

BEFORE THE PUBLIC SERVICE COMMISSION OF MARYLAND

POTOMAC ELECTRIC POWER COMPANY *
APPLICATION FOR A MULTI-YEAR PLAN * Case No. 9655
FOR THE DISTRIBUTION OF ELECTRIC *
ENERGY AND OTHER TARIFF REVISIONS *

**COMMENTS OF
THE TOWN OF WASHINGTON GROVE, MARYLAND**

Pursuant to the Commission’s Notice issued January 12, 2021 in this proceeding, the Town of Washington Grove submits its comments with respect to the proposals in Pepco’s Application to revise the rates and regulations affecting streetlights. Washington Grove’s comments expand upon the March 15, 2021 oral testimony of Virginia Quesada, Chairwoman of its Lighting Committee, and Robert Booher, Chairman of its Historic Preservation Commission. These comments also reflect clarifications and amplifications of Pepco’s intentions obtained in discussions with its representatives subsequent to March 15.

SUMMARY

Washington Grove requests that the Commission condition any approval of the Pepco Plan upon submission of revisions to its proposed tariff pages that modify and/or clarify its provision of streetlight service in the following particulars:

- I. Make clear that LED bulbs Washington Grove purchased in 2020 will not be replaced in the course of Pepco's replacement of all streetlights with LED fixtures (or luminaires) and that the bulbs remain the Town's property.
- II. Make clear that Washington Grove has the right to purchase LED replacement fixtures and bulbs for its lights that have not yet been converted.
- III. Make clear that the Pepco usage charges for street lights in Washington Grove remain under the current applicable schedules and that usage will not be charged under a schedule designed to recover the cost of conversion to LED.
- IV. Provide that customers such as Washington Grove may purchase power for its streetlights from an alternative supplier.
- V. Specify that as smart nodes are installed, the customer has the right to control lighting functions, to control which and by whom sensors for non-lighting functions are installed, and to whom, if anyone, the information derived from such sensors is provided.

INTRODUCTION

Washington Grove was founded as a church camp in the 1870s and many of its residences date from that time. Incorporated in 1937, the Town was added to the National Register of Historic Places in 1980. The listing was substantially updated and expanded last year to recognize the important contributions to its historic character of the landscape and viewshed, including specifically the quality of its lighting. Our residents appreciate the functional and economic benefits of LED lighting and support its rapid expansion throughout the Pepco and DelMarVa Power service area. At the same time we value very much the historic appearance and ambiance of our present Town owned LED lighting and want to ensure those elements are not lost. Washington Grove residents are thus directly and substantially affected by this proceeding.

I Retention of Existing Customer Owned LED Bulbs.

In 2020, following discussion and negotiations with Pepco, Washington Grove purchased LED bulbs for 93 of its 110 street lights¹ from a Pepco designated supplier under the Pepco Business Instant Discounts Program. The

¹ The 93 light fixtures are compatible with screw-in LED bulbs. The Town expects to replace the remaining fixtures in the future. See Section III, *infra*.

bulbs were installed by a Pepco contractor. The Town's electric usage has since decreased significantly.

Pepco's installation of the LED bulbs purchased and furnished by Washington Grove was apparently pursuant to the terms of its schedule SSL-OH-LED² which provides, in part:

...[T]he Customer may own its street lighting equipment at all locations to include the bracket, fixture, light sensitive switch unit and lamp...³

Pepco proposes to revise this schedule by adding to the Availability paragraph the sentence: "This schedule is closed to new customers effective May 24, 2021."

Pepco witness Schafer's testimony (p.27) states:

The Company proposes to close the current SSL overhead LED streetlighting tariff to new customers and allow the existing 1,853 Overhead LED lights to remain on this schedule.

Freezing the number of customer owned LED lights at 1,853 may be Pepco's subjective intent, but the tariff doesn't say that. Rather it says the schedule is not available to *new customers*. Washington Grove's status as a customer, like most streetlight customers, is not new. Moreover, while Washington Grove provided 93 LED bulbs which Pepco installed in the Town, neither the tariff nor the testimony

² Electric-P.S.C. Md. No. 1, 7th Revised Page No. 17.3.

³ Although somewhat ambiguous, Pepco apparently interprets the term "to include" as permitting the customer to own any component of its street lighting equipment, such as the lamp. On the same page, in the preceding paragraph, the Pepco tariff refers to "street lighting luminaries and mounting arms or brackets." It is not clear whether this phrase refers to the same equipment as the quoted sentence. No definition of "luminaries" is provided.

in this case provide any information as to the number of LED bulbs installed by other streetlight customers, or that the Town's 93 bulbs are included in the 1,853.

Proper reading of the tariff, therefore, does not restrict the number of lights (aka bulbs, luminaries?) of a customer that it will serve.⁴

Washington Grove therefore requests that should the Commission approve Pepco's Multiyear Plan, that it condition such approval on Pepco's agreement, reflected in clear and unambiguous revisions to its proposed tariff, that customers, including Washington Grove, may remain under Schedule SSL-OH-LED and neither its existing LED bulbs nor its non-LED lights will be replaced under Schedule SSL- S-OH-LED or any of its lights charged under the rates in that schedule.

II Washington Grove retains the right to purchase LED replacement fixtures and bulbs for lights that have not yet been converted.

For the reasons explained in Section II, *supra*, proper reading of the tariff Schedule SSL-OH-LED is that while it is not available to "new" customers, existing customers' rights to own their own street lighting equipment are not limited to those that they owned on May 24, 2021.

Washington Grove therefore requests that should the Commission approve Pepco's Multiyear Plan, that it condition such approval on Pepco's

⁴ Ambiguities in tariff wording are construed against the filer of the tariff.

agreement, reflected in clear and unambiguous revisions to its proposed tariff, that customers, including Washington Grove, retain the right to purchase replacement fixtures and LED bulbs after May 24, 2021 or such date as may be subsequently established. Further the tariff should clearly state that customers such as Washington Grove may purchase existing fixtures at a mutually determined market rate in the event Pepco decides to discontinue maintenance of them.

III Washington Grove remains subject to the charges in Schedules SL and SSL-OH-LED for its existing LED lights and such lights it converts to LED in the future.

Again, for the reasons stated in Section II, the rates for streetlight service to Washington Grove, as an existing customer are properly stated in Schedules SL and SSL-OH-LED. It would be inappropriate and unjustified to apply the rates in proposed Schedule SSL-S-OH-LED which are designed to recover the “costs of the LED fixture in the monthly fixed charge.

(Witness Schafer, pp.22, 24,28)

Washington Grove therefore requests that should the Commission approve Pepco’s Multiyear Plan, that it condition such approval on Pepco’s agreement, reflected in clear and unambiguous revisions to its proposed tariff, that existing customers, including Washington Grove, remain entitled to service under the current schedules.

IV Streetlight customers should be able to use alternative power suppliers.

Schedule SSL-OH-LED, current and proposed, states that streetlight service is available for lighting equipment mounted on Company owned wooden⁵ poles “...when the electricity supplied to such equipment is furnished by the Company.....” In the last several years the PSC has put significant effort into creating a program which allows customers to choose among alternative power suppliers.⁶ The availability of such choice allows customers to both seek the most economical rates and to fill their power requirements with power obtained from non-fossil fueled sources. There is no obvious explanation why Streetlight customers, such as Washington Grove, should not have this option as well. Washington Grove therefore requests that should the Commission approve Pepco’s Multiyear Plan, that it condition such approval on modification of the schedule to remove the requirement that electricity be supplied by it.

V Customers’ rights to control lighting functions, to control which and by whom sensors for non-lighting functions are installed, and to whom, if anyone, information derived from such sensors is provided.

Witness Schatz stated that among the purposes of utilizing Smart LED streetlights connected to its AMI network are: First, customers will be able to

⁵ It’s not obvious why the service should not be available where the equipment is mounted on poles made of some other material than wood.

⁶ CITE PSC webpage

customize their operational preferences such as adjusting timing or brightness.

(p.11) Second, third party sensors may be installed that will provide data of various types. (p.12) In addition, Pepco will be better able to monitor the health of its system. (p.15)

While wide spread deployment of smart sensors is apparently planned after completion and evaluation of two pilot programs, the proposal raises significant questions regarding network security and privacy that the Commission should address now in any order approving the Multi-Year Plan.

First, because the Plan contemplates customer control over “operational preferences,” some form of interconnection between the customers communications facilities and the Pepco AMI network will be necessary. In turn, any security breach of either creates a risk of contamination of the other. Pepco should be required to spell out, in an appropriate and secure manner, both its security measures to prevent such breaches from spreading, its notification plans and expectations for assignment of liability. It should also indicate whether any equipment or software will be sourced from countries subject to US sourcing restrictions.

Second, the Commission should require that customers have absolute control over which third party sensors are installed, to whom the data is delivered, how and where it is stored, and what analysis will be made of it.

CONCLUSION

The Town of Washington Grove requests that the Commission condition any approval of the Pepco Plan upon submission of revisions to its proposed tariff pages that modify and/or clarify its provision of streetlight service consistent with the foregoing comments.

John C. Compton

Mayor

DATE