

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

TOLLING ORDER

October 26, 2015

**FORMAL CASE NO. 1119, IN THE MATTER OF THE JOINT APPLICATION
OF EXELON CORPORATION, PEPCO HOLDINGS, INC., POTOMAC
ELECTRIC POWER COMPANY, EXELON ENERGY DELIVERY COMPANY,
LLC AND NEW SPECIAL PURPOSE ENTITY, LLC FOR AUTHORIZATION
AND APPROVAL OF PROPOSED MERGER TRANSACTION, Order No. 18009**

1. On August 27, 2015, the Commission issued Order No. 17947, which denied the Joint Application for Approval of the Proposed Merger and found that the proposed merger was not in the public interest.¹ On September 28, 2015, the Joint Applicants filed an Application for Reconsideration of Order No. 17947.² On October 6, 2015, the Joint Applicants filed a Motion to Reopen the Record.³ In the Motion to Reopen, the Joint Applicants “request that the Commission toll consideration of the Application for Reconsideration . . . for such period of time as the Commission requires to fully consider the merits of the Settlement Agreement” (which was attached to the Motion to Reopen) and to “toll the time for responses to the Application for Reconsideration.”⁴ In Order No. 18000, in which the Commission set the date for the filing of responses to the Motion to Reopen, the Commission directed that “the [previous] stay of the filing of responses to the Joint Applicants’ Application for Reconsideration imposed in Order No. 17993 shall remain in effect until the Commission renders a decision on the Motion to Reopen.”⁵

2. By law, the Commission shall either grant or deny an application for reconsideration within 30 days after such application is filed. “Failure by the Commission to act upon such application within such period shall be deemed a denial

¹ *Formal Case No. 1119, In the Matter of the Joint Application of Exelon Corporation, Pepco Holdings, Inc., Potomac Electric Power Company, Exelon Energy Delivery Company, LLC and New Special Purpose Entity, LLC for Authorization and Approval of Proposed Merger Transaction* (“*Formal Case No. 1119*”), Order No. 17947, rel. August 27, 2015.

² *Formal Case No. 1119, Application of the Joint Applicants for Reconsideration of Order No. 17947*, filed September 28, 2015 (“*Reconsideration Application*”).

³ *Formal Case No. 1119, Motion of the Joint Applicants to Reopen the Record in Formal Case No. 1119 to Allow for Consideration of Nonunanimous Full Settlement Agreement and Stipulation, or for Other Alternative Relief*, filed October 6, 2015 (“*Motion to Reopen*”).

⁴ *Formal Case No. 1119, Motion to Reopen* at 11, 13.

⁵ *Formal Case No. 1119, Order No. 18000*, ¶ 3, rel. October 8, 2015.

thereof.”⁶ In the event the Commission reopens the record in *Formal Case No. 1119* for the purpose of considering whether the Non-Unanimous Settlement Agreement filed by the Settling Parties is in the public interest, and to avoid the automatic denial of a timely request for reconsideration, the Commission hereby tolls the deadline for action on the merits of the Application for Reconsideration and the filing of responses until we render a decision on the Non-Unanimous Settlement Agreement. In the event the Commission does not reopen the record, it will direct the date on which responses to the Application for Reconsideration shall be due and determine at that time the appropriate tolling period for rendering a decision on the Application for Reconsideration.

THEREFORE IT IS ORDERED THAT:

3. The deadline for action on the merits of the Application for Reconsideration and the filing of responses to the Joint Applicants’ Application for Reconsideration is **TOLLED** until the Commission renders a decision on the Non-Unanimous Settlement Agreement, or until the Commission determines otherwise.⁷

A TRUE COPY:

BY DIRECTION OF THE COMMISSION:



CHIEF CLERK:

**BRINDA WESTBROOK-SEDGWICK
COMMISSION SECRETARY**

⁶ D.C. Code § 34-604 (b) (2001).

⁷ See *United States v. Public Serv. Comm’n*, 465 A.2d 829 (D.C. 1983) (finding that for reasoned and deliberate consideration of applications for reconsideration, the Commission can extend the 30-day time-period for reconsideration of Commission Orders).