

ORDER NO. 86815

IN THE MATTER OF THE FORMAL
COMPLAINTS OF DR. MICHAL
FREEDHOFF ON BEHALF OF
CARDEROCK SPRINGS CITIZENS'
ASSOCIATION [ML# 148922] AND
SUSAN EASTMAN [ML# 149166] v.
POTOMAC ELECTRIC POWER
COMPANY

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BEFORE THE
PUBLIC SERVICE COMMISSION
OF MARYLAND

CASE NO. 9374

Issue Date: January 15, 2015

This Order consolidates, and delegates for hearing, two related formal complaints filed with the Public Service Commission of Maryland (“Commission”) against Potomac Electric Power Company (“Pepco” or “the Company”), one by Dr. Michal Freedhoff on behalf of Carderock Springs Citizens’ Association and the other by Ms. Susan Eastman (“Complainants”). Both Complainants appeal decisions rendered by the Commission’s Office of External Relations (“OER”) dismissing their complaints. Pursuant to MD. CODE ANN., Public Utilities Article § 3-102(b)(2), the Commission directed the Company to satisfy or answer the complaints and Pepco submitted responses, requesting that the complaints be dismissed.

In 2012, Complainants filed disputes with OER requesting that the Commission investigate whether a number of fires that occurred in Complainants’ neighborhood were related to Pepco’s electrical distribution system, the recent installation of smart-meters, or

other electrical service or maintenance problems.¹ Complainants urge that should the Commission conclude that a systemic problem caused these fires, the Commission should direct Pepco to perform any necessary repairs as well as assist them in acquiring and reviewing certain identified Pepco business records – such as contemporaneous voltage records – that may help identify the cause of these fires.²

OER issued decisions in these matters on July 26, 2013 and August 11, 2013 dismissing the complaints, noting that the Commission lacks authority to issue civil damages, but also concluding that Pepco had not sufficiently addressed Complainants' concerns. OER recommended that Pepco conduct community outreach with regard to this issue, and provide Complainants with a better reliability plan. On November 19, 2013, Pepco updated the case to inform the Commission that it met with neighborhood residents on November 6, 2013 and agreed to perform various inspections and upgrades to several components of its distribution system as a gesture of good will to the concerned residents.

Both Complainants and the Company have made numerous subsequent filings in this matter. Pepco asserted that it had completed all of the promised infrastructure work and, as a result of its inspection, had additionally installed 1900 feet of underground cable. Pepco was also in the process of replacing a number of transformers. Pepco noted that at no point during its inspection did it find any evidence that its facilities were responsible for the incidents that form the subject of this complaint. Dissatisfied with

¹ Freedhoff/Carderock Springs April 5, 2013 Complaint at 1. Along with their complaint, the Carderock Springs Complainants provided a table that identified thirteen addresses in the neighborhood that had suffered some form of electrical problem varying from flickering lights to four electrical fires. One incident occurred in December 2004. The rest occurred between March 2010 and March 2013.

² *Id.* See also Eastman Complaint at 1. A fire occurred at Ms. Eastman's residence on August 11, 2012.

these efforts, Complainants again requested that the Commission open a formal case, stating that Pepco had not performed all of the promised work, nor had Pepco provided documentation to support its claim that its inspection found no evidence that its electrical system caused the incidents in question. Complainants contended that all incidents that form the basis for their complaint were served by one feeder – feeder #15111.

Complainants submit that they are not seeking damages related to the incidents (damages they acknowledge we lack authority to award). However, upon reviewing the extensive record in these matters, we conclude that the complaints raise material issues of disputed facts regarding the reliability and safety of Pepco’s electric distribution facilities in Complainants’ neighborhood that require an evidentiary proceeding in this matter. Accordingly, these complaints are consolidated and delegated to the PULJ Division for evidentiary hearings and other appropriate proceedings.

IT IS, THEREFORE, this 15th day of January, in the year Two Thousand and Fifteen, by the Public Service Commission of Maryland,

ORDERED: (1) That the Commission hereby consolidates the formal complaints of Dr. Michal Freedhoff on behalf of Carderock Springs Citizens’ Association and Susan Eastman v. Potomac Electric Power Company and docket this matter as Case No. 9374; and

(2) That the Commission delegates this matter to the Public Utility Law Judge Division for evidentiary hearings and appropriate proceedings.

By Direction of the Commission,

/s/ David J. Collins

David J. Collins
Executive Secretary