then also Joint Applicants'

 8 Exhibits (3I) with Exhibits 1 through 3.

 9   CHAIRMAN KANE: They are moved into the

10 record.

11   (Joint Applicants Exhibits (2I), (2I)-1

12 through (2I)-6, (3I) and (3I)-1 through (3I)-3

13 were received into evidence.)

14   MR. KULAK: Thank you, Your Honor.

15   CHAIRMAN KANE: People's Counsel?

16   MS. SITARAMAN: OPC will move in OPC

17 Exhibits 32 through 59.

18   (OPC Cross Exhibit Numbers 32 through 60

19 were received into evidence.)

20   CHAIRMAN KANE: They are moved in.

21   Let me ask you on this, when you gave

22 those numbers -- and I -- the original ones went

1 up through 95?

2   MS. SITARAMAN: Correct.

3   CHAIRMAN KANE: Should be up through 94;

4 is that correct?

5   MS. SITARAMAN: That is correct.

6   CHAIRMAN KANE: So they are --

7   MS. SITARAMAN: Right.

8   CHAIRMAN KANE: -- what were originally

9 marked 67 through 94 --

10   MS. SITARAMAN: Preliminarily marked.

11   CHAIRMAN KANE: Preliminary marked.

12   MS. SITARAMAN: Right.

13   CHAIRMAN KANE: And now they will be --

14 it goes up to -- up to 59.

15   MS. SITARAMAN: I believe so.

16   COMMISSIONER FORT: Do you want to check?

17 You know, because if you were intending to move

18 them all in --

19   CHAIRMAN KANE: Then it would go up to

20 60.

21   COMMISSIONER FORT: -- it would go up to

22 60. So the question is whether or not you were

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 1  intending to move them all in, at which point your

 2  numbering, I think, may go up to 60 instead of 59.

 3            CHAIRMAN KANE:  The question is --

 4            MS. SITARAMAN:  My intention is to move

 5  them all in.

 6            CHAIRMAN KANE:  So they're going to go up

 7  to 60, 32 to 60.

 8            MS. SITARAMAN:  Yes, Your Honor.

 9            CHAIRMAN KANE:  Double-check that.

10            MS. SITARAMAN:  Okay.

11            CHAIRMAN KANE:  I can count.

12            MS. SITARAMAN:  Thank you.

13            CHAIRMAN KANE:  Thank you.  All right.

14  They are moved in.

15            Ms. Francis, you didn't have anything to

16  move in.

17            MS. FRANCIS:  No, I didn't, Your Honor.

18            CHAIRMAN KANE:  Mr. Coyle?

19            MR. COYLE:  Thank you, Your Honor.  At

20  this time, the District government would move

21  Exhibits DCG 78 and 79.

22            CHAIRMAN KANE:  They are moved in.
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1   (DCG Cross Exhibit Numbers 78 and 79 were

2 received into evidence.)

3   CHAIRMAN KANE: Mr. Wright?

4   MR. WRIGHT: Your Honor, DC SUN has no

5 exhibits to move into the record. Thank you.

6   CHAIRMAN KANE: Mr. Wright --

7 Commissioner Fort?

8   COMMISSIONER FORT: I did have a question

9 about one of the ones that the D.C. government is

10 moving in. It's the one that you had the

11 discussion with the Chair. The actual data

12 request that it is responding to is not a part of

13 that exhibit. And so we can't tell what that

14 actual question is responding to. It would be

15 helpful if it is amended to put the data request

16 itself to which the response is being given into

17 that exhibit.

18   CHAIRMAN KANE: That is Number 78.

19   MR. COYLE: I'd be happy to do that. If

20 I could have until tomorrow morning, that would be

21 a big help. Thank you.

22   CHAIRMAN KANE: Okay. You had nothing,

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 1 Ms. White?

 2   MS. WHITE: We had nothing.

 3   CHAIRMAN KANE: Okay. MAREC?

 4   MS. ELEFANT: No exhibits, Your Honor.

 5   CHAIRMAN KANE: No exhibits, all right.

 6 Thank you.

 7   Mr. Gould, you are excused.

 8   THE WITNESS: Thank you.

 9   (Witness excused.)

10   CHAIRMAN KANE: And I believe we will now

11 take our lunch break. It is 1:15. We will try to

12 come back at 2:15.

13   (Whereupon, at 1:15 p.m., a lunch recess

14 was taken.)

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1   AFTERNOON SESSION

2   (2:23 p.m.)

3   CHAIRMAN KANE: We're back on the record

4 at 2:24 p.m.

5   The Company, I believe, is going to

6 recall Mr. Gausman.

7   MR. DUVER: That's correct, Your Honor.

8   CHAIRMAN KANE: Mr. Gausman.

9 WHEREUPON,

10   WILLIAM GAUSMAN,

11 called as a witness, and after having been

12 previously sworn by the secretary, was examined

13 and testified as follows:

14   CHAIRMAN KANE: Remind you, Mr. Gausman,

15 you're still under oath.

16   THE WITNESS: Yes.

17   CHAIRMAN KANE: Thank you.

18   Mr. Coyle?

19   MR. COYLE: Thank you, Your Honor.

20   CHAIRMAN KANE: Pick up where you were on

21 Friday.

22   CROSS-EXAMINATION (RESUMED)

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 1  BY MR. COYLE:

 2      Q    Good afternoon, Mr. Gausman.

 3      A    Good afternoon.

 4      Q    Let's go to your rebuttal testimony,

 5  Joint Applicants' Exhibit (3E) at page 4, line 13

 6  through page 5, line 10.

 7      A    Yes.

 8      Q    That's blank in your testimony, is it

 9  not?

10      A    Yes, it is.

11      Q    All right.  Could I prevail on

12  Ms. Travers to help you with a copy of Joint

13  Parties' Hearing Exhibit Number 1, and you're

14  looking at page 34 of that document.  Page 34.

15      A    I have it.

16      Q    Let me make sure the commissioners have

17  it as well before I start.

18           Now, Mr. Gausman, the text that was

19  deleted from the portion of your rebuttal

20  testimony that we're looking at appears in the

21  third column from the left-hand side of the page,

22  page 34 of Joint Parties' Hearing Exhibit
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 1 Number 1, correct?

 2   A   Yes.

 3   Q   Okay. Could you explain why you deleted

 4 that text from the final conformed version of your

 5 testimony?

 6   A   This is dealing with some statements that

 7 OPC witnesses made relative to our SAIDI/SAIFI

 8 performance. And based upon the revised

 9 SAIDI/SAIFI targets that we submitted, this

10 statement no longer applied.

11   Q   Okay. So is it fair to say, then, that

12 in light of your revisions, particularly in your

13 February 2015 supplemental direct, the dispute

14 that you were addressing in the deleted portion of

15 your testimony on page 34 of Joint Parties'

16 Hearing Exhibit Number 1 was no longer germane?

17   A   Our revised reliability targets met or

18 exceeded the SAIDI/SAIFI levels for the EQSS. So,

19 therefore, our arguments that were being made

20 there did not apply.

21   Q   Okay. Now, let me ask you now to go back

22 to what's been marked for identification as

 1 Exhibit DCG 42, and particularly the portion of

 2 Exhibit DCG 42 that is paginated as confidential

 3 D.C. 1119, AOBA DR 1-10, attachment C, page 1 of

 4 29.

 5   MR. COYLE: And before we start on the

 6 examination, I'll just ask counsel to confirm for

 7 me that we can examine on this confidential

 8 document in accordance with the prevailing

 9 understanding.

10   MR. DUVER: Yes.

11   MR. COYLE: Okay. Thank you.

12 BY MR. COYLE:

13   Q   Mr. Gausman, I wanted you to go, first,

14 to the page that's numbered in the lower

15 right-hand corner as confidential D.C. 1119, AOBA

16 DR 1-10, attachment C, page 10 of 29.

17   A   I have it.

18   Q   Now, you recall we looked at this on

19 Friday, correct?

20   A   Yes, that's correct.

21   Q   Okay. Is it fair to say that this page

22 represents PEPCO's thinking as of May 2014 about

 1 what levels of SAIFI it could attain by 2018 and

 2 how PEPCO proposed to attain those levels of

 3 SAIFI?

 4   A   For the particular activities that we've

 5 identified here on this chart, it shows the

 6 estimated reliability improvement for each of

 7 these individual activities through 2018.

 8   Q   That's close, but not exactly what my

 9 question was. Is this -- is page 10 of 29

10 illustrative of what PEPCO intended to do in order

11 to attain a particular level of SAIFI?

12   A   As I said, this is the anticipated

13 improvement for each of these four or five

14 different activities. It's part of our process

15 that we used to go through to identify exactly

16 what we think we can achieve. This is -- you

17 know, this doesn't take into account any type of

18 weather impact or any other activities that we may

19 know of.

20   Q   Okay. So at May 2014, PEPCO was

21 contemplating attaining a SAIFI level of 0.7 by

22 2018; that's correct?

 1   A   As I said, this is one source of

 2 information that we used to make our decisions.

 3 And, yes, you're correct for these activities that

 4 we felt we could get to that .7, but as I said,

 5 you also have to take into account other

 6 activities and also recognize that there is

 7 variability from year to year to come up with your

 8 final recommendation as to what we can achieve.

 9   Q   All right. Is it also true, Mr. Gausman,

10 staying with page 10, that this graphic represents

11 PEPCO contemplating attaining a SAIFI level of

12 0.71 as of the end of 2015?

13   A   That's correct.

14   Q   And first attaining the 0.70 figure by

15 the end of 2017; is that right?

16   A   That's correct.

17   Q   Okay. And those would compare to an EQSS

18 requirement for SAIFI of 0.95 by the end of 2018;

19 is that right?

20   A   I believe that's correct, yes.

21   Q   Will you accept, subject to check? We

22 could check if --

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1   A   Yes.

2   Q   -- you prefer.

3   A   No, that's fine.

4   Q   All right. So at least according to

5 page 10 of 29 in this confidential attachment

6 portion of DCG 42, PEPCO was ahead of schedule in

7 terms of SAIFI attainment as of May 2014, correct?

8 When I say ahead of schedule, I mean, you were

9 predicting to be in advance of where the EQSS

10 required you to be, right?

11   A   Based on these factors, we had a

12 reasonably good expectation that we could achieve

13 the SAIFI.

14   Q   Now, let me ask you to turn next to the

15 following page which is marked in the lower

16 right-hand corner confidential D.C. 1119, AOBA

17 DR 1-10, attachment C, page 11 of 29. And the

18 page begins, PEPCO D.C. SAIDI breakdown. Do you

19 see where I am?

20   A   Yes, I do.

21   Q   Now, the same sort of questions. This

22 graphic predicts, does it not, that PEPCO believed

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 1  it could attain a SAIDI of 104.46 minutes by the

 2  end of 2018?

 3      A     That's correct.

 4      Q     Okay.  And you expected to attain a SAIDI

 5  of 107.49 minutes by the end of 2014, correct?

 6      A     That's correct.

 7      Q     Now, what PEPCO actually attained, as I

 8  think we know, but we can also check again if

 9  you'd like, was a SAIDI of 97 minutes by year end

10  2014, correct?

11      A     Yes.

12      Q     Okay.  By the way, am I correct that

13  joint applicants' original reliability commitment

14  proposal on SAIDI was to achieve a SAIDI of 107

15  minutes on average for the three-year period

16  ending 2020?  Is that right?

17      A     Yes.

18      Q     But PEPCO had been planning on reaching

19  that goal on a stand-alone basis by year-end 2014,

20  correct?

21      A     Well, again, I -- I don't necessarily

22  characterize this number as the absolute number
```

 1 that we felt we could get to. Like I said,

 2 there's a lot of variables that we factor in.

 3 This is one source of information that we use to

 4 come up with our decision-making process. And it

 5 obviously is a -- you know, serves as a basis for

 6 us to understand what we can achieve within the

 7 currently approved budget.

 8   Q   Let me ask you a little bit more about

 9 the analysis that underlies these two pages, if I

10 could.

11   A   Sure.

12   Q   When you prepare, for example, page 10,

13 do you do these -- well, withdrawn. Let me ask

14 the question again.

15   Does PEPCO perform the analysis reflected

16 on confidential -- the page numbered confidential

17 D.C. 1119, AOBA DR 1-10, attachment C, page 10 of

18 29, does PEPCO perform that kind of analysis on a

19 regular basis?

20   A   This is a process that we just started to

21 develop a year or two ago, and it was really

22 another process that we used to help us to

 1 evaluate our budgets and what we think we may be

 2 able to achieve. And it's used as part of our

 3 planning process. We don't update this on a

 4 regular basis, but I would expect that every year

 5 to two, we would be redoing this information if we

 6 have any significant changes.

 7   Q   Okay. And what's the analysis that goes

 8 behind -- again, I'm looking at page 10 of 29.

 9 What kind of analysis goes behind that graphic?

10   A   This is a Monte Carlo simulation of each

11 of these activities that will basically look at

12 the historical performance, improvements that we

13 achieve for each of the activities listed here,

14 and then it uses the simulation to project what

15 the possible improvements could be going forward.

16   Q   And what kind of a sample of outcomes do

17 you use in the Monte Carlo simulation?

18   A   I'm not sure of the details of the

19 process.

20   Q   And they always baffle me, too,

21 Mr. Gausman. I just wondered if you knew.

22   Somebody who works for you performed that

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 1  simulation?

 2      A     We actually have a contract organization

 3  that's doing it for us.

 4      Q     Is that a consultant?

 5      A     Yes.

 6      Q     And which consultant is that?

 7      A     PA Consulting.

 8      Q     Let me ask you now to go to the following

 9  page marked at the bottom, confidential D.C. 1119,

10  AOBA DR 1-10, attachment C, page 11 of 29.  And --

11          COMMISSIONER FORT:  Mr. Coyle, now that

12  we have identified, you can just go to page 11 of

13  29.  I know you're trying to accommodate me by

14  giving me the full description, but you really now

15  only just need to do the page.

16          MR. COYLE:  Thank you, Your Honor.  I was

17  just trying to stay out of trouble.

18  BY MR. COYLE:

19      Q     Looking at page 11, Mr. Gausman, is that

20  the same kind of analysis done by -- does the

21  graphic reflect the same kind of analysis being

22  done by PA Consulting?
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 1   A   Yes, it does.

 2   Q   All right. Usually, in my limited and,

 3 I'll admit, very infirm experience with Monte

 4 Carlo simulations, they produce a bounded set of

 5 outcomes. Is that consistent with your

 6 understanding?

 7   A   Yes.

 8   Q   Okay. And where within the bounded set

 9 of outcomes from the Monte Carlo simulations that

10 PA Consulting performed for you did the results

11 reflected on page 11 fall, if you know?

12   A   I don't know the answer to that.

13   Q   Same question with respect to page 10.

14   A   Yeah. Both of them -- as I said, we --

15 the inputs were based on a range of actual

16 performance over the previous two years. And I'm

17 not sure what the range was on the output.

18   Q   Okay. Taking a look now -- still with

19 your rebuttal testimony at page 5, line 11 through

20 page 6, line 4, is it correct that you're

21 responding there to a number of witnesses,

22 including D.C. government Witness Chang, who

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1 argued that the joint applicants' reliability

2 commitment is not much of a commitment?

3   A   Yes.

4   Q   And you state there in your testimony

5 that -- I'm quoting -- first and foremost,

6 customers derive a benefit because PEPCO's

7 reliability will improve every year through 2020

8 moving toward first quartile performance, but

9 improved reliability without increasing the

10 PEPCO's budgeted reliability-related spend.

11   Right?

12   A   Yes.

13   Q   Okay. You go on to say, In order to meet

14 those commission-imposed standards on a

15 stand-alone basis, the company would absolutely

16 need to significantly increase spending beyond

17 that which is included in the existing budgets for

18 2014 through 2018, and that increase in spending

19 will likely be reflected in rates.

20   You said that, right?

21   A   Yes.

22   Q   Okay. I'd like to ask you to take a look

 1 at what's been marked for identification as

 2 Exhibit DCG 43, which is the response to data

 3 request number DCG 1-85. If you'd just take a

 4 look through that quietly to yourself for a moment

 5 and let me know when you're ready to proceed.

 6   A   Yes, I have it.

 7   Q   You are the author of that response,

 8 correct?

 9   A   Yes, I am.

10   Q   Okay. And that response was correct when

11 you gave it?

12   A   Yes.

13   Q   It's still correct today, as far as you

14 know?

15   A   Yes.

16   Q   Okay. We were talking Friday, as I

17 recall, and I asked you about PEPCO's capital

18 budgets for reliability. Do you recall that?

19   A   Yes, I do.

20   Q   Okay. And is the attachment A to

21 Exhibit -- to Exhibit DCG 43 the capital budget

22 for -- that was contained in PEPCO's comprehensive

 1 report for 20, what, '13 or '14?

 2   A   This was the five-year plan for 2014 --

 3   Q   Only.

 4   A   -- through 2018.

 5   Q   Okay. And if we look at the first page,

 6 at page 1 of 6 of attachment A, you see a line

 7 item for reliability-driven expenditures, correct?

 8   A   Yes.

 9   Q   And that was the same concept at least

10 that we were looking at in Exhibit (4A)-2 on

11 Friday. Remember?

12   A   Yes.

13   Q   Okay. Do you know without looking -- and

14 you should feel free to look if you need to --

15 whether this reliability line -- this

16 reliability-driven line item, as reflected on

17 page 1 of 6 of attachment A to the data request

18 that's been marked as DCG 43, whether those

19 figures are the same as appear in -- I misspoke.

20 The data request is DCG 1-85 and the exhibit is

21 DCG 43. I was getting confused.

22   Do you know whether that line of figures

 1 is the same line of figures that appears in

 2 Exhibit (4A)-2?

 3   A   Exhibit (4A)-2 would he also include the

 4 2019 and 2020 budget items.

 5   Q   Have the values for the period 2014

 6 through 2018 changed at all between what's

 7 contained in Exhibit DCG 43 and what's contained

 8 in Exhibit (4A)-2?

 9   A   I'd have to look at (A)-2 to confirm

10 that.

11   Q   Would you, please? Thank you.

12   A   There are slight changes between this

13 data and what is in the (A)-2. It's my belief

14 that (4A)-2 does reflect the final approved

15 budgets, and that is based on what we were

16 committing to to not exceed.

17   Q   Could you -- could I impose upon you,

18 Mr. Gausman, to identify the differences for the

19 record, comparing Exhibit (4A)-2 to

20 Exhibit DCG 43, attachment A, page 1 of 6, the

21 reliability-driven line?

22   A   Well, for 2014, it's -- in the

 1 attachment A, it's roughly 130.2 million versus

 2 132.7 million. For 2015, it's 188.8 million

 3 versus 190-point -- looks like 190 million.

 4   For 2016, it's 204.8 million compared to

 5 211.4 million. 2017, it's 211 million compared to

 6 211.6 million. And for 2018, it's 224.8 million

 7 compared to 228.4 million.

 8   Q   Thank you. To what extent are the

 9 capital budgets, the distribution reliability

10 capital budgets that are reflected in -- you said

11 (4A)-2 were the final budgets?

12   A   Yes.

13   Q   Okay. To what extent are the final

14 budget figures set forth in (4A)-2 reflected in

15 PEPCO's current rates?

16   A   They're not in rates until the work is

17 performed closed to plan and there's a rate case

18 that incorporates that work into rates.

19   Q   Okay. So none of the budgeted figures

20 except -- well, none of the budgeted figures,

21 right, even the 2014, has not been closed to book

22 yet?

 1   A   It may be closed to book, but it's not --

 2 I don't believe that any of the 2014 expenses have

 3 gone through a rate case and been incorporated in

 4 rates.

 5   Q   Fair enough. Thank you, Mr. Gausman.

 6   I had one or two more questions for you

 7 on Exhibit DCG 43. I'll apologize in advance for

 8 the small print, but this is the way I got it.

 9 Would you take a look at attachment A, page 6 of

10 7?

11   A   Yes.

12   Q   If you go to the bottom -- roughly the

13 bottom quarter of page 6 of 7, you will see a

14 reference -- I really wish I had worn my glasses

15 today; I'm sorry.

16   Do you see a reference -- it's the second

17 or third item down, reliability-driven item

18 down -- it says PEPCO mixed planned -- or

19 miscellaneous planned transmission blanket?

20   A   Yes.

21   Q   Do you see that? What is that

22 expenditure?

1659

 1   A   All these items, the majority of the ones

 2   that are on this page, are transmission-related.

 3   So they're not in the distribution budget.

 4   Q   Okay.

 5   A   And that is a category of work where,

 6   throughout the year, different

 7   transmission-related activities are identified

 8   that need to be performed, but they were not known

 9   about at the time that the budget was prepared.

10   Q   So are you telling me that the numbers in

11   the reliability -- I'm basically talking about the

12   reliability-driven segment in the bottom quarter

13   of page 6 over to page 7. Those items, generally

14   speaking, appear to me to involve transmission

15   expenditures rather than distribution. Am I right

16   about that?

17   A   Yes. The commitments that are made, the

18   budgets that we're talking about in (4A)-2, are

19   distribution budgets. They do not incorporate

20   transmission activities.

21   Q   Okay. Do you know whether the activities

22   we were just looking at on pages -- the

 1 expenditures we were just looking at on pages 6

 2 and 7 are reflected in the reliability-driven

 3 segment of the distribution budget that appears on

 4 page 6 of attachment A to Exhibit DCG 43?

 5   A   As I just said, these are transmission.

 6 They're not incorporated in the distribution

 7 budget.

 8   Q   Thank you. Let's go now to your rebuttal

 9 testimony at 6, lines 5 through 15, and Joint

10 Parties' Hearing Exhibit Number 1 at page 36.

11   A   I'm sorry. Which are you looking for?

12   Q   First of all, your rebuttal testimony at

13 page 6, lines 5 through 15 is blank, is it not?

14   A   I apologize. Just a second.

15   Q   That's all right. No problem.

16   A   Yes, that's correct.

17   Q   Okay. And if you look at Joint Parties'

18 Hearing Exhibit Number 1 at page 36 in the third

19 column from the left-hand side, you'll see the

20 text that was deleted from page 6, lines 5 through

21 15 of your rebuttal testimony, correct?

22   A   That's correct.

1   Q   Okay. And why was that -- why were those

2 sentences deleted from your conformed testimony?

3   A   Again, this was responding to a

4 discussion by an OPC witness that discusses the

5 reliability target should be the EQSS. Since the

6 revised reliability targets proposed by the joint

7 applicants meets or exceeds the current EQSS

8 standards, we removed this reference.

9   Q   Okay. Now -- withdrawn.

10   Let me ask you next to continue with your

11 rebuttal. Go to page 6 and beginning -- read to

12 yourself beginning at line 16 on page 6 over to

13 page 8, line 13 and let me know when you've had a

14 chance to review that.

15   A   Yes.

16   Q   Okay. Now, is it true, Mr. Gausman, that

17 you are arguing in this segment of your testimony

18 that there actually is a direct and traceable

19 benefit to customers resulting from the merger

20 because you believe that, on a stand-alone basis,

21 if the merger does not proceed, PEPCO may need to

22 increase its budget for the 2018 to 2020 time

1662

1 frame for reliability in order to maintain

2 compliance with the SAIDI component of the EQSS?

3 Am I understanding you correctly?

4   A   Yes. We still believe that the SAIDI

5 target is a quite aggressive target. And each

6 year as we prepare our budget, we will evaluate it

7 to determine if we think we can achieve this

8 target or if additional funding is necessary.

9   Q   Did you prepare that portion of your

10 rebuttal testimony at page 6, line 16 through

11 page 8, line 13 on your own or did you have some

12 help with that?

13   A   I prepared it. I mean, obviously, there

14 were many people that reviewed the testimony, but

15 this is my testimony.

16   Q   Okay. Great. Let me ask you to take a

17 look now at what's been marked for identification

18 as Exhibit DCG 44. And that is commission order

19 16626.

20   MR. COYLE: Perhaps I could ask the bench

21 for some guidance here. I realize the Commission

22 can take official notice of its own orders, but

1663

1 since we're going to be discussing it, I thought

2 it would be more convenient to mark it as an

3 exhibit.

4   CHAIRMAN KANE: Yes.

5   MR. COYLE: Okay. Thank you.

6 BY MR. COYLE:

7   Q   Mr. Gausman, would you take a look at

8 what's been marked for identification as

9 Exhibit DCG 44, commission order 16626, and let me

10 know if you're familiar with that document?

11   A   Yes.

12   Q   And commission order 16626 is discussed

13 in the portion of your rebuttal testimony that we

14 were just talking about, correct?

15   A   Yes.

16   Q   Did you tell me Friday that you did not

17 know whether or by how much PEPCO's current

18 reliability capital budgets might have to increase

19 to attain compliance with the EQSS SAIDI

20 requirement for 2018 through 2020 if the merger

21 does not proceed?

22   A   Yes.

1664

1   Q   Okay. Would you take a look at Exhibit

2 DCG 44, order number 16626, at paragraph 28,

3 please. That's on page 12 of the order.

4   A   Yes.

5   Q   Okay. Would you read paragraph 28 to

6 yourself, Mr. Gausman, and then I have a couple of

7 questions.

8   A   Yes.

9   Q   Okay. Now, as you point out in your

10 testimony, Mr. Gausman, PEPCO raised the issue of

11 cost of compliance with the 2018 to 2020 SAIDI

12 requirement under the EQSS as part of the

13 proceedings that led up to order 16626, correct?

14   A   Yes.

15   Q   All right. And paragraph 28 represents

16 the Commission's response to those arguments in

17 part; is that correct?

18   A   Yes.

19   Q   And if I could paraphrase, the

20 Commission's response was you haven't quantified

21 your argument, correct?

22   A   Yes.

1665

1   Q   Okay. Now, let me ask you to turn to

2 paragraph 32 on page 14 of order 16626. Do you

3 recall that PEPCO submitted a report in support of

4 its request for reconsideration in the

5 preceding -- of the Commission's preceding order,

6 the number of which escapes me, but it's in order

7 16626 -- PEPCO supported its request for

8 reconsideration with a study by Quanta Technology?

9   A   I remember Quanta doing some studies for

10 us. I don't remember the specifics of this

11 particular report.

12   Q   Okay. Would you -- paragraph 32 recites

13 that the Commission has included a discussion of

14 what it saw as flaws in the Quanta report as

15 appendix A, which was a technical appendix on the

16 Quanta report.

17   Would you take a look at that briefly and

18 let me know whether you've seen that appendix A

19 before?

20   A   It looks familiar, yes.

21   Q   And not to go through it in detail,

22 Mr. Gausman, but is it fair to say that the

 1 discussion in paragraph 32 in the Commission's

 2 technical appendix analyzing the Quanta report are

 3 to some extent more of the same; that is, it's an

 4 interesting argument, but you haven't quantified

 5 it?

 6   A   Obviously, you know, identifying the cost

 7 is -- to be able to achieve this is a major

 8 component. And, you know, it continues to be all

 9 of our concern that we are able the achieve these

10 standards at a reasonable cost. I mean, that's

11 part of the reason that we developed this modeling

12 tool is to help us to forecast what our

13 improvements could be. So there's a lot that goes

14 into being able to quantify the dollars.

15   Q   Mr. Gausman, are we not in the same place

16 today in terms of the argument about the cost of

17 attaining the SAIDI in 2018 through 2020 required

18 by the EQSS that PEPCO was in at November 30, 2011

19 when order number 16626 was issued?

20   A   Not exactly, because, I mean, as you just

21 went through, the modeling tools from a SAIDI

22 standpoint at the current budgeted levels, that

1667

 1 was forecasting about a 107-minute SAIDI. The

 2 SAIDI under the EQSS, I believe, in 2020, if I

 3 remember right, is 81 minutes. So, you know, I

 4 continue to have concerns that, at the current

 5 budget levels, that we'll be able to achieve that

 6 level of performance on a stand-alone basis.

 7   Q   Okay. Since you mention it, Mr. Gausman,

 8 I wonder if you would go back to Exhibit DCG 42

 9 and the appendix with the graphics that reflect

10 the Monte Carlo simulations that PA Consulting has

11 done for you. And in particular, I wanted to look

12 at page 11, which has your SAIDI breakdown.

13   A   Yes.

14   Q   I think we discussed earlier that, in

15 2014, the simulations were predicting a SAIDI of

16 107.49 for 2014; is that right?

17   A   Right.

18   Q   And your actual was 97 that year.

19 Actually, if I'm going to go decimal on you, it's

20 96.6; isn't that right?

21   A   Yes.

22   Q   So you did ten minutes better in 2014 in

 1 reality than what your simulation predicted,

 2 right?

 3   A   Yes.

 4   Q   Okay. Now, if that trend continued --

 5 and I recognize, as the late Jim Morrison used to

 6 say, that the future is uncertain and the end is

 7 always near -- but if that trend continued, your

 8 SAIDI in 2018 would go down to about 94.46,

 9 correct?

10   A   If all things else are equal -- and I'm

11 sure you remember on Friday I also mentioned that

12 the first two months of 2015 our SAIDI is 22

13 minutes higher than 2014 was. So they're the

14 variables that we have to take into consideration

15 when we're, you know, trying to estimate the

16 future.

17   Q   Okay. Mr. Gausman, I have a few details

18 I need to take up with you on other data requests.

19 I wanted to ask you, first, to turn to what's been

20 marked for identification as Exhibit DCG 45, which

21 is attachment A to data request DCG 1-76. Can you

22 identify that for us, please? I think you

 1 provided it.

 2   A   I provided a lot of information. This is

 3 a series of tables. I don't see the cover, so I

 4 don't recall exactly which question this was in

 5 response to.

 6   Q   What the information conveys is the

 7 causes of the impacts of various phenomena on

 8 SAIDI and SAIFI in various years; is that right?

 9   A   Yes.

10   Q   And that information would be retained

11 within your section of PEPCO?

12   A   Yes.

13   Q   Okay. Is that information that appears

14 in attachment A to data request DCG 1-76 that's

15 been marked for identification as DCG 45 accurate

16 as far as you know?

17   A   I believe it is.

18   Q   Okay. Thank you. Let me ask you to take

19 a look next, Mr. Gausman, at what's been marked

20 for identification as Exhibit DCG 52. And that is

21 the joint applicants' response to District of

22 Columbia government data request number DCG 5-19.

 1 Just take a look at that for a minute.

 2   A   I have it.

 3   Q   Okay. You are one of the authors of that

 4 data request response?

 5   A   Yes, I am.

 6   Q   Okay. Now, Mr. Gausman, do you recall

 7 Mr. Alden testified to a number of process

 8 recommendations, I guess I would call them, that

 9 grew out of what he referred to as reliability

10 summit meetings that were conducted between his

11 staff and your staff --

12   A   Yes.

13   Q   -- on improvements in reliability? And

14 this response identifies a number of those

15 suggestions, correct?

16   A   I don't believe so. This response is

17 responding to information that is contained within

18 the consolidated report.

19   Q   I see. Okay. Thank you.

20   Let me ask you to take a look next at

21 what's been marked for identification as

22 Exhibit DCG 56, joint applicants' response to data

1671

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 1   request AOBA 4-12.

 2       A    I have it.

 3       Q    And you are one of the authors of this

 4   response, correct?

 5       A    That's correct.

 6       Q    This response was correct when you gave

 7   it?

 8       A    Yes.

 9       Q    And it's still correct today, as far as

10   you know?

11       A    Yes.

12       Q    Let me ask you to take a look next at

13   what's been marked for identification as Exhibit

14   DCG 57, which is joint applicants' response to

15   data request AOBA 4-13.

16       A    I have it.

17       Q    Now, you were not the author of that

18   request, and this was one I was looking for

19   earlier.  This request -- this response identifies

20   various recommendations that surfaced during the

21   interaction between your staff and Mr. Alden's

22   staff on what was attainable by way of a
```

 1 reliability commitment, correct?

 2   A   These were different areas of reliability

 3 that were being discussed.

 4   Q   Okay. My question to you, Mr. Gausman,

 5 focusing particularly on the matters presented in

 6 the boxes on the second and third pages of the

 7 document, engineering best practices identified in

 8 reliability summit and process changes -- could

 9 you take a look through those for yourself for a

10 moment and let me know when you're finished.

11   A   Yes.

12   Q   Can you identify for us which of those

13 best practices or process changes you learned

14 about for the first time as a result of your -- of

15 the interactions between your staff and

16 Mr. Alden's staff on joint applicants' reliability

17 commitments?

18   A   Well, that wasn't exactly what this

19 was -- the purpose for this list of activities.

20 These are -- many of these activities are things

21 that PHI is already doing. The purpose was to see

22 if there's ways to improve it. And that's what we

 1 mean by process improvements, where we can take

 2 activities that we may already be performing and

 3 improve on them and gain the insights and benefits

 4 from the Exelon utility's of how they've

 5 implemented these processes and changes that can

 6 be brought to PEPCO to even improve the

 7 performance better than it is today.

 8   Q   And is it correct to your understanding,

 9 Mr. Gausman, as represented on the last page of

10 Exhibit DCG 57 in item F, that specific costs

11 related to the implementation of the items

12 identified in subsection A, which I believe is

13 what appears in the boxes, have not yet been

14 identified -- not yet been calculated, sorry?

15   A   The specific costs have not been. The

16 commitments to this did not exceed the budget. So

17 the intent is to find improvements that can be

18 implemented to help us to reduce the overall cost

19 of these different activities and increase the

20 benefits that we're realizing from each of these

21 activities.

22   Q   Thank you.

 1   MR. COYLE: If I could ask the bench's

 2 indulgence for a moment. I have a list of

 3 questions that were deferred to Mr. Gausman by

 4 others. Some of them have been covered already in

 5 my cross, and I just want to make sure I'm not

 6 asking questions again that I've already asked

 7 once. If I could have a minute.

 8   CHAIRMAN KANE: Certainly.

 9   MR. COYLE: Thank you.

10   (Pause.)

11 BY MR. COYLE:

12   Q   Mr. Gausman, Mr. Rigby deferred a

13 question to you, and I'm trying to think how to

14 set this up. You are aware of the joint

15 applicants' commitment to use a good faith effort

16 to hire an additional 102 bargaining unit

17 employees?

18   A   I'm aware of it.

19   Q   Okay. The question was posed to

20 Mr. Rigby, would these new employees be used for

21 projects or construction related to the new --

22 related to the D.C. power lines underground

1 program?

2   And Mr. Rigby responded -- this is at

3 transcript page 760, line 16 through 761, line 6,

4 Probably not in the beginning. I could anticipate

5 they would basically be trained, probably more so

6 for overhead, but certainly some of them could be

7 underground, but I'm not -- I mean, Mr. Gausman

8 would -- you know, he's -- the PLUG power line

9 underground initiative is under his watch. He

10 might be able to give you a better perspective.

11   So can you tell us -- with my apologies

12 for Mr. Rigby's articulation, which I know you're

13 familiar with -- are those 102 bargaining unit

14 positions likely to be engaged in D.C. PLUG

15 construction?

16   A   The D.C. PLUG construction, as you know,

17 is a joint venture with the District. The intent

18 is to contract out the majority of that work using

19 local contracting firms to the greatest extent

20 possible. You know, obviously, once the lines are

21 in, then we will be maintaining those lines. And

22 so the future maintenance is normally done by

1676

 1 company employees. The initial construction, that

 2 will primarily be through a contract workforce.

 3   Q   Thank you, Mr. Gausman.

 4   MR. COYLE: I have no further questions.

 5   CHAIRMAN KANE: Mr. Wright?

 6   MR. WRIGHT: DC SUN has no questions for

 7 this witness, Your Honor.

 8   CHAIRMAN KANE: Ms. White?

 9   MS. WHITE: Your Honor, I thought I might

10 defer to Ms. Francis and get the normal schedule

11 back on track.

12   CHAIRMAN KANE: Very good.

13   Ms. Francis?

14   CROSS-EXAMINATION

15 BY MS. FRANCIS:

16   Q   Good afternoon, Mr. Gausman.

17   A   Good afternoon.

18   MS. FRANCIS: I'd like to start by

19 identifying some exhibits for the record that I

20 believe we stipulated to with the joint applicants

21 earlier today.

22   Your Honor, first, I would like to have

 1 marked what has been preliminarily identified as

 2 AOBA 44 -- excuse me; I misspoke -- what has been

 3 preliminarily identified as AOBA 33, which is the

 4 joint applicants' response to AOBA data request

 5 number 2-7. I'd like to have that marked for the

 6 record as AOBA 44.

 7   CHAIRMAN KANE: So marked.

 8   (AOBA Cross Exhibit Number 44 was marked

 9 for identification.)

10   MS. FRANCIS: Next is what's been

11 preliminarily identified as AOBA 70, which I'd

12 like -- which is the joint applicants' response to

13 AOBA data request 5-1, which I'd like to have

14 marked for the record as AOBA 45.

15   (AOBA Cross Exhibit Number 45 was marked

16 for identification.)

17   CHAIRMAN KANE: So marked.

18   MS. FRANCIS: The next is what's been

19 preliminarily identified as AOBA 72, which is the

20 joint applicants' response to AOBA 5-4, which I'd

21 like to have marked for the record as AOBA 46.

22   CHAIRMAN KANE: So marked.

 1   (AOBA Cross Exhibit Number 46 was marked

 2 for identification.)

 3   MS. FRANCIS: The next is what's been

 4 preliminarily identified as AOBA 75, which is the

 5 joint applicants' response to AOBA data request

 6 number 5-7, which I'd like to have marked for the

 7 record as AOBA 47.

 8   (AOBA Cross Exhibit Number 47 was marked

 9 for identification.)

10   CHAIRMAN KANE: So marked.

11   MS. FRANCIS: The next is what's been

12 preliminarily identified as AOBA 32, which is the

13 joint applicants' response to AOBA data

14 request 2-4, which I'd like to have marked for the

15 record as AOBA 48.

16   CHAIRMAN KANE: So marked.

17   (AOBA Cross Exhibit Number 48 was marked

18 for identification.)

19   MS. FRANCIS: The next is what's been

20 preliminarily identified as AOBA 68, which is the

21 joint applicants' response to AOBA data

22 request 3-12, which I'd like to have marked for

 1 the record as AOBA 49.

 2   CHAIRMAN KANE: So marked.

 3   (AOBA Cross Exhibit Number 49 was marked

 4 for identification.)

 5   MS. FRANCIS: The next is what's been

 6 preliminarily identified as AOBA 92, which is the

 7 joint applicants' response to AOBA data request

 8 number 5-2, including AOBA data response

 9 number 1-10, attachment D, which is -- there is a

10 public and a confidential version. However, the

11 joint applicants have stated we may cross on the

12 public record on that document. I ask to have

13 that marked for the record as AOBA 50.

14   CHAIRMAN KANE: So marked.

15   (AOBA Cross Exhibit Number 50 was marked

16 for identification.)

17   MS. FRANCIS: The next is what's been

18 preliminarily identified as AOBA 73, which is the

19 joint applicants' response to AOBA data

20 request 5-5, which is the joint applicants --

21 excuse me -- joint applicants' response to AOBA

22 data request number 5-5, which I'd like to have

1 marked for the record as AOBA 51.

2   CHAIRMAN KANE: So marked.

3   (AOBA Cross Exhibit Number 51 was marked

4 for identification.)

5   MS. FRANCIS: The next is what's been

6 preliminarily identified as AOBA 76, which is the

7 joint applicants' response to AOBA data request

8 number 6-4, which I'd like to have marked for the

9 record as AOBA 52.

10   CHAIRMAN KANE: So marked.

11   (AOBA Cross Exhibit Number 52 was marked

12 for identification.)

13   MS. FRANCIS: The next is what's been

14 preliminarily identified as AOBA 67, which is the

15 joint applicants' response to AOBA data request

16 number 2-5, which I'd like to have marked for the

17 record as AOBA 53.

18   CHAIRMAN KANE: So marked.

19   (AOBA Cross Exhibit Number 53 was marked

20 for identification.)

21   MS. FRANCIS: The next is what's been

22 preliminarily identified as AOBA 69, which is the

1681

 1 joint applicants' response to AOBA data

 2 request 4-12, which I'd like to have marked for

 3 the record as AOBA 54.

 4   CHAIRMAN KANE: So marked.

 5   (AOBA Cross Exhibit Number 54 was marked

 6 for identification.)

 7   MS. FRANCIS: The next is what's been

 8 preliminarily identified as AOBA 71, which is the

 9 joint applicants' response to AOBA data request

10 number 5-3, which I'd like to have marked for the

11 record as AOBA 55.

12   CHAIRMAN KANE: So marked.

13   (AOBA Cross Exhibit Number 55 was marked

14 for identification.)

15   MS. FRANCIS: The next is what's been

16 preliminarily identified as AOBA 74, which is the

17 joint applicants' response to AOBA data request

18 number 5-6, which I'd like to have marked for the

19 record as AOBA 56.

20   CHAIRMAN KANE: So marked.

21   (AOBA Cross Exhibit Number 56 was marked

22 for identification.)

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1   MS. FRANCIS: The next is what's been

2 preliminarily identified as AOBA 77, which is the

3 joint applicants' response to AOBA data

4 request 6-5, which I'd like to have marked for the

5 record as AOBA 57.

6   CHAIRMAN KANE: So marked.

7   (AOBA Cross Exhibit Number 57 was marked

8 for identification.)

9   MS. FRANCIS: The next is what's been

10 preliminarily identified as AOBA 115, which is a

11 corrected William Gausman PEPCO D.C. capital

12 budget worksheet. I'd like to have that marked

13 for the record as AOBA 58.

14   CHAIRMAN KANE: So marked.

15   (AOBA Cross Exhibit Number 58 was marked

16 for identification.)

17   MS. FRANCIS: And the next is what's been

18 preliminarily identified as AOBA 116, which is

19 PEPCO's O&M budget 2014 through 2020, which I'd

20 like to have marked for the record as AOBA 59.

21   CHAIRMAN KANE: So marked.

22   (AOBA Cross Exhibit Number 59 was marked

1 for identification.)

2 BY MS. FRANCIS:

3   Q   Mr. Gausman, I'm going to try not to go

4 over anything that was previously asked by OPC and

5 the D.C. government, but if I do, just bear with

6 me.

7   I'd like to start off by asking you to

8 please reference your conformed direct testimony

9 at page 7, lines 20 -- lines 10 through 20.

10   A   I have it.

11   Q   Now, on that page, you discuss PEPCO's

12 ability to meet the EQSS reliability requirements

13 if the merger is approved?

14   A   I'm sorry. Just a second. I turned to

15 the wrong page. I'm sorry. I have it now.

16   Q   Okay. And on that page, you discuss

17 PEPCO's ability to meet EQSS reliability

18 requirements if the merger is approved?

19   A   Yes.

20   Q   Is there anything in your testimony at

21 page 7, lines 10 through 20, that is intended to

22 imply that PEPCO will be unable to meet the

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 1 Commission's EQSS standards for SAIFI and SAIDI if

 2 the merger is not approved?

 3   A   No. I think, as we've said, you know, we

 4 are committed to achieving the EQSS. The only

 5 question is if we can do it within the existing

 6 budget levels.

 7   Q   I guess my question went more toward, is

 8 there anything in your testimony at page 7,

 9 lines 10 through 20 that is intended to imply that

10 PEPCO will be unable to meet the Commission's EQSS

11 standard for SAIFI and SAIDI if the merger is not

12 approved? Focused on your testimony.

13   A   No.

14   Q   Now, at lines 14 through 16, again, on

15 page 7, you state, quote, we are confident that we

16 will continue to meet our current proposed

17 reliability commitments following the merger, end

18 quote.

19   Focusing on the phrase within that

20 statement "will continue to meet," am I correct

21 that PEPCO is currently in compliance with the

22 Commission's EQSS standards?

 1   A   Yes.

 2   Q   Am I correct that the SAIFI level

 3 achieved by PEPCO in 2014 is below the

 4 Commission's EQSS for all years through 220 (sic)?

 5   A   Yes.

 6   Q   Am I correct that the SAIDI level

 7 achieved by PEPCO in 214 (sic) is below the

 8 Commission's EQSS for all years through 2018?

 9   A   I believe that's correct.

10   Q   Would you agree that regardless of

11 whether the merger is approved, PEPCO can

12 anticipate further improvements in its reliability

13 in the coming years from the implementation of its

14 D.C. PLUG undergrounding initiative?

15   A   Yes.

16   Q   Mr. Gausman, given PEPCO's actual SAIFI

17 and SAIDI results for 2014 and the planned

18 implementation of PEPCO's D.C. PLUG undergrounding

19 initiatives, do you have any substantial concerns

20 regarding PEPCO's ability to continue to meet the

21 Commission's EQSS through 2020?

22   A   Again, I think we have been clear that it

 1 is our intent to meet the standards. The concern

 2 is if we can do it within the existing budget

 3 levels that we currently have in our five-year

 4 plan.

 5   Q   Is that the only concern that you have,

 6 sir?

 7   A   They're very aggressive goals. We

 8 obviously have a lot of work ahead of us to be

 9 able to achieve them, but it is our intent to

10 achieve those standards.

11   Q   What steps has PEPCO taken to address the

12 budgetary concern in this regard?

13   A   The budget is something that we are

14 constantly looking at, evaluating what we're

15 spending relative to how much of an improvement

16 we're achieving. So, you know, it is a -- we --

17 annually, we do a formal review of the five-year

18 plan, and throughout the year we're monitoring it

19 and looking to see how we're performing relative

20 to both budget and our targeted reliability

21 improvement levels.

22   Q   Are you suggesting that the reason for

1687

 1 this budgetary concern is the company's inadequate

 2 budgeting preparation?

 3   A   Not at all. I'm saying that the -- to be

 4 able to achieve a reliability target five years in

 5 the future is -- is something that takes

 6 continuous monitoring to make sure we're on the

 7 right track, and it frequently requires

 8 adjustments in the budget for the type of work

 9 that we're performing to be able to continue to

10 achieve improvements in the reliability

11 performance.

12   Q   Can you tell me, how do you reconcile

13 your apparent lack of confidence that PEPCO can

14 meet or exceed the Commission's EQSS through 2020

15 within the existing budgets in the absence of the

16 merger with Mr. Rigby's vision of PHI as an

17 organization that aspires to, quote, become the

18 best in class in safety, reliability, customer

19 service and innovation, end quote?

20   A   I don't think they're inconsistent. I

21 think we -- we are striving to improve, we are

22 constantly looking at ways to change our work

1 practices or the equipment we're using. We will

2 continuously review how we're performing relative

3 to the standards. And I think it's also

4 well-known that, you know, that there have been

5 pretty significant increases in our capital budget

6 plan over the last few years and, you know, our

7 only -- the only thing that we're saying is that,

8 you know, that the reliability standards continue

9 to require improvements every year, and we will

10 have to watch what we're spending and, if

11 necessary, on a stand-alone basis, we see that

12 there's a potential that we may have to increase

13 the capital investment.

14   Q   Mr. Gausman, if the 2014 levels are

15 maintained, doesn't D.C. PLUG get you enough

16 incremental benefit to meet the standards through

17 2020?

18   A   You know, it's very dependent on the

19 timing of when the PLUG, you know, gets to full

20 implementation, be able to get multiple feeders

21 completed.

22   And there's also -- as I, you know, have

 1 said, there's a lot of variables that have to be

 2 factored into the annual performance, just like we

 3 had at the beginning of this year, you know, one

 4 network underground cable problem impacted the

 5 SAIDI performance by 22 minutes compared to last

 6 year. You know, if we have a series of bad

 7 weather, that can impact the performance.

 8   So you can't develop a plan that is just

 9 going to meet a target. You have to develop a

10 plan that's striving to be better than the target

11 to account for the variables in the weather and

12 other outside events that can occur.

13   Q   Now I'm going to ask you to please turn

14 to your February 17th supplemental direct

15 testimony at page 3, and I'd like to focus on the

16 content of table 1 on that page. Tell me when you

17 have it.

18   A   I'm there.

19   Q   Now, on the first line of table 1, you

20 provide budgeted reliability-driven capital

21 expenditures for the years 2014 through 2020,

22 correct?

 1   A   Yes.

 2   Q   Were you aware of PEPCO's actual 2014

 3 reliability-driven capital expenditures for the

 4 District of Columbia at the time you filed your

 5 February 17th, 2015, supplemental direct

 6 testimony?

 7   A   I'm not sure if I had the actuals at that

 8 time or not.

 9   Q   Now I'm going to ask you to turn to what

10 was preliminarily identified as AOBA 2 -- excuse

11 me, 52.

12   A   I have it.

13   MS. FRANCIS: And, Your Honor, I believe

14 that this document was previously admitted into

15 evidence as AOBA 38.

16 BY MS. FRANCIS:

17   Q   Mr. Gausman, am I correct that -- I'm

18 going to refer to it as -- AOBA Exhibit 38

19 contains a copy of your response to OPC data

20 request 20-10?

21   A   That's correct.

22   Q   And am I correct that your response to

 1 OPC data request 20-10 indicates that PEPCO's

 2 actual reliability-driven capital spending for

 3 2014 was approximately $22 million below the

 4 budgeted amount for 2014 reliability-driven

 5 capital expenditures which was $133 million?

 6   A   That's correct.

 7   Q   Does your response to OPC data

 8 request 20-10 also indicate that PEPCO's actual

 9 reliability-related O&M spending for 2014 was

10 $8.5 million below the 2014 O&M budget amount of

11 $41.5 million shown in that response?

12   A   That's the total PEPCO region numbers.

13 As you can see, the large variance was in forestry

14 or vegetation management, and for D.C. that

15 activity was $51,000 overspent. So that whole

16 variance of roughly $5.9 million of forestry is

17 all associated with work in the Maryland territory

18 of PEPCO.

19   Q   Let's get back to my question, because

20 you're jumping ahead -- and I'm going to get to it

21 all, and I'm going to ask you about a lot of

22 lines. So try to stay with me here. I'm going to

 1 ask you the question again.

 2   Does your response to OPC data

 3 request 20-10 also indicate that PEPCO's actual

 4 reliability-related O&M spending for 2014 was

 5 $8.5 million below the 2014 O&M budgeted amount of

 6 $41.5 million shown in that response?

 7   A   Yes.

 8   Q   Now, am I correct that your response to

 9 AOBA data request 5-4 -- and I'm going to refer

10 you to what was preliminarily identified as

11 AOBA 72 and has been marked for the record as

12 AOBA 46. Tell me when you have that.

13   A   I have it.

14   Q   Now, am I correct that your response to

15 AOBA data request 5-4 indicates that PEPCO's

16 actual spending for system schedule maintenance

17 was approximately $2.5 million below the budgeted

18 amount for 2014 which was $19.1 million?

19   A   Yes.

20   Q   Am I correct that the total

21 reliability-related O&M budget for 2014 that is

22 shown in your response to OPC data request

 1 20-10 -- that's the exhibit that was entered as

 2 AOBA 38 -- reflects costs for both D.C. and

 3 Maryland?

 4   A   The O&M portion does, yes.

 5   Q   Now, please let's turn back to your

 6 table 1 on page 3 of your February 17th

 7 supplemental direct testimony. And, first, I

 8 would like to establish that the budgeted cost

 9 data found in table 1 in your supplemental direct

10 testimony on page 3 is intended to be identical to

11 the content of the reliability-related costs

12 reflected in table 1 of commitment 7 in (4A)-2 to

13 the supplemental direct testimony filed by Witness

14 Crane on February 17th, 2015.

15   Is that correct -- or are you able to

16 establish that?

17   A   That's the intent.

18   Q   Mr. Gausman, next have the budgeted costs

19 presented in table 1 on page 3 of your

20 February 17th supplemental direct testimony been

21 updated or revised to reflect the influence of

22 changes in the joint applicants' reliability

1 commitments?

2   A   I'm sorry. Say that again.

3   Q   Have the budgeted costs presented in

4 table 1 on page 3 of your February 17th

5 supplemental direct testimony been updated or

6 revised to reflect the influence of changes in the

7 joint applicants' reliability commitments?

8   A   No.

9   Q   Am I correct, Mr. Gausman, that you did

10 not provide either a table or an exhibit in your

11 initially filed direct testimony in this

12 proceeding that showed PEPCO's budgeted

13 reliability-driven capital expenditures for D.C.

14 as of the time of that filing in June of 2014?

15   A   I don't believe there was a table in the

16 June filing.

17   Q   Is there any capital budget data in your

18 direct or rebuttal testimonies and their

19 accompanying exhibits that provides

20 reliability-driven capital budgets for PEPCO D.C.

21 comparable the information you now offer as

22 table 1 in your February 2015 supplemental direct

 1 testimony?

 2   A   I don't believe there's anything in

 3 testimony. I do believe that we responded to some

 4 data requests with budget information.

 5   Q   You do believe. Are you positive about

 6 that?

 7   A   We responded to a lot of budget questions

 8 in the data responses. I don't remember the

 9 timing of all of them.

10   Q   You don't remember the...

11   A   Timing of the different data responses.

12   Q   If this Commission wanted to compare

13 PEPCO's budgeted reliability-driven capital

14 expenditures for D.C. as shown in table 1 in your

15 February 2015 supplemental direct testimony with

16 PEPCO's reliability-driven capital expenditures

17 prior to the most recent changes in joint

18 applicants' reliability commitments for PEPCO's

19 District operations, please tell me, what

20 documents would it need to compare?

21   A   I guess it would depend on what period of

22 time. I know that some of the actual information

 1 is in the consolidated reports, but, you know,

 2 depending on what period of time that comparison

 3 wanted to be performed, we could provide that

 4 information if requested.

 5   Q   Well, are you saying that, for right now,

 6 that there's no two documents in the record that

 7 would enable the Commission to compare your

 8 current commitments with your June commitments in

 9 terms of reliability? Excuse me, your budgeted

10 reliability-driven capital expenditures.

11   A   I just don't remember all the records

12 that are -- that have been submitted in this case.

13 As I said, we've responded to numerous budget

14 questions. I'm confident that we filed a copy of

15 our five-year plan. I don't remember exactly

16 where that was filed or which data responses it

17 was filed in.

18   Q   Is it your position, Mr. Gausman, that

19 the changes in the relative levels of the joint

20 applicants' SAIDI and SAIFI commitments have no

21 impact on the costs that PEPCO will need to incur

22 to achieve the joint applicants' revised

 1 reliability commitment?

 2   A   The commitment that's before the

 3 Commission now, you know, reflects improved

 4 reliability performance at the previous capital

 5 budget. We did not increase the budget. We did

 6 revise the reliable targets, but there is no -- no

 7 increase in the capital budget.

 8   Q   I understand that, but I guess what I'm

 9 asking you is, is it your position that the

10 changes in the levels of your SAIFI and SAIDI

11 commitments -- is it your testimony that that has

12 no impact on the costs that PEPCO will need to

13 incur to achieve the joint applicants' revised

14 commitments?

15   A   Yes, that's the commitment that we're

16 making; there will be no impact on budget.

17   Q   I accept your answer, but that didn't

18 answer my question, so let's try it again.

19   What I'm asking is, the changes in the

20 commitments that you're making, does that impact

21 the costs that PEPCO will need to incur to achieve

22 the revised reliability commitment?

1698

 1   MR. DUVER: Your Honor, I would object as

 2 asked and answered. Mr. Gausman gave the answer

 3 to that question.

 4   MS. FRANCIS: Your Honor, I don't believe

 5 he answered that question. What he answered me

 6 was they are not proposing an increase in the

 7 costs in this proceeding. That wasn't my

 8 question. My question went to, is he testifying

 9 that when you change the commitments, it does not

10 impact the actual costs that will be incurred?

11 It's a very different question.

12   CHAIRMAN KANE: You can answer that.

13   THE WITNESS: You know, I can only answer

14 it by saying that this is our budget. We do not

15 see a -- we do not anticipate that there would be

16 an increase in the actual cost or the budgeted

17 cost to achieve the reliability commitment that

18 we're making.

19 BY MS. FRANCIS:

20   Q   Okay. Let me just break it down. Let me

21 try it a little different way.

22   CHAIRMAN KANE: I think now it has been

1699

 1 asked and answered.

 2 BY MS. FRANCIS:

 3   Q   Okay. Would you please identify and

 4 explain the nature and magnitude of the changes in

 5 budgeted reliability-driven capital that are found

 6 in table 1 in your supplemental direct, when

 7 compared to PEPCO's prior budgeted costs for

 8 reliability-related costs?

 9   A   What was the prior numbers that they're

10 referencing?

11   Q   Well, I'm referencing the numbers from --

12 well, since I don't have the budgeted

13 reliability-driven capital costs that you had in

14 June 18th, because they're not in the record, I'm

15 asking you to identify and explain the nature and

16 magnitude of the changes in budgeted

17 reliability-driven capital that are found in

18 table 1 when compared to PEPCO's prior budgeted

19 costs for reliability-related costs.

20   MR. DUVER: Your Honor, I would object.

21 First of all, it's assuming facts not in evidence.

22 Mr. Gausman had already stated before that it

1700

 1 really depends on a period of time that you're

 2 looking at if you're going to be making a

 3 comparison.

 4   He's being asked to compare the spending

 5 levels in table 1 against some unidentified budget

 6 level and to explain what those differences are.

 7   MS. FRANCIS: Your Honor, it's not

 8 unidentified. I'm asking him to compare what's in

 9 table 1 now with these new commitments with the

10 budget that would have been there in table 1 back

11 in June of this year. Excuse me, of -- right,

12 this last year.

13   CHAIRMAN KANE: And there was no table 1

14 back in June; is that correct?

15   MS. FRANCIS: I know that, but

16 Mr. Gausman would have had access to the numbers.

17 And I'm asking -- since he didn't put them in the

18 record, I'm asking him, could he identify and

19 explain the nature and magnitude of the changes in

20 the budgeted reliability-driven capital that are

21 found in table 1 when compared to their prior

22 budgets which he didn't put in this case? Is he

 1 able to do that? If he doesn't know, he can just

 2 say he doesn't know.

 3   THE WITNESS: Maybe I can answer it this

 4 way: The commitment that was made by the joint

 5 applicants at the beginning was that we would not

 6 increase the budget. The budget that was being

 7 discussed was the approved -- the PHI-approved

 8 2014 through 2018 budget.

 9   We have not changed that commitment.

10 That's the numbers that we were talking about back

11 in June. It's for that period of time. It is

12 still the numbers -- the budget that we're talking

13 about. The only additions have been that we added

14 the budgeted numbers for 2019 and 2020. Other

15 than '19 and '20, the commitment was based on the

16 approved PHI budget. That's still the commitment.

17 We have not made any changes.

18 BY MS. FRANCIS:

19   Q   Okay. And this is my last question on

20 this topic. Am I correct that neither your direct

21 nor your rebuttal testimonies present budgeted

22 data for capital and O&M costs on a year-by-year

 1 basis?

 2   A   I'm sorry. Ask that again.

 3   Q   Am I correct that neither your direct

 4 testimony nor your rebuttal testimony present

 5 budgeted data for capital and O&M costs on a

 6 year-by-year basis?

 7   A   Table 1 is -- does reflect the annual

 8 capital and O&M expenses on an annual basis.

 9   Q   And this is in your supplemental direct.

10 What I asked you was, am I correct that neither

11 your direct testimony nor your rebuttal testimony

12 present budgeted data for capital and O&M costs on

13 a year-by-year basis?

14   MR. DUVER: Your Honor, asked and

15 answered.

16   MS. FRANCIS: Your Honor, he answered it

17 in regard to his supplemental direct testimony.

18 My question went very specifically to his direct

19 testimony and his rebuttal testimony.

20   MR. DUVER: And I believe that

21 Ms. Francis earlier had questioned Mr. Gausman

22 about whether a table similar to this appears in

1703

1 the earlier rounds of testimony, and Mr. Gausman

2 already said that they didn't.

3   MS. FRANCIS: He said there was no table.

4 This was a little bit more broad. This is my last

5 question in this area. I'd like a specific answer

6 from the witness.

7   CHAIRMAN KANE: I think it's been asked

8 and answered in terms of the direct testimony.

9 You can ask it in terms of the rebuttal.

10 BY MS. FRANCIS:

11   Q   Shall I read that question again to you,

12 Mr. Gausman?

13   A   If you would, please.

14   Q   Am I correct that your rebuttal testimony

15 has not -- that you did not in your rebuttal

16 testimony present budgeted data for capital and

17 O&M costs on a year-by-year basis?

18   A   I believe that's correct.

19   Q   Now, please turn to what's been

20 preliminarily identified as AOBA Exhibit 92 and

21 has now been marked for the record as AOBA 50.

22   A   I have it.

1704

1   Q   Mr. Gausman, I'm going to be looking at

2 the confidential version of this response, and if

3 I veer into any response that needs to be

4 confidential, please just let me know. And just

5 for the record, this response is the joint

6 applicants' response to AOBA data request

7 number 5-2.

8   Your response to AOBA data request 5-2

9 suggests that the reliability-driven capital

10 expenditures shown in table 1 of page 3 of your

11 supplemental direct testimony are a subset of the

12 overall capital budget; is that correct?

13   A   Yes.

14   Q   Would you agree that the budgeted costs

15 presented on the capital budget tab of what's

16 labeled confidential attachment D to AOBA data

17 request 1-10 include costs for each of the PHI

18 utilities in each of the jurisdictions in which

19 they provide service?

20   A   Yes.

21   Q   You say in response to AOBA data

22 request 5-2 that the budgeted reliability-driven

 1 capital expenditures in table 1 are a subset of

 2 the budgeted costs shown in the capital budget tab

 3 of the confidential attachment D to AOBA data

 4 request 1-10.

 5   Is that characterization of the data on

 6 the capital budget tab of attachment D to AOBA

 7 data request 1-10 intended to indicate that the

 8 PEPCO D.C. costs shown in that tab are a subset of

 9 the total costs in attachment D for all PHI

10 utilities or is it your intent to say it's a

11 subset of PEPCO's District of Columbia costs?

12   A   It's both. I mean, the reliability

13 numbers here are a portion of the total budget as

14 was discussed earlier. There's reliability,

15 there's load, there's capital -- I mean,

16 customer-driven work. So reliability is a subset

17 of that total budget either on an individual

18 company basis or on a PHI basis.

19   Q   So it's a subset -- I just want to

20 understand your answer. So it's a subset for

21 both, for all PHI utilities as well as a subset

22 for PEPCO D.C.?

1706

 1   A   Yes.

 2   Q   Okay. Could you please tell me what

 3 information would need to be added or subtracted

 4 from the data in your table 1 to reconcile table 1

 5 with the data in the capital budget tab of

 6 attachment D to AOBA data request 1-10?

 7   A   Table 1 in my supplemental testimony

 8 reflects all reliability expenditures. The tab

 9 that's in the exhibit that we're talking about

10 here reflects the reliability expenditures that

11 are used as a basis for doing the reliability

12 projections that was actually being discussed

13 previously where we were forecasting the potential

14 improvements. These are the dollars that drive

15 those reliability improvements.

16   Q   I guess I'm trying to reconcile those two

17 documents, the attachment D with attachment --

18 excuse me, attachment D, with your table 1, and

19 I'm trying to make the numbers match or at least

20 to see how they're derived. Are you able to help

21 me with that by telling me what from attachment D

22 is relevant that needs to be added or subtracted

 1 or -- the same with table 1? I'm trying to get

 2 from one to the other.

 3   A   The table 1 is based on the budget data

 4 file that I was discussing a little while ago that

 5 has all the different categories of reliability.

 6 So it has emergency response, responding to failed

 7 cable. It has infrastructure replacement, 4KB

 8 conversion. They're all reliability activities.

 9   However all reliability expenses aren't

10 used in modeling the reliability improvements that

11 were on -- that's in this exhibit. You know, for

12 example, we don't project reliability improvement

13 associated with storm restoration or cable

14 failures. So these dollars that are in this tab

15 are reflective of the activities that we feel are

16 the most significant expenditures that drive

17 reliability improvement, and that's what we use as

18 the basis for our models. These dollars come out

19 of the full five-year budget plan.

20   Q   Could you just take -- I understand your

21 answer. Could you take a look at attachment D for

22 me for a moment and tell me -- again, I'm focused

 1 of course on PEPCO D.C. What lines would he need

 2 to come out of these -- of this chart? Or what

 3 lines would need to be added to -- what types of

 4 expenses would need to be added to this chart?

 5   And let's just pick any series -- any

 6 year to do it in. You could pick 214 or 215

 7 (sic). It doesn't matter. Just pick a year and

 8 we can discuss that year.

 9   A   I mean, this -- you would have to add

10 in -- you would have to go to the budget file that

11 I was being discussed -- I was discussing with

12 Mr. Coyle that has all of the different line items

13 for distribution and reliability and, as I said,

14 that would include expenses, you know, such as

15 emergency repairs, storm restoration, cable

16 failure replacement, replacement of substation

17 equipment. So there are numerous line items in

18 the detailed budget file that are not contained in

19 this tab because those other activities I just

20 discussed aren't used in developing these

21 reliability models or forecast.

22   Q   Is it true that both the O&M budget data

 1 found in table 1 of your supplemental direct and

 2 the O&M data on page 2 of the printout of the

 3 capital budget tab of attachment D are subsets of

 4 PEPCO's District of Columbia and Maryland total

 5 budgeted O&M costs for the years shown in each of

 6 those documents?

 7   A   In the -- in table 1 in my testimony, it

 8 has the total system maintenance budget which is a

 9 total PEPCO number and then it has the forestry or

10 tree trimming. Forestry is broken down by

11 jurisdiction, PEPCO Maryland and PEPCO D.C.

12   In this tab in this file the only thing

13 that reflected from an O&M standpoint is the

14 associated tree trimming expenses.

15   Q   Would you accept, Mr. Gausman, that there

16 is nothing on the printout from the capital budget

17 tab of attachment D which suggests that the budget

18 information provided represents something less

19 than PEPCO's total budgeted capital expenditures

20 for each year?

21   A   It's not -- I mean, it was not intended

22 to be reflective of the budget. This is the

1 supporting documentation that was used to develop

2 our reliability models, and it has no other

3 purpose than that to -- so that we have a history

4 and identification of the activities and the

5 dollars that are used in developing our models.

6   Q   Could you identify the specific line

7 items on the capital budget tab of attachment D

8 that would correspond to the reliability-driven

9 capital expenditures shown in your table 1?

10   A   This tab is not intended to be reflective

11 of the reliability dollars in my table. The

12 backup supporting information for those

13 reliability dollars is in the more detailed

14 five-year plan budget file that was submitted

15 as -- in other data responses.

16   Q   In the first footnote to table 1 on

17 page 3 of your supplemental direct, do you

18 indicate that projected budgets reflect inflation

19 by escalating the previous year by 3 percent?

20   A   Yes. Since, for 2020 capital budget, we

21 do not have a budget, we took the 2019 budget and

22 escalated it by 3 percent. And likewise for the

 1 O&M, we only have an approved O&M budget for the

 2 current year. So to be able to have a number that

 3 we could commit to, we used the current O&M budget

 4 numbers and escalated them by 3 percent a year.

 5   Q   Mr. Gausman, I don't want to cut off your

 6 answers, but I am getting to all of that

 7 information. I just do it a little bit more

 8 slowly so that I can understand it. So try to

 9 stick with my specific question. I'm going to get

10 to all of them. So --

11   MR. DUVER: Your Honor, Mr. Gausman is

12 being responsive to the questions. He's answering

13 the questions. And I don't think that -- you

14 know, Ms. Francis can ask questions and he will

15 answer them, but I don't think that the comments

16 are fair.

17   MS. FRANCIS: Your Honor, I didn't mean

18 it to be a negative comment. It's just I was

19 focused on one year and I was focused only on the

20 reliability-driven capital expenditures, not on

21 the O&M. And it would be helpful if he would just

22 answer the limited, you know, specific question

1712

 1 that I'm asking.

 2   CHAIRMAN KANE: You may proceed.

 3 BY MS. FRANCIS:

 4   Q   Mr. Gausman, am I correct that the

 5 projected 2020 reliability-driven capital

 6 expenditure budget for D.C. was derived by

 7 applying the assumed 3 percent inflation factor to

 8 the 2019 budget that was developed in your work

 9 papers of a year-by-year, project-by-project basis

10 for 2019?

11   A   Yes.

12   Q   If we compare the budgeted

13 reliability-driven capital expenditures shown in

14 table 1 for the years 2018 and 2019, isn't it

15 obvious that from 2018 to 2019 PEPCO's total

16 budgeted reliability-driven capital expenditures

17 for D.C. declined by more than $6 million?

18   A   Yes.

19   Q   Does that change in the budget for D.C.

20 reliability-driven capital expenditures reflect

21 anything that approximates a simple 3 percent

22 upward adjustment for inflation?

 1   A   We felt that to be complete and to be

 2 able to have a budgeted number for every year

 3 throughout this period that we needed to identify

 4 a -- make a commitment to a capital reliability

 5 budget for 2020. The best way to do that, since a

 6 budget doesn't exist, would be to say that we

 7 would commit to hold the 2019 budgets flat with

 8 the 3 percent inflation, and that's what we did.

 9   Q   Mr. Gausman, again, I was focused on two

10 years, 2018 and 2019. Does that specific change

11 in the budget for D.C. reliability-driven capital

12 expenditures reflect anything that approximates a

13 simple 3 percent upward adjustment for inflation?

14   A   Budget at '18 and '19, we have detailed

15 project-by-project specific activities, and they

16 are what they are based on our known information

17 at this time.

18   Q   And that's a $6 million decline, which is

19 not -- certainly not a 3 percent upward

20 adjustment; is that correct?

21   A   For that one year. The other years there

22 was an increase. And you also have D.C. PLUG in

1714

 1 these numbers. You know, we're trying to be

 2 responsive to what we believed was the desire of

 3 all the parties was -- to have a firm number that

 4 we would commit to.

 5   Q   Now, in fact -- and I'm looking at all of

 6 the years. I'm looking 2014 through 2019. In

 7 fact, if the year-to-year changes in the re -- in

 8 the budgeted reliability-driven capital

 9 expenditures are examined across the years 2014

10 through 2019 for which the budgeted costs reflect

11 the development of detailed cost budgets on a

12 project-by-project basis, there is not a single

13 year-to-year change that reflects a 3 percent

14 increase; isn't that correct?

15   A   I didn't calculate the numbers, but

16 again, we felt that a reasonable recommendation

17 for 2020, not having any detailed budgets, but

18 knowing that we would have to commit to a number,

19 was to take the approved -- PHI-approved 2019

20 budget and escalate it by 3 percent.

21   Q   Okay. Mr. Gausman, I did calculate the

22 numbers, and I was really trying to short-circuit

 1 it. So I could go through all of the calculations

 2 with you. Let's start with 2014.

 3   A   I agree that the percentage from year to

 4 year may not increase by 3 percent. I'm just

 5 trying to explain the rationale as to why we

 6 increased 2020 by 3 percent.

 7   Q   Okay. I did hear you agree with me in

 8 that answer, did I not?

 9   A   Yes.

10   Q   Okay.

11   A   I didn't calculate it, but it appears to

12 be correct.

13   Q   Would you like to hear the calculated

14 numbers?

15   A   No. I take your numbers.

16   Q   Have you prepared a detailed

17 project-by-project budget for 2020

18 reliability-driven capital expenditures?

19   MR. DUVER: Asked and answered.

20   CHAIRMAN KANE: That has been asked and

21 answered.

22 BY MS. FRANCIS:

1716

1   Q   Now, I'm going to refer you to what has

2 been preliminarily identified as AOBA 70, which is

3 marked for the record as AOBA 45.

4   Do you have that, Mr. Gausman?

5   A   Yes, I do.

6   Q   In part A of your response to AOBA 5-1,

7 do we find annual budgeted capital expenditures

8 for PEPCO's D.C. PLUG initiative for the years

9 2014 through 2020?

10   A   Yes.

11   Q   Are the costs for the D.C. PLUG

12 initiative shown in your response to AOBA data

13 request 5-1, part A, included in the

14 reliability-driven capital expenditures budgets

15 that are presented in your table 1?

16   A   Yes, they are.

17   Q   Focusing, for example, on the year 2018,

18 would you accept that the $75 million budget for

19 the D.C. PLUG initiative for 2018 represents less

20 than one-third of the more than $228 million of

21 total reliability-driven capital expenditures

22 shown in table 1 for the year 2018?

 1   A   That appears to be correct.

 2   Q   Does your response to part C of AOBA data

 3 request 5-1 indicate that the 2020 projected

 4 expenditures included in the PEPCO D.C.

 5 reliability-driven capital expenditures are

 6 outside of the first triennial plan for the

 7 D.C. PLUG initiative?

 8   A   Yes.

 9   Q   Should it be anticipated that prior to

10 the end of the first triennial plan for the

11 D.C. PLUG initiative, PEPCO will seek approval of

12 a second triennial plan?

13   A   That is the plan.

14   Q   If the capital expenditures for the

15 D.C. PLUG initiative that the Commission approves

16 after consideration of a second triennial plan

17 differs significantly, either greater than or less

18 than your currently budgeted 2019 D.C. PLUG

19 expenditures plus a 3 percent inflation

20 adjustment, could you please tell me, how will

21 that impact the capital budget for 2020 that the

22 joint applicants commit to stay within?

1718

 1   A   The budget would be adjusted to reflect

 2 the -- any updates to the D.C. PLUG total capital

 3 budgets. It is our intent that all the other

 4 reliability initiatives would be held at the

 5 proposed levels that we have included in here.

 6   I understand that, you know, having

 7 another plan that is not developed yet for the

 8 D.C. undergrounding program will likely have some

 9 impact on the total dollars. If it does, then we

10 will file with the Commission an update for that

11 one line item, but all other dollars will remain

12 in accordance with our commitment.

13   Q   So just for 2020 you would seek to adjust

14 your budgetary commitment?

15   A   If there's an adjustment in D.C. PLUG,

16 either because of a change in the timing that

17 would push dollars over or there's a change when

18 we file the second triennial plan, if it changes

19 the 2020 budget, we would seek modification of

20 that line item.

21   Q   Mr. Gausman, I believe you've been a

22 witness in many, many rate cases before this

```
 1  Commission?

 2      A    A few.

 3      Q    And I'm not asking for a legal opinion.

 4  I'm going to ask you, could you please tell me

 5  what is your understanding of the process or

 6  procedures that would be followed to obtain an

 7  adjustment to the 2020 budgetary commitment the

 8  joint applicants make in this proceeding?

 9      A    Now, this would be my opinion, but I -- I

10  would say that it is consistent with any other

11  order that the Commission establishes.  If they

12  issue an order that identifies the budget level

13  that we're committed to stay within as we have

14  suggested, if there's a modification, then we will

15  file with the Commission what the modification is

16  and the justification for it and seek the

17  Commission's approval to make that change.

18      Q    Now I'm going to ask you to please

19  reference what was preliminarily identified as

20  AOBA Exhibit 68 --

21           MS. FRANCIS:  -- which, Your Honor, I

22  believe has been marked for the record as AOBA 49.
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1720

1 BY MS. FRANCIS:

2   Q   Do you have that, Mr. Gausman?

3   A   Yes, I do.

4   Q   And just for the record, that AOBA 68

5 provides a copy of your response to AOBA data

6 request 3-12 including the follow-up response to

7 that request?

8   A   Yes.

9   Q   In part A of your response to AOBA data

10 request 3-12, you state, quote, the commitment to

11 maintain aggregate spending levels does not

12 involve the movement of costs between capital and

13 O&M spending.

14   Do you see that?

15   A   Yes, I do.

16   Q   Okay. And based on that response, am I

17 correct that your use of the phrase "aggregate

18 spending" in commitment 7 in Exhibit (4A)-2 is

19 intended to separately address aggregate capital

20 spending and aggregate O&M spending; is that

21 correct?

22   A   Yes. Yes.

1721

 1   Q   Would you please clarify for me, do they

 2 joint applicants commit not to exceed the budgeted

 3 amounts for capital expenditures and for O&M costs

 4 for all years included in table 1 in commitment 7

 5 in (4A)-2 or just the budgeted amount for the

 6 years 2018 through 2020?

 7   A   The commitment is -- you know, pretty

 8 much speaks for itself. It identifies the budget

 9 that we're committing to and is the aggregate for

10 all those years. The reliability commitment is

11 the one that's tied to the '18 through '20 time

12 period.

13   Q   The reliability portion is tied through

14 2018 through 220? Is that what you said?

15   A   The reliability performance numbers are

16 '18 through '20. The budget commitment is for the

17 entire period.

18   Q   Am I correct that the 2014 budget numbers

19 are not part of the joint applicants'

20 reliability-related spending commitments?

21   A   Yeah, I was just double-checking that. I

22 believe that the commitment starts at 2015 and

 1 goes through 2020.

 2   Q   That's the budget commitment starts at --

 3 I just want to understand you. I'm not asking you

 4 the same question twice.

 5   A   Let me check the numbers. Just a second.

 6   I would suggest you confirm with

 7 Mr. Khouzami, but I believe that the budget

 8 commitment is '15 through 2020 since '14 is

 9 already over.

10   Q   Do you know this or are you deferring

11 this to Mr. Khouzami? Are the 2015 budget numbers

12 part of the joint applicants' reliability-related

13 spending commitment?

14   A   I would ask that you have Mr. Khouzami

15 confirm that number.

16   Q   Could you please turn to part D of your

17 response to AOBA data request 3-12. Now, in

18 part D of AOBA 3-12, you were asked to, quote,

19 provide the baseline data and criteria upon which

20 the joint applicants propose to rely to identify

21 extreme weather events that would warrant a

22 departure from or termination of the joint

1 applicants' spending commitment.

2   And you're looking at your response to

3 part D. You refer as -- to part C of the same

4 data response; is that correct?

5   A   Yes.

6   Q   Could you please explain what in your

7 response to part C provides the baseline data and

8 criteria requested in part D of AOBA 3-12?

9   MR. DUVER: Your Honor, I would object to

10 the question in that this is a question about

11 discovery. There is an opportunity to serve

12 follow-up discovery requests or to follow up with

13 counsel on this to the extent that counsel is

14 suggesting that the response is inadequate in some

15 way.

16   MS. FRANCIS: Your Honor, I'm not

17 suggesting it's inadequate or that it's adequate.

18 I'm just asking him the question what in part --

19 what in part -- excuse me. I lost my place. What

20 in part D provides the answer to the question?

21   CHAIRMAN KANE: You may answer that.

22   THE WITNESS: Again, I think the -- what

1 we're saying is that you can't -- you know, five

2 years out, you can't identify every possible thing

3 that may occur. If there is -- if an event does

4 occur that we believe would result in an

5 adjustment of the spending commitment, again, it

6 is going to be presented to the Commission for

7 their consideration and review.

8 BY MS. FRANCIS:

9   Q   I guess, Mr. Gausman, when we asked what

10 the criteria upon which the joint applicants

11 propose to rely in order to identify extreme

12 weather events, I didn't think that was asking for

13 you to do something that you would not ordinarily

14 do when you put this response in. Are you able to

15 identify for me certain criteria by which you

16 would judge what you're recommending?

17   A   Well, I mean, I think there's already

18 definitions of major service outage. All that I'm

19 saying is that, you know, there could be something

20 that would occur, some type of major weather event

21 that could occur that could impact the ability to

22 respond within the District of Columbia that I

 1   can't really define right now.

 2   But if something does occur -- you know,

 3   none of these things will occur without discussion

 4   and filing of detailed information with the

 5   Commission and, ultimately, their approval.

 6   Q   I guess, Mr. Gausman, you say that

 7   something will occur. I'm trying to identify what

 8   that something could be. What is the joint

 9   applicants' intent of what that something is? Can

10   you help me with that?

11   A   Well, that's part of the problem is that

12   I can't define or identify every weather event

13   that may occur over the next five years. Major

14   service outage is very easy to -- and that would

15   be typically, you know, if it hits that criteria

16   of a major service outage, that would be a very

17   easy way to define it.

18   I'm just saying that there could be

19   something else that would occur that I can't --

20   sitting here today, I can't adequately define.

21   Q   Now, could you please turn to part E of

22   your response to AOBA data request 3-12 and the

1 response to that portion to AOBA's request that's

2 shown on the second page of the joint applicants'

3 response.

4   So part E asks the joint applicants to

5 identify and quantify portions of the cited

6 capital and O&M spending commitment that

7 represents, quote, an allowance for preparing for

8 or responding to potential extreme weather events,

9 end quote.

10   In the response to part E shown at the

11 bottom of the second page of your response we find

12 a table that shows costs by year for five project

13 ID numbers. Am I correct that the dollars shown

14 for all of the projects listed represent budgeted

15 capital expenditures?

16   A   Yes.

17   Q   Now, does PEPCO budget no O&M costs for

18 storm preparation and/or storm response?

19   A   There isn't any separate line item for

20 storm response. It's just part of our normal O&M

21 activities.

22   Q   So you do budget for storm response?

 1   A   We respond in a lot of different ways,

 2   and it's just part of -- you know, there's no --

 3   we don't have -- like, these, where these are

 4   response -- very specific items where we track the

 5   costs for any type of weather event or impact from

 6   an O&M standpoint, we have general O&M activities

 7   for maintaining the overhead system. It could be

 8   in response to a customer outage or to a storm, so

 9   we don't distinguish, you know, unique storm

10   restoration costs from an O&M standpoint.

11   Q   Now I would ask you to please turn to the

12   third page of your response to AOBA data

13   request 3-12 and focus on the follow-up response

14   that was provided on March 16th, 2015. In the

15   follow-up request you were asked to clarify when

16   an alteration of the D.C. PLUG schedule would

17   trigger a modification or elimination of the joint

18   applicants' reliability commitments.

19   I the response to AOBA's follow-up

20   request you indicate that modifications of the

21   reliability commitment would be associated with,

22   quote, actions that are outside of PEPCO's

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1 control. Is that correct?

2   A   Yes.

3   Q   Now, I'm going to ask you to please

4 reference what's been preliminarily identified as

5 AOBA 74 --

6   MS. FRANCIS: -- which was marked for the

7 record, Your Honor, as AOBA 56, which is a

8 response to AOBA data request 5-6.

9 BY MS. FRANCIS:

10   Q   Mr. Gausman, does your response to

11 AOBA 5-6 indicate that no criteria have been

12 established for determining when a delay in the

13 schedule of the D.C. PLUG initiatives are beyond

14 PEPCO's control?

15   A   Yes.

16   Q   Now, please reference what's been

17 preliminarily identified as AOBA 73 which has been

18 marked for the record as AOBA 51 and contains a

19 copy of your response to AOBA 5-5, and please

20 focus on the follow-up response dated March 16th,

21 2015.

22   And the first sentence of the second

 1 paragraph of that follow-up response states,

 2 quote, joint applicants confirm that the O&M

 3 spending level commitment is a D.C.-specific

 4 figure. Is that correct?

 5   A   Yes.

 6   Q   Okay. Now I'm going to ask you to please

 7 turn to (4A)-2 and reference table 1 in

 8 commitment 7 as presented in that exhibit.

 9   A   Yes.

10   Q   Could you please identify for the

11 Commission the D.C.-specific O&M amount shown in

12 table 1 for each year listed?

13   A   Well, for the vegetation management and

14 forestry, it shows at the bottom of that table

15 where it says, Forestry, D.C. only.

16   You know, for the planned maintenance

17 activities, it's as I defined -- explained it in

18 this response, that that is a PEPCO-wide number

19 that's in the table, but the budgeted portion

20 would be allocated in the same manner that the

21 actual expenses are allocated.

22   Q   And so I do understand correctly that the

1 O&M reliability budget -- excuse me. I do

2 understand correctly that there is no total

3 reliability-related O&M budget for only D.C.?

4   A   Not in this table, no. For the planned

5 maintenance activities. For tree trimming there

6 is.

7   Q   And that's that last line, D.C. forestry

8 only?

9   A   Yes.

10   Q   Okay.

11   CHAIRMAN KANE: Ms. Francis, I'm going to

12 interrupt you for a minute. We need to have a

13 break for the -- for the court reporter, and

14 I'm -- if you could give me an idea how much

15 longer you need so we can make a decision. We can

16 break now and then you --

17   MS. FRANCIS: 20 minutes to half an hour.

18   CHAIRMAN KANE: Okay. We'll take a

19 break, then, ten-minute break. Thank you.

20   (Whereupon, a short recess was taken.)

21   CHAIRMAN KANE: We are back on the

22 record.

 1   Ms. Francis, you may resume.

 2   MS. FRANCIS: Thank you, Your Honor.

 3 BY MS. FRANCIS:

 4   Q   Mr. Gausman, just to recap, do I

 5 understand correctly that the O&M reliability

 6 budget that you present in table 1 in your

 7 table -- excuse me -- in your table 1 in your

 8 2/17/15 supplemental direct testimony is for

 9 PEPCO's combined D.C. and Maryland operations?

10   A   The system scheduled maintenance line

11 item is a combined Maryland and PEPCO number.

12   Q   And the budgeted O&M dollar amounts shown

13 reflected in two general categories, system

14 scheduled maintenance costs and forestry/tree

15 trimming costs; is that correct?

16   A   Yes.

17   Q   Am I correct that, as shown in table 1,

18 system scheduled maintenance costs consistently

19 represent 46 percent of the total O&M reliability

20 budget for all years from 2014 through 2020, and

21 forestry/tree trimming costs represent the

22 balance, 54 percent?

 1   A   That appears to be correct. I mean,

 2   those two items make up the total dollars. The

 3   percentages look correct.

 4   Q   Do the costs on the line at the bottom of

 5   table 1 that is labeled Forestry D.C. only

 6   represent a subset of the forestry/tree trimming

 7   costs shown two lines above?

 8   A   Yes.

 9   Q   Am I correct that the forestry/tree

10   trimming costs not labeled as D.C.-only costs

11   represent costs assigned to PEPCO's Maryland

12   operations?

13   A   That's correct.

14   Q   Would you accept that the D.C.-only

15   forestry costs represent 9.4 percent of the total

16   D.C. and Maryland forestry costs in each year

17   shown?

18   A   That appears to be correct.

19   Q   So over 90 percent of PEPCO's annual tree

20   trimming costs are attributed to its Maryland

21   operations?

22   A   Yes.

 1   Q   Now, I would like to address the system

 2 scheduled maintenance component of PEPCO's

 3 budgeted reliability-related O&M costs. By the

 4 label applied to those costs, would I be correct

 5 if I assume that system scheduled maintenance

 6 costs are costs for activities that are reasonably

 7 predictable and can be planned in advance?

 8   A   Yes, they're planned activities.

 9   Q   Given that scheduled nature of system

10 scheduled maintenance costs, is it reasonable the

11 assume that the activities for which these costs

12 are budgeted are generally performed on a periodic

13 basis?

14   A   The majority of them are on a periodic

15 basis, yes.

16   Q   Where such costs are scheduled in advance

17 and performed on a periodic basis, shouldn't the

18 specific locations of the facilities to be

19 maintained during the given period of time be

20 identifiable?

21   A   Not always. I mean, we budget the

22 activities on a historical level and then, as the

 1 work comes up, especially in the areas of the

 2 substation work, we evaluate the equipment that is

 3 being inspected to determine if the inspection is

 4 needed.

 5   For example, if we had just replaced a

 6 piece of equipment or had done some other

 7 maintenance work on it, we would take it out of

 8 the schedule and not do that work in that given

 9 period of time. We would defer the inspection to

10 the next cycle.

11   Q   Would it be that -- would you say that it

12 would be the majority of such costs are scheduled

13 in advance?

14   A   The sequence is scheduled. You know, in

15 the consolidated report, we list the frequency of

16 the different maintenance activities. We look at

17 the actual work every quarter to determine what

18 work should be done, and then do an assessment if

19 there's any changes to the schedule that are

20 necessary.

21   Q   Is it your position that there are no

22 elements of system scheduled maintenance costs

 1 that can be identified by jurisdictional location

 2 in advance of when those costs are incurred?

 3   A   If we were to look at every activity that

 4 is included, every piece of equipment that's

 5 included in this line item, you know,

 6 theoretically, you could go through and identify

 7 which equipment is in the District and which is in

 8 Maryland. That's the type of analysis that's done

 9 when we review the cost allocation process, but

10 it's based on actual cost, not budgeted or

11 forecasted cost.

12   Q   Now, I'm going to ask you to please turn

13 to what's been preliminarily identified as

14 AOBA 71, marked for the record as AOBA 55. And

15 this is a copy of your response to AOBA data

16 request 5-3.

17   Does your response to AOBA 5-3 indicate

18 that system scheduled maintenance costs are not

19 allocated on a forward-looking basis?

20   A   Yes, I think that's consistent with what

21 I just said, that when we -- when the costs are

22 incurred, we then allocate the actual costs based

1736

 1 on an analysis that's done as -- trying to

 2 identify where the costs were actually incurred,

 3 what jurisdictions.

 4   Q   Without allocating or assigning budgeted

 5 system scheduled maintenance cost on a

 6 forward-looking basis, how do you develop the O&M

 7 budgets by jurisdiction that are required as part

 8 of the joint applicants' spending commitment as

 9 set forth in commitment 7 in (4A)-2?

10   A   The budgets for -- we have identified the

11 total budgets for the planned maintenance

12 activities, and each year the budget would be

13 identified based on the way that the actual costs

14 are allocated to the regions. So you would have

15 the exact same allocation process for the budget

16 as you do for the actuals.

17   Q   Couldn't you do that more than a year in

18 advance?

19   A   You could use the historical numbers to

20 estimate the allocations, but because the work

21 does change between regions, the actual

22 allocations will vary from year to year slightly.

 1   Q   But couldn't you also do it on a

 2 forward-looking basis, knowing that that could be

 3 subject to some alteration or modification?

 4   A   Technically, I would think you could take

 5 the allocations that were prepared in the last

 6 rate proceeding and apply those allocations to the

 7 individual line items.

 8   Q   I guess I was suggesting that you could

 9 do it without allocating based on planned system

10 scheduled maintenance on a forward-looking basis

11 for more than one year at a time.

12   A   Well, for these costs, we're complying

13 with the procedures that are established in rate

14 cases. And these -- other than tree trimming, the

15 majority of these costs are allocated costs, and

16 it's consistent with the methods that have been

17 approved in previous rate cases. So we are trying

18 to follow the processes that are established in

19 rate cases as close as possible.

20   Q   Okay. I understand that. But you could

21 do it for forward-looking work for more than a

22 year if the Commission suggested that you needed

 1 to do that, could you not?

 2   A   We could -- if we could assume that the

 3 allocation process is the same going forward and

 4 use that -- the historical allocation percentages

 5 to forecast the amount going forward.

 6   Q   Maybe I'm not being clear. I'm talking

 7 about without allocating. Without allocating.

 8 I'm talking based on system scheduled maintenance.

 9 You keep bringing me back to, yes, you could

10 allocate it for more than one year. That's not

11 what this question is focused on. I'm focused on

12 system scheduled maintenance. You know a good

13 portion of it in advance. I understand your

14 answer that it is subject to modification or

15 alteration as you move forward, but you could take

16 those numbers and project it on a forward-looking

17 basis without allocating it for more than a year

18 at a time, couldn't you?

19   A   You would have to evaluate every piece of

20 equipment that's included in these different

21 maintenance and inspections activities, look at

22 what the sequence is for the maintenance cycle,

 1 where they fall into the current cycle, and do

 2 that for every individual piece of equipment.

 3   It would be quite an extensive process to

 4 go through and would be a change from the past

 5 practices that we've implemented for tracking and

 6 reporting of these costs.

 7   Q   Now, again, Mr. Gausman, I'm still

 8 looking at joint applicants' response to 5-3,

 9 which addresses PEPCO's system scheduled

10 maintenance costs. However, I'm a little unclear

11 regarding the content of this response, and I'd

12 like to ask you a few questions to see if I can

13 gain greater clarity regarding the nature of

14 PEPCO's system scheduled maintenance costs and how

15 you budget for those costs.

16   And I would like you once again to turn

17 to (4A)-2 and focus on commitment 7 on page 2 of

18 17. Now, the title of that section in which

19 commitment 7 is presented is, Reliability and

20 quality of service. Do you see that?

21   A   Yes.

22   Q   Am I correct that the two commitments in

 1 this section, commitments 7 and 8, address

 2 reliability-related commitments?

 3   A   Yes.

 4   Q   Did you consider reliability and quality

 5 of service as synonymous terms?

 6   A   Yes.

 7   Q   Do quality of service considerations

 8 include more than just service reliability?

 9   A   If you're referring to the EQSS standard,

10 there are other activities included within the

11 EQSS regulations.

12   Q   Could you please tell me, what is your

13 understanding of the factors that contribute to

14 the quality of service provided to customers?

15   A   I'm not sure I understand what you mean

16 by factors.

17   Q   Okay. For example, would the timeliness

18 and accuracy of bills rendered to customers be a

19 quality of service consideration?

20   A   I think, from the customer's standpoint,

21 there's a lot of aspects -- you know, how we

22 respond to an outage, billing, customer

 1 communications. There are many different factors

 2 that I think customers could view as quality of

 3 service.

 4   Q   Would service response times and the

 5 punctuality in meeting pre-established appointment

 6 times be considered elements of quality of service

 7 consideration?

 8   MR. DUVER: Your Honor, I would object at

 9 this point that this goes beyond the scope of

10 Mr. Gausman's testimony. He sponsors testimony

11 regarding the reliability commitment, and now he's

12 being taken into other aspect of what Ms. Francis

13 has labeled as quality of service, and she's

14 exploring that with him, which is beyond the

15 scope.

16   CHAIRMAN KANE: Ms. Francis?

17   MS. FRANCIS: Your Honor, I'm just

18 reading directly out of (4A)-2, page 2,

19 reliability and quality of service. And I'm

20 focused on those words in the title of what he's

21 talk about, quality of service. These are not

22 complicated, difficult questions for someone like

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 1 Mr. Gausman who's quite familiar with the things

 2 that I'm asking.

 3   MR. DUVER: Regardless of the complicated

 4 or simple nature of the issues, he's testifying on

 5 reliability and he has said that, in his mind, the

 6 reliability and quality of service, those are

 7 synonymous terms. And he is the witness that is

 8 sponsoring reliability-related testimony.

 9   MS. FRANCIS: I'm just exploring that,

10 whether they are synonymous terms. And perhaps

11 some of my questions might lead Mr. Gausman to

12 rethink some of his responses. That's all. It's

13 listed right here, quality of service. He should

14 be able to testify as to what's included in

15 quality of service.

16   CHAIRMAN KANE: I believe the witness has

17 testified that it means reliability in his mind.

18 BY MS. FRANCIS:

19   Q   Okay. Just clarify -- then I'll move on.

20 Quality of service to you means only reliability?

21   A   That's what I'm discussing here is the

22 electric quality of service standard, and we're

1 specifically talking about the reliability

2 component of that standard.

3   Q   Now, please let's look at what's been

4 preliminarily identified as AOBA 76, which for the

5 record has been marked as 52, which are the joint

6 applicants' response to AOBA 6-4.

7   Mr. Gausman, in AOBA 6-4, the joint

8 applicants were asked to identify

9 non-reliability-related commitments to service

10 quality that are being offered to PEPCO's District

11 of Columbia customers in this proceeding.

12   Am I correct that the only

13 non-reliability-related element of your response

14 to AOBA data request 6-4 is a reference to the

15 customer service section of Exhibit (4A)-2, which

16 you characterized as presenting a commitment that

17 the joint applicants will continue to provide

18 electric service in the District consistent with

19 the District of Columbia code and affiliate code

20 of conduct; is that correct?

21   A   I think it's -- this Exhibit (4A)-2, you

22 know, clearly outlines all the commitments that

1744

1 we're making in this proceeding.

2   Q   Again, I am focused on your response to

3 AOBA 6-4. Can you see, Mr. Gausman, you are the

4 sponsor of that response?

5   A   Yes.

6   Q   So now I'm asking you, am I correct that

7 the only non-reliability-related element of your

8 response is a reference to the customer service

9 section of Exhibit (4A)-2 which you characterize

10 as presenting a commitment that the joint

11 applicants will continue to provide electric

12 service in the District consistent with the

13 District of Columbia code and affiliate code of

14 conduct? Is that correct?

15   MR. DUVER: Objection. Asked and

16 answered.

17   MS. FRANCIS: Your Honor, he didn't

18 answer that question. And I'm looking at the data

19 response that he proffered and asking him a very

20 specific question in regard to the District of

21 Columbia code and the affiliate code of conduct,

22 and was that his response? I'm focused on his

 1 response very specifically. If he can't answer

 2 the question, he can say he can't answer the

 3 question.

 4   CHAIRMAN KANE: That question calls for a

 5 yes or no answer.

 6   MS. FRANCIS: I'm sorry, Your Honor. I

 7 didn't hear you.

 8   CHAIRMAN KANE: I said that question

 9 calls for a yes or no answer.

10   MS. FRANCIS: Yes.

11   CHAIRMAN KANE: The witness may answer.

12   THE WITNESS: Yes.

13 BY MS. FRANCIS:

14   Q   The customer service section of (4A)-2

15 addresses -- is directly below the reliability and

16 quality of service section on page 3 of 17. Take

17 a look at that for a moment, Mr. Gausman.

18   A   Yes.

19   Q   Now, am I correct that the customer

20 service section only addresses the SOS procurement

21 process and PEPCO's continued provision of SOS

22 service? Is that correct?

 1   A   Yes, but as we've said many times,

 2   this -- we've included in this commitment list the

 3   things that have been expressed as concerns.

 4   We're committing to complying with these

 5   activities. We obviously are going to continue to

 6   comply with any regulations or orders that the

 7   Commission issues.

 8   Q   Mr. Gausman, I'm sorry. I just didn't

 9   hear the last sentence. Could you repeat that

10   again? I'm sorry.

11   A   We will comply with all orders or

12   regulations that the Commission issues that --

13   they're in addition to. You know, there are

14   requirements that are in addition to the

15   commitments we've listed here; we will be

16   complying with any Commission orders as well.

17   Q   Would you accept that there is nothing in

18   (4A)-2 that addresses the non-reliability-related

19   elements of service quality?

20   MR. DUVER: Objection. Asked and

21   answered.

22   CHAIRMAN KANE: Objection sustained.

 1   MS. FRANCIS: Your Honor, that's all that

 2 I have for Mr. Gausman. Thank you.

 3   CHAIRMAN KANE: Thank you.

 4   Now, Ms. White, did you have any

 5 questions?

 6   MS. WHITE: I do not at this time, Your

 7 Honor.

 8   CHAIRMAN KANE: MAREC, any questions for

 9 Mr. Gausman?

10   MS. ELEFANT: No questions, Your Honor.

11   CHAIRMAN KANE: Commissioners' questions

12 for Mr. Gausman? Commissioner Fort?

13   COMMISSIONER FORT: Just briefly, you

14 discussed with Mr. Coyle D.C. Exhibit 42, which

15 was the exhibit that showed how PEPCO reached --

16 or PHI reached the SAIDI and SAIFI numbers, you

17 know, in the EQSS. Do you remember that

18 discussion?

19   THE WITNESS: Yes.

20   COMMISSIONER FORT: And you said, I

21 believe, that those two charts that you discussed

22 were prepared by PHI; is that correct?

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 1   THE WITNESS: Yes. A consultant working

 2 for PHI.

 3   COMMISSIONER FORT: Do you know whether

 4 or not there was an equivalent chart or a similar

 5 chart prepared by Exelon representatives that

 6 indicated how they would achieve the reductions in

 7 SAIDI or SAIFI?

 8   THE WITNESS: This was the base

 9 information that we provided to Exelon to

10 understand what level of improvement we would

11 likely be able to achieve within the existing

12 budget.

13   We worked with the Exelon groups to look

14 at how much variability there is due to weather,

15 you know, other events that occur, you know, the

16 variation from year to year. And all of that was

17 put together and presented as a -- what Exelon was

18 comfortable in being able to say that we could

19 commit to and be able to achieve within the level

20 of budget.

21   So it's a long answer to -- there's a lot

22 of work that was put together to say what -- you

 1 know, trying to forecast the improvements and the

 2 likelihood of being able to achieve a higher level

 3 of reliability improvement.

 4   COMMISSIONER FORT: And who was on the

 5 Exelon team that you worked with on that process?

 6   THE WITNESS: Mr. Alden was the lead. He

 7 had members of his organization and reliability

 8 engineers from the different companies that worked

 9 with our reliability engineers to do that

10 assessment.

11   There was also consulting firms, Boston

12 Consulting, that helped to pull a lot of the

13 information together and present it so that

14 Mr. Alden and others could review it and make

15 decisions.

16   COMMISSIONER FORT: And who made the

17 final decisions on the Exelon level?

18   THE WITNESS: We presented the

19 information to Mr. Velazquez as well as

20 Mr. O'Brien and presented the -- the background

21 information, I think a lot of the information that

22 we just went through here. We showed the

 1 variability due to weather and different events.

 2   And then we, PEPCO, also provided insight

 3 as to the types of programs that we were

 4 implementing. And Exelon, you know, based on

 5 their experience and knowledge of implementing

 6 similar-type programs in the other utilities, they

 7 did an assessment of if they felt that there was

 8 opportunities to improve on our performance, and

 9 that's where -- you know, that's where the future

10 organization is going to, is taking the work that

11 we have done, the time it takes for us to install

12 the equipment, and really improve those processes

13 and implement even better controls and methods to

14 install the equipment, to utilize the information,

15 to how we dispatch crews.

16   All those types of things are the types

17 of process improvements that can, quite honestly,

18 be gained -- and really only be gained when you

19 bring, you know, people with a lot of experience

20 and knowledge of operating electric systems,

21 different electric systems, together and

22 collectively we can improve on the performance of

 1 any organization that's there.

 2   COMMISSIONER FORT: And just one last

 3 question. How does PHI currently handle the

 4 review or the adoption of best practices? We've

 5 heard a lot about the use of best practices within

 6 the industry. Can you just tell me what PHI,

 7 particularly for the types of activities that

 8 you're responsible for, does with best practices

 9 currently?

10   THE WITNESS: Sure. I like to use an

11 example that -- you know, going back a few years

12 when PEPCO and Conectiv merged. You know, one of

13 the things that we wanted to see and learn on was

14 what's the best practices that we could identify

15 between, you know, the three operating companies

16 there, Atlantic City, Delmarva and PEPCO.

17   That's what we've been working on over

18 the last several years, you know, building on

19 those strengths of very knowledgeable and

20 dedicated people across those three companies.

21   Now, we have -- you know, I think we have

22 shown that we've gotten some good ideas, some

 1 improvements. We have worked hard to realize

 2 those improvements. But we're tapped out. You

 3 know, we -- we've pulled every trick that we can

 4 think of from the different people that are in the

 5 company.

 6   And I see this merger as being the next

 7 step to extending what we did with the

 8 PEPCO/Conectiv merger to the PHI/Exelon, because

 9 now you're taking the experiences that we have

10 gained with our three operating companies,

11 bringing in three more operating companies that

12 have -- equally have very, very knowledgeable,

13 experienced people, have proven that they can

14 bring their three operating companies to first

15 quartile.

16   And, you know, it's taking -- it's having

17 access to that level of skills and knowledge,

18 having the access to other large metropolitan

19 areas, which we never had with ACE and Delmarva,

20 and just really leveraging the experiences that

21 they have learned and how they have implemented

22 new processes and programs to be able to further

1 improve the work that we're doing.

2   You know, it's activities that -- we all

3 go to conferences. We all read a lot of

4 literature. And best practices is a term that is

5 thrown around a lot. Everybody has their view.

6 To me, the best practice -- you know, you can take

7 mobile dispatch. Everybody will say having mobile

8 dispatch is a best practice. It absolutely is.

9 But how you implement that, how you integrate it

10 with what other systems do -- are you able to

11 leverage and use, how you could use that to not

12 just dispatch outage complaints, but can you use

13 it to dispatch regular work assignments; you know,

14 the back office systems, how you manage and handle

15 all of that work.

16   That's the best -- to me, it's those

17 activities that -- you know, we say that the

18 mobile dispatch is the best practice, but the best

19 practice is all the work behind the technology.

20 Best -- technology by itself would never generate

21 best practice. Technology is an enabler that

22 allows you to implement a best practice with the

 1 people and the processes that you put in place

 2 behind the scenes.

 3   COMMISSIONER FORT: So I said that was my

 4 last question, but I actually have one more, which

 5 I always do. We spent a lot of time this

 6 afternoon talking about budgets and budgeting. If

 7 the merger were to go through, as I understand it,

 8 there would be another level that is put in the

 9 process for the clearance of budgets. Is that

10 your understanding?

11   THE WITNESS: Obviously there's another

12 level. You know, you would bring in Exelon.

13 There is a very logical and expected approval

14 of -- you know, we're talking about hundreds of

15 millions of dollars of capital expenditures. You

16 would expect that that level of expenditure would

17 be -- go up to some formal approval level.

18   I will tell you, though, that from

19 everything that I have seen, we have worked in the

20 last almost a year now -- you know, I think we've

21 learned a lot about each other. I think I've

22 learned a lot about the processes that Exelon

1 wants to put in place. In talking with people

2 from the other utilities, I am very confident that

3 it will continue to be the local organization that

4 identifies the need, that identifies the capital

5 budget requirements.

6   Yes, and rightfully so, it will be us

7 that will have to justify and explain why we're

8 asking for these dollars, but that's no different

9 than today where we have to present to the PHI

10 board a budget that outlines what our needs are

11 and what we hope to achieve. And then, you know,

12 we will be held accountable to meet those -- those

13 goals.

14   So it is a different group, but quite

15 honestly, the process that is followed is very

16 similar. The dependence on the local people who

17 know the system, who gather the information to be

18 able to develop -- the budget will always be

19 developed from the ground up from the people that

20 are local to the system, that know the system,

21 that know the people, and that know the issues

22 that are facing us. It will always be developed

1756

 1 from that ground level up to -- in any structure,

 2 be it the current PEPCO structure or the future

 3 Exelon structure. I am very confident that that

 4 will continue to be the model going forward.

 5   COMMISSIONER FORT: And that's for the

 6 development of the budget. I guess the question

 7 and concern is on the approval of the budget

 8 because, at that level, it's not the people on the

 9 ground or the local people who are making that

10 decision. It's a different group of people who

11 may not know as well what those local issues are,

12 or the systems.

13   What would you say to give me comfort,

14 you know, that the top level is also as familiar

15 with the system as the workers from the ground up?

16   THE WITNESS: Two things. One, part of

17 the reason why we were trying to identify a

18 reliability budget all the ways out through

19 2020 -- not just to say that we're going to do

20 this work and limit the capital expenditures, but

21 it will also, I think, gives you an assurance that

22 if there's -- that we're committing to spend this

 1 money.

 2   So, you know, it's not a situation that

 3 somebody is going to come in and -- and slash the

 4 budget. You know, you would immediately know if

 5 there was any attempt to that because you know

 6 what our commitments are here, what the dollar

 7 levels are.

 8   Knowing the -- just, you know, learning

 9 or experiencing the people that we've been working

10 with, they are very, very knowledgeable utility

11 people that understand that reliability of the

12 system, load growth and maintaining the -- that

13 electric system is the primary goal.

14   And I am -- you know, as today, we go to

15 Mr. Velazquez and identify that we have a need for

16 capital expenditures. He'll ask a lot of

17 questions. He'll, you know, make sure that we

18 have a good explanation, that we have a good

19 understanding of the cost and what our commitments

20 are. We'll take that to our board.

21   But, you know, the board, the senior

22 level always defer to the knowledge of the local

 1 people, because that is where the expertise is;

 2 that's where the real knowledge is. I don't see

 3 any difference going forward.

 4   COMMISSIONER FORT: Thank you.

 5   CHAIRMAN KANE: Commissioner Phillips?

 6   COMMISSIONER PHILLIPS: I have just one

 7 clarifying question, and my apologies if you've

 8 already spoken to this. I'm trying not to

 9 duplicate efforts here.

10   I believe you've spoken to mutual

11 assistance agreements that PEPCO has in place. My

12 only question is, in the event that the merger is

13 not approved, do you anticipate that those mutual

14 assistance agreements will continue for PEPCO?

15   THE WITNESS: Absolutely. Mutual

16 assistance is a well-established program that will

17 continue. The difference between mutual

18 assistance and sharing of affiliated crews is that

19 you get a preference to the affiliated crews. You

20 will get more people released than we would

21 traditionally release under a mutual assistance

22 program.

 1   But the mutual assistance programs are

 2 very good systems. There's no utility that can

 3 manage the response to major storms without a

 4 strong mutual assistance support, and that I'm

 5 sure will continue.

 6   COMMISSIONER PHILLIPS: Thank you.

 7 That's all I have.

 8   CHAIRMAN KANE: Thank you.

 9   Mr. Gausman, just one question -- I want

10 to get back to this infamous table 1, page 2 of

11 (4A)-2. And I know that the print is very small,

12 the table at the bottom. If you would just

13 confirm again that, for the capital, that's D.C.

14 only?

15   THE WITNESS: Yes, the capital was D.C.

16 only.

17   CHAIRMAN KANE: And O&M is D.C. and

18 Maryland, total PEPCO, correct?

19   THE WITNESS: The top two lines, the

20 scheduled -- system scheduled maintenance and the

21 total for forestry are PEPCO total. The very

22 bottom line where it says, Forestry D.C. only, is

1 the vegetation management work associated with the

2 District of Columbia, which is consistent with

3 historical spend level for vegetation management

4 within the District.

5   CHAIRMAN KANE: So in terms of the two

6 lines that are combined, D.C. and Maryland, PEPCO

7 D.C., PEPCO Maryland, did you make a similar

8 commitment or has the company made a similar

9 commitment to Maryland that it would reach the

10 required -- whatever required level of reliability

11 Maryland has within existing budget?

12   THE WITNESS: Yes, there's a budget and a

13 reliability commitment in Maryland.

14   CHAIRMAN KANE: And then what would

15 prevent the company, in terms of those two lines

16 that are combined, those two sections, of spending

17 more in Maryland, less in D.C., et cetera? As you

18 know, this Commission has historically a concern

19 when we have the combined company in the two

20 different jurisdictions of tracking what actually

21 is spent in D.C. and what actually is spent in

22 Maryland.

 1   THE WITNESS: Yeah. You know, I think

 2 the requirements that you have implemented that we

 3 report annually in the consolidated report go a

 4 long ways to identifying. You know, we have our

 5 maintenance programs, and you audit them regularly

 6 to make sure that we're in compliance with the

 7 maintenance procedures. Through rate cases,

 8 there's extensive review and auditing of the --

 9 the dollars that are spent.

10   So I really believe that there are

11 procedures in place, either through the

12 consolidated report or the normal reporting that

13 we're required to do from a financial reporting

14 standpoint, that clearly identifies the actual

15 expenditures as being D.C.-based only.

16   CHAIRMAN KANE: Thank you. That's my

17 only question.

18   All right. Redirect?

19   MR. DUVER: None, Your Honor.

20   (Witness excused.)

21   CHAIRMAN KANE: And exhibits?

22   MR. DUVER: Joint applicants move in

 1 (E) -- joint applicants move in Joint Applicant

 2 (E), Joint Applicant (2E), with (2E)-1, (3E), with

 3 (3E)-1, and (4E).

 4   CHAIRMAN KANE: They are moved in.

 5   (Joint Applicants Exhibit Numbers (E),

 6 (2E), (2E)-1, (3E), (3E)-1 and (4E) were received

 7 into evidence.)

 8   CHAIRMAN KANE: People's Counsel?

 9   MR. EILBOTT: Your Honor, it's a little

10 bit complicated, so if I could present this in a

11 couple of parts to --

12   CHAIRMAN KANE: One part at a time.

13   MR. EILBOTT: Absolutely. So for this

14 witness, we had pre-identified OPC Exhibits 34

15 through 64. So I want to run through first of

16 all, what had been pre-identified or pre-marked as

17 56 was actually marked and admitted already

18 through Witness Crane as OPC 2. So that one is

19 already in. So that's why it's going to be

20 omitted when I go through the bigger list now. So

21 that's one.

22   We have three exhibits that were

 1 pre-identified as OPC 57, OPC 58 and OPC 62.

 2 Through stipulation with counsel for joint

 3 applicants, we are withdrawing those three and are

 4 not offering those. So that's two.

 5   Third, during my examination of

 6 Mr. Gausman, I had identified only one exhibit

 7 which had been pre-marked as 59, and it was marked

 8 for admission as 31. So I would like to move that

 9 as OPC 31 in for admission at this point.

10   (OPC Cross Exhibit Number 31 was received

11 into evidence.)

12   MR. EILBOTT: And then we'll pick up now

13 on the remaining ones.

14   Now, we had pre-marked as OPC 34, a data

15 request -- a response to OPC data request 3-12.

16 I'd like to have that marked and moved in as 61.

17   CHAIRMAN KANE: Okay. That's moved in.

18   (OPC Cross Exhibit Number 61 was received

19 into evidence.)

20   MR. EILBOTT: And, Your Honor, I could

21 just give you the whole list. I think it would be

22 helpful just to go one at a time since some are

1764

1 skipped.

2   CHAIRMAN KANE: If they're not

3 sequential, yes.

4   MR. EILBOTT: Yeah. Some are; some are

5 not.

6   What we have pre-identified as --

7 pre-marked as OPC 35, that would be 62. And that

8 is a response to OPC data request 4-22.

9   What we had pre-marked as OPC 36, which

10 is a response to OPC data request 4-24, would be

11 63.

12   What we had pre-marked as OPC 37, which

13 is a response to OPC data request 4-27, would be

14 64.

15   What we had pre-marked as OPC 38, which

16 is a response to D.C. government data request

17 8-44, would be 65.

18   What we had pre-marked as OPC 39, which

19 is a response to OPC data request 17-2, would be

20 66.

21   What we had pre-marked as OPC 40, which

22 is a response to OPC data request 18-7, would be

1765

1 67.

2   What we had pre-marked as OPC 41, which

3 is a response to data request 18-20, would be 68.

4   What we had pre-marked as OPC 42, which

5 is a response to data request 18 -- OPC data

6 request 18-27, would be 69.

7   And what we had pre-marked as OPC 43,

8 which is a response to OPC data request 18-28,

9 would be 70.

10   What we had pre-marked as OPC 44, which

11 is a response to OPC data request 18-29 would be

12 71.

13   What we had pre-marked as OPC 45, which

14 is a response to OPC data request 18-31, would be

15 72.

16   What we had pre-marked as OPC 46 which is

17 a response to OPC data request 18-32, would be

18 admitted as 73.

19   What we pre-marked as OPC 47, which is a

20 response to OPC data request 18-33, would be 74.

21   What we pre-marked as OPC 48, which is a

22 response to OPC data request 18-36, would be 75.

 1   Getting closer to the end, Your Honor.

 2 What we had pre-marked as OPC 49, which is a

 3 response to OPC data request 18-39, would be 76.

 4   What we pre-marked as OPC 50, which is a

 5 response to OPC data request 18-40, would be 77.

 6   What we pre-marked as OPC 51, which is a

 7 response to OPC data request 18-14 would be 78.

 8   What we pre-marked as OPC 52, which was a

 9 response to OPC data request 18-43, would be 79.

10   What we pre-marked as OPC 53, which is a

11 response to data request 18-44, would be 80.

12   What we pre-marked as OPC 54, which is a

13 response to OPC data request 19-1, would be 81.

14   And what we pre-marked as OPC 55, which

15 is a response to OPC data request 19-5, would be

16 82.

17   Now we're skipping to what we pre-marked

18 as 60, which is an excerpt of Mr. Gausman's

19 October 2011 testimony in formal case 1087. That

20 would come in as 83.

21   What we had pre-marked as OPC 61, which

22 is an excerpt of Mr. Gausman's testimony in

 1 March 2013 in formal case 1103, would come in as

 2 84.

 3   Now we skip to 63 which had -- which

 4 was -- which is response to OPC data request 20-4.

 5 That would be 85.

 6   Last, but not least, what we had

 7 pre-marked as 64, which is a response to OPC data

 8 request 20-10, would come in as 86.

 9   CHAIRMAN KANE: All right.

10   MR. EILBOTT: With that, Your Honor, I

11 would like to move admission of all the

12 aforementioned exhibits.

13   CHAIRMAN KANE: They are all moved in.

14   (OPC Cross Exhibit Numbers 62 through 86

15 were received into evidence.)

16   MR. EILBOTT: Thank you.

17   CHAIRMAN KANE: Ms. Francis?

18   MS. FRANCIS: Yes, Your Honor. I'd like

19 to move in AOBA's Exhibits 44 through 59,

20 inclusive.

21   CHAIRMAN KANE: They are moved in.

22   (AOBA Cross Exhibit Numbers 44 through 59

1768

 1 were received into evidence.)

 2   CHAIRMAN KANE: D.C. government?

 3   MR. COYLE: Thank you, Your Honor.

 4 D.C. government would move Exhibits DCG 41, 42,

 5 43, 44, 45, 48, 49, 52, 54, 55, 56, 57, 59, 75, 78

 6 and 79.

 7   MR. DUVER: Could I be heard on just one

 8 from that list, and it's 45? DCG 45 is one where

 9 it was attachment to a data request, but the

10 actual front page of the data request response was

11 not provided. We would just like to reserve our

12 right to review it for completeness and to

13 possibly raise issues. We're not going to object

14 at this time, but we'd like to reserve that right.

15   CHAIRMAN KANE: Yes. That's so noted.

16   MR. COYLE: Actually, I'll undertake to

17 provide the first page as an amendment to the

18 exhibit tomorrow so --

19   MR. DUVER: That's better.

20   MR. COYLE: -- everybody has it. I think

21 I owe you one more of those too. So we'll do them

22 both.

 1   CHAIRMAN KANE: All right. Those are

 2 moved in.

 3   (DCG Cross Exhibit Numbers 41 through 45,

 4 48, 49, 52, 54 through 57, 59 and 75 were received

 5 into evidence.)

 6   CHAIRMAN KANE: Mr. Wright?

 7   MR. WRIGHT: DC SUN has no exhibits to

 8 move into the record at this time.

 9   CHAIRMAN KANE: Ms. White?

10   MS. WHITE: No exhibits, Your Honor.

11   CHAIRMAN KANE: MAREC?

12   MS. ELEFANT: No exhibits, Your Honor.

13   CHAIRMAN KANE: Very good.

14   All right. 5:35. Were there any other

15 matters from the -- since we had the issue of an

16 updated list of the amounts of time that were

17 estimated for the remaining witnesses.

18   MR. LORENZO: Yes, we haven't been able

19 to put it together yet, but we'll have it

20 hopefully first thing in the morning. We'll have

21 the updated list of remaining times by party for

22 all the --

1770

 1   CHAIRMAN KANE: And the order -- I

 2 understand the order may have been moving again.

 3   MR. LORENZO: Yes, Your Honor.

 4 Mr. Khouzami will be our next witness.

 5   CHAIRMAN KANE: Mr. Khouzami will be your

 6 next witness. And then?

 7   MR. LORENZO: Dr. Tierney.

 8   CHAIRMAN KANE: Then Dr. Tierney.

 9   MR. LORENZO: And Ms. Lapson and Kevin

10 McGowan.

11   CHAIRMAN KANE: Okay. Very good.

12   MS. FRANCIS: Your Honor?

13   CHAIRMAN KANE: Yes, Ms. Francis.

14   MS. FRANCIS: I should have brought

15 something up as a preliminary matter, but I just

16 wanted to inform the Commission. I noticed last

17 night that AOBA's Exhibit 99 was missing an

18 attachment, so at lunch time we filed a corrected

19 Exhibit AOBA 99. It was in an abundance of

20 caution. I didn't know if we would get to

21 Mr. Khouzami today, so I just wanted to be

22 complete in case I needed to do cross. And we did

1771

 1 also file a revised cross-examination exhibit.

 2 We'll have a new list and more tomorrow.

 3   MR. DUVER: Your Honor, just while

 4 Mr. Lorenzo did say we're going to provide the

 5 listing, I can provide Your Honor with the updated

 6 estimates as of this morning for

 7 cross-examinations for the remaining joint

 8 applicant witnesses, if I could just quickly read

 9 through that.

10   CHAIRMAN KANE: Certainly.

11   MR. DUVER: The totals are -- for

12 Mr. Khouzami, it's six-and-a-quarter hours. For

13 Dr. Tierney, it's four hours. For Ms. Lapson, it

14 is 1.5 hours. And for Mr. McGowan, it is 3.5

15 hours, approximately.

16   And the other thing I just would like to

17 note is OPC had told us earlier that Mr. Morgan

18 would need to testify on the 8th because he's

19 unavailable after the 16th, I believe.

20   CHAIRMAN KANE: Yes.

21   MR. DUVER: And so we have him penciled

22 in to actually go immediately after Ms. Lapson on

1772

 1 the 8th so that we would be able to accommodate

 2 him on that day.

 3   CHAIRMAN KANE: Before we get to

 4 Mr. McGowan?

 5   MR. DUVER: Yes, because, this way, if

 6 Mr. McGowan obviously rolls over, we have him for

 7 the 20th.

 8   CHAIRMAN KANE: All right.

 9   COMMISSIONER FORT: I do have one

10 follow-up.

11   CHAIRMAN KANE: Yes, Commissioner Fort.

12   COMMISSIONER FORT: One of the requests

13 that we made was to have an organizational chart

14 of your Exelon Utilities or your -- and your

15 business service company. I'd like to be able to

16 see that before Mr. Khouzami goes on. Preferably,

17 I'd like to see it before he comes on.

18   MR. LORENZO: Then we'll get it for you

19 before he comes on.

20   COMMISSIONER FORT: So I would assume

21 that we can have that tomorrow morning?

22   MR. LORENZO: Yes, Your Honor.

1773

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 1          CHAIRMAN KANE:  Thank you.  All right.

 2          There being nothing further, we stand

 3   adjourned until 10:00 a.m. tomorrow morning.

 4          (Whereupon, at 5:40 p.m., the above

 5   proceedings were adjourned.)

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2   I, DENISE M. BRUNET, Certified Court

3   Reporter, do hereby certify that the statements

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5   transcript are the statements and testimony taken

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$129 1554:18

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$16 1633:13

$19.1 1692:18

$2 1523:20
1526:20
1527:4,10
1605:22

$2.5 1692:17

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