

**DETERMINATION AND FINDINGS
FOR
SOLE SOURCE PROCUREMENT**

1. **Authorizationⁱ**

- D.C. Code § 34-801
- D.C. Code § 34-804
- 15 D.C.M.R. § 3700

2. **Minimum Need**

The Office of the People’s Counsel (“OPC”) requests the services of Nova Energy Consultants, Inc. to represent OPC in settlement discussions regarding docket ER19-1475 before the Federal Energy Regulatory Commission (“FERC”) and any other regulatory body as needed. The docket concerns Pepco’s filing of changes to its formula transmission rate.

3. **Estimated Fair and Reasonable Price**

The total contract not-to-exceed price is \$15,000.

4. **Facts That Justify a Sole Source Procurement**

- A. The Office of the People’s Counsel (“OPC” or “Office”) is an independent agency of the District of Columbia government. By law, it is the advocate for consumers of natural gas, electric and telephone services in the District. District of Columbia law designates the Office as a party to all utility-related proceedings before the Public Service Commission. The Office also represents the interests of District ratepayers before federal regulatory agencies. The Office is authorized to investigate the operation and valuation of utility companies independently of any pending proceedings.
- B. District consumers and ratepayers are served by Pepco transmission lines and pay to receive such service pursuant to Pepco’s transmission formula rate that is on-file with FERC.
- C. Nova Energy Consultants, Inc. provides consulting services to OPC (and other Consumer Advocates Offices and industry groups) on issues related to PJM Interconnection, LLC and FERC—by participating in stakeholder meetings on their behalf and advising consumer advocates on policy positions beneficial to retail electric ratepayers at PJM and the FERC. The technical tasks covered in this procurement will include:
- Participate in certain PJM stakeholder processes (could including, but not limited to, the Capacity Senior Task Force, Resource Adequacy Analysis Subcommittee, Load Analysis Subcommittee, Planning Committee, Market

Implementation Committee, Markets and Reliability Committee); develop, present analysis, positions and proposals;

- Prepare white papers on emerging issues;
- Submit affidavits in FERC proceedings;
- Provide quick turnaround consulting on issues that arise;
- Estimate impacts of proposed changes in PJM rules or procedures;
- Evaluate and report on results of major PJM events such as RPM auctions;
- Review and comment on key reports of PJM or its independent market monitor;
- Review and comment on draft regulatory filings;
- Evaluate issues and recommend positions for upcoming PJM votes;
- Provide regular updates on key issues of concern;
- Work with other stakeholders and experts to coordinate development of positions and strategies; and
- Recommend issues for investigation by PJM's market monitor.

D. Specific topic areas that Nova Energy Consultants, Inc. will cover on behalf of OPC and other Consumer Advocates Offices will include:

- Assist with development of data requests propounded by the Office, and in responding to data requests propounded upon the Office, should the need arise.
- To assist the Office with participation with meetings, conferences, hearings, technical conferences, as need arises.

E. Given Nova Energy Consultants, Inc.'s expertise in PJM and FERC electric matters, this consultant is uniquely qualified to assist the Office of the People's Counsel with identifying and analyzing wholesale market and transmission planning issues and present strategies to help achieve just and reasonable electric rates for retail electric customers in the District of Columbia.

F. It is for the reasons outlined herein that it is recommended that a sole source contract be awarded to Nova Energy Consultants, Inc.

5. **Certification by the Contracting Officer**

I hereby certify that the above facts are accurate and complete.

Christopher K. Sellers
Contracting Officer

Date

Naunihal Singh
Director Regulatory Finance

Date

DETERMINATION

Based on the above findings and in accordance with the District of Columbia procurement regulations: *DC Law: 34-804; DC Law: 34-801; and 15 DCMR §3700*,

I hereby determine that the award of a sole source contract for the services described herein is in the best interest of the Office of the People's Counsel.

Eric Scott
Chief Operating Officer

Date

ⁱ Procurement authority is vested in the Commission pursuant to § 13(c) (2) of the Residential Real Property Seller Disclosure, Funeral Services Date Charge, and Public Service Commission Independent Procurement Authority Act of 1998 (D.C. Law 12-263). The Commission is statutorily exempt from the D.C. procurement rules as set forth in D.C. Official Code § 1-1181 et seq.

D.C. Code § 34-804, hereby established within the Public Service Commission of the District of Columbia, as established by D.C. Code § 34-801, as Office to be known as the "Office of the People's Counsel." The Office shall be a party, as of right, in any investigation, valuation, revaluation, or proceeding of any nature by the Public Service Commission of or concerning a public utility operating in the District of Columbia.

15 D.C.M.R. § 3700: Public Utilities and Cable Television – Public Service Commission Rules of Practice and Procedure.