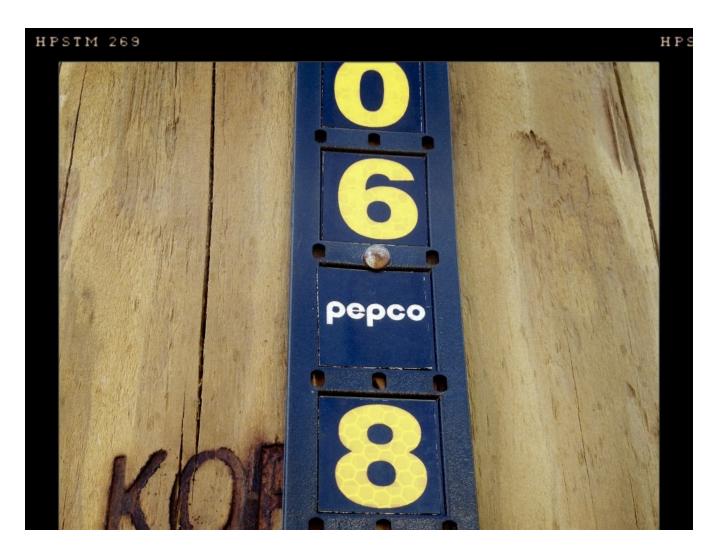


## Opponents of Pepco-Exelon Merger Promise to File Court Appeal If Necessary

D.C.'s Public Service Commission is expected to rule on their challenge of the merger tomorrow.

ANDREW GIAMBRONE — JUNE 16, 2016 5:19 P.M.

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DARROW MONTGOMERY

If you thought the controversy surrounding the Pepco-Exelon merger had settled, think again: Two advocacy groups opposed to deal say they will file another legal challenge to it—this time in the D.C. Court of Appeals—if the regulatory body that oversees local utilities rejects their case in a decision expected to come down <u>on Friday</u>.

Along with the District's Office of the Attorney General and Office of the People's Counsel, watchdog organizations Public Citizen and DC SUN in April <u>filed a motion</u> for the three-member D.C. Public Service Commission to reconsider its approval of the nearly \$7-billion merger the month before. Now, those groups say they're prepared to go to court if the PSC denies that reconsideration. They'd have 60 days to do so after tomorrow's decision, if it's against their favor.

"Public Citizen and DC SUN are arguing both that the decision was wrong on the merits and that the order should be vacated for several additional reasons," a release explains. Those include the arguments that the PSC "gave too little public notice of hearings on the settlement, "violated its own rules when it granted the utilities' request to approve the merger," "unlawfully contradicted its prior reasoning and decisions without explanation," and "misapplied the governing legal standard: whether proponents of the merger demonstrated that—as a whole—the deal is in the public interest."

A spokesperson for Pepco-Exelon said the company would release a statement after the ruling is handed down. The merger was approved in March on a <u>2-1 decision</u>, with a dissent from former D.C. Councilmember **Betty Ann Kane**.

Tomorrow's decision is scheduled to be announced during a meeting that starts at 3 p.m.

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