

## DEPARTMENT OF HEALTH

**NOTICE OF PROPOSED RULEMAKING**

The Director of the Department of Health, pursuant to the authority set forth under § 302(14) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C Official Code § 3-1203.02(14)), and Mayor's Order 98-140, dated August 20, 1998, hereby gives notice of his intent to take final rulemaking action to adopt the following amendment to Chapter 69 of Title 17 of the District of Columbia Municipal Regulations (DCMR) in not less than thirty (30) days from the date of publication of this notice in the D.C. Register. The purpose of these amendments is to clarify the time periods and appropriate terms for satisfying the experiential requirements for licensure.

**Chapter 69 (Psychology) of Title 17 (Business, Occupations & Professions) (May 1990) is amended as follows:**

**Sections 6902.3 is amended to read as follows:**

6902.3 An applicant for a license shall furnish the following proof satisfactory to the Board Pursuant to § 6902.9 that the applicant has obtained a minimum of four thousand (4,000) hours of psychological practice.

**Sections 6902.4 is amended to read as follows:**

6902.4 Pursuant to § 6902.9, the four thousand hours may have been acquired after conferral of the doctoral degree or, two thousand (2,000) hours may have been acquired during a pre-doctoral internship with the remaining two thousand (2,000) hours acquired after conferral of the doctoral degree.

**Sections 6902.5 is amended to read as follows:**

6902.5 Pursuant to § 6902.9, the four thousand (4,000) hours shall be performed under the supervision of a psychologist, psychiatrist, or independent clinical social worker licensed in a jurisdiction of the United States unless otherwise permitted.

**Section 6902.6 is amended to read as follows:**

6902.6 If an applicant chooses to acquire the four thousand (4,000) hours of psychological practice after he or she has obtained the doctoral degree, the hours shall be obtained over a period of not less than two (2) years and not more than three (3) years commencing the day after conferral of the applicant's doctoral degree but before the date the application is submitted. The Board may extend the three (3) year limit for good cause shown.

**A new section 6902.7 is added to read as follows:**

6902.7 If an applicant chooses to acquire two thousand (2,000) hours during a pre-doctoral internship and the remaining two thousand (2,000) hours after conferral of the doctoral degree, the hours obtained after conferral of the degree shall be obtained over a period of not less than one (1) year and not more than two (2) years commencing the day after conferral of the degree but before the date the application is submitted. The Board may extend the two (2) year limit for good cause shown.

**A new section 6902.8 is added to read as follows:**

6902.8 An applicant for a license shall furnish proof satisfactory to the Board pursuant to § 6902.9 that the applicant obtained experience that meets the following requirements:

- (a) Two hundred (200) of the required hours shall have been completed under the immediate supervision of a psychologist, psychiatrist, or independent clinical social worker licensed in a jurisdiction of the United States unless otherwise permitted;
- (b) One hundred (100) of the hours of practice required by paragraph (a) shall have been completed under the immediate supervision of a psychologist licensed in a jurisdiction of the United States;
- (c) One hundred and fifty (150) of the hours of practice required by paragraph (a) shall have been under individual supervision and a maximum of fifty (50) hours under group supervision; and
- (c) The applicant's performance shall have been rated as at least satisfactory by each supervisor.

**A new section 6902.9 is added to read as follows:**

6902.9 An applicant for a license shall demonstrate qualifications required by §§ 6902.3, 6902.4, 6902.5, and 6902.6 by submitting with the application a signed statement from each supervisor who supervised the applicant during the required period of experience, on a form approved by the Board, which sets forth as follows:

- (a) The location at which and period of time during which the supervision took place;
- (b) The number of hours of general supervision of the applicant;

- (c) The number of hours of immediate supervision of the applicant;
- (d) The specific nature of and responsibilities included in the applicant's practice;
- (e) A rating of the applicant's performance; and
- (f) The jurisdiction in which the supervisor was licensed during the supervisory period and the supervisor's license number.

**A new section 6902.10 is added to read as follows:**

6902.10 A postdoctoral internship shall be acceptable experience if it meets the requirements of §§ 6902.3, 6902.4, 6902.5, and 6902.6.

**A new section 6902.11 is added to read as follows:**

6902.11 An applicant for a license who has been licensed in another jurisdiction in the United States but who does not qualify for licensure by reciprocity pursuant to the Act and § 4014 of this title may rely upon licensed, unsupervised practice to fulfill the experience requirements of this section. The applicant shall submit a certificate of licensure in good standing with the application and a statement which sets forth the location, duration, total hours, and specific nature of the applicant's practice.

All persons desiring to comment on the subject of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of the publication of this notice in the D.C. Register. Comments should be sent to the Department of Health, Office of the General Counsel, 825 North Capitol Street, N.E., 4<sup>th</sup> Floor, Washington, D.C., 20002. Copies of the proposed rules may be obtained from the Department at the same address during the hours of 9 a.m. to 5 p.m., Monday through Friday, excluding holidays.

## DISTRICT OF COLUMBIA HOUSING AUTHORITY

NOTICE OF PROPOSED RULEMAKING

## ERRATA

The Board of Commissioners of District of Columbia Housing Authority ("DCHA") published, in the D.C. Register at 54 DCR 5029, May 18, 2007, a Notice of Proposed Rulemaking adopting a new Chapter 84, Rent Subsidy Programs: Certifications of Title 14 of the District of Columbia Municipal Regulations.

The substance of the proposed rule was approved by the DCHA Board of Commissioners; however the text of the proposed rules contained errors. The corrected text is set forth below.

**CHAPTER 84 RENT SUBSIDY PROGRAMS: CERTIFICATIONS**

- 8400 INTRODUCTION TO CERTIFICATION
- 8401 INITIAL CERTIFICATION
- 8402 SUITABILITY SCREENING
- 8403 REGULAR PERIODIC REEXAMINATION
- 8404 INTERIM REEXAMINATIONS
- 8405 TIMELY REPORTING AND CHANGES TO TOTAL TENANT PAYMENT
- 8406 TIMING OF NEXT RECERTIFICATION
- 8407 CHANGE IN TOTAL TENANT PAYMENT AFTER REGULAR OR INTERIM REEXAMINATION
- 8408 THIRD PARTY VERIFICATION FOR ALL CERTIFICATIONS
- 8409 RELEASE OF RECORDS OR OTHER INFORMATION FOR ALL REPORTING AND REEXAMINATIONS

**8400 INTRODUCTION TO CERTIFICATION**

8400.1 DCHA's rent subsidy programs are all predicated on supplementing the rent a Family of a certain size and gender composition, can pay based on their Annual Income, adjusted for certain deductions and allowances, by paying a subsidy directly to the landlord. Certification of income and family composition is critical to the accurate payment of the subsidy the Family is entitled to under the rules of each particular rent subsidy program. Unless otherwise noted in this Chapter or other Chapters about special housing programs in this Title 14, the certification and reexamination of income and household composition is conducted under the provisions of this Chapter 84 of this Title.

8400.2 There are four (4) types of certifications addressed herein below:

- (a) Initial certification at the time a voucher is initially issued;
- (b) Regular, periodic reexamination, typically biennially, to ask the Family to certify and verify their income and household composition;

- (c) Transfer certification that occurs when a Family requests a transfer voucher under the portability or move provisions of ~~Chapter 87 and 85 of this Title, respectively~~ the Administrative Plan adopted pursuant to 24 CFR § 982.54; and
- (d) Interim change reexamination when the Family reports a change in between the periodic reexaminations.

#### 8401 INITIAL CERTIFICATION

8401.1 To be eligible to ~~participant~~ **participate** in a DCHA's rent subsidy program, an Applicant must meet certain criteria as set forth in Chapter 61 of this Title, including, but not limited to, the following factors:

- (a) Income limits;
- (b) Provision of social security numbers;
- (c) Family composition information;
- (d) Clearance of outstanding debts to DCHA or other Public Housing authorities; and
- (e) Criminal background checks.

8401.2 The Applicant must meet the initial certification requirements qualifying as a Family as follows:

- (a) Two (2) or more persons sharing residency whose income and resources are available to meet the Family's needs and who are related or have evidence of a stable family relationship, such as:
  - (i) For each child, birth, adoption or legal guardianship documentation;
  - (ii) Joint tax returns;
  - (iii) Joint prior lease; and or
  - (iv) Joint bank accounts, insurance policies or utility bills.
- (b) A single person, who is:
  - (i) Expecting a child, even if she is no longer carrying a child at the time of voucher issuance or lease up;

- (ii) sixty-two (62) years of age or older;
  - (iii) Disabled with a physical impairment which is expected to be of long continued and indefinite duration which substantially impedes, but does not prohibit the ability, to live independently;
  - (iv) Disabled within the meaning of the social security or developmentally disabled acts; and
  - (v) Displaced due to a declared disaster and not living in standard replacement housing.
- (c) A live-in aide who has been approved as a reasonable accommodation in accordance with the provisions of Chapter 74 of this Title, but whose income is not counted for purposes of determining eligibility or total tenant payment.
- (d) The household composition as reported and verified in accordance with ~~Chapter 77~~ **this title** is the basis for the initial certification and calculation of total tenant payment to by the Family and housing assistance payment to the owner.

8401.3

The income of Families in the rent subsidy programs is subject to the following restrictions:

- (a) Certification for admission to the program is based on the unadjusted Annual Income of the household before any deductions or allowances
- (b) Except for certain special rental housing assistance programs, the unadjusted Annual Income may not exceed the low income limit of fifty percent (50%) of area median income established by HUD annually and published in the Federal Register for the family size.
- (c) For the Housing Choice Voucher Program, at least seventy percent (70%) of the participants in the program may not exceed the very low income limit of thirty percent (30%) of area median income established by HUD annually and published in the Federal Register by family size in the same way.
- (d) Changes to Annual Income that exceeds such limits after issuance of a voucher or during participation in the program are not a basis for termination from a rent subsidy program.
- (e) Notwithstanding the provisions in (d) above, participants whose Annual Income exceeds the initial income limits, are subject to reporting such increase and an adjustment of subsidy at that time as well as at regular

and interim reexaminations which can result in adjustments to the amount of subsidy provided to the Family.

8401.4 In order to calculate the amount of the Total Tenant Payment, ~~as set forth in Chapter 78~~ and the amount of the housing assistance payment subsidy for the owner, ~~as set forth in Chapter 83~~, the household's income must be reported and verified as well as any allowances or deductions as required ~~under Chapter 78~~ hereof at the time of initial certification.

8401.5 In certain special types of rent subsidy programs, as may be specified in other Chapters of this Title, the annual adjusted income of the household may be permitted to be up to eighty percent (80%) of the area median income as determined from time to time by the HUD.

## 8402 SUITABILITY SCREENING

8402.1 In addition to the eligibility and certification requirements summarized above, other factors which relate to the suitability of an Applicant Family as Tenants may be applied by an owner, provided the factors are reasonably related to tenancy and are used to screen all Applicants for the owner's units, whether or not the Applicant is a participant in a DCHA rent subsidy program.

8402.2 The screening factors an owner may use include such factors as:

- (a) Prior rent paying history;
- (b) Credit bureau reports of credit history;
- (c) Outstanding debts to previous landlords;
- (d) History of damage to rental properties or housekeeping generally;
- (e) Police records from any jurisdiction within any time period of application;  
and
- (f) Employment.

## 8403 REGULAR PERIODIC REEXAMINATION

8403.1 Regular reexaminations are conducted by ~~DCHA~~ of family composition, income, allowances and deductions by DCHA on a biennial basis or such other basis as may be announced in the District of Columbia Municipal Register from time to time.

8403.2 Income limits are not used as a test for continued eligibility at recertification.

## 8404 INTERIM REEXAMINATIONS

- 8404.1 An interim reexamination of any participant family's composition, income, allowances and deductions, may be conducted at the election of DCHA at any time following an initial or regular examination.
- (a) A Family is subject, upon notice thereof, to reexamination if DCHA has any reason to believe that inaccurate, false or incomplete information or verifications have been provided.
  - (b) Families reporting zero (0) Annual Income or whose income cannot be projected with any reasonable degree of accuracy are subject to reexamination every ninety (90) Days upon notice thereof by DCHA.
- 8404.2 As any changes to household composition (~~see Chapter 77~~) and income, allowances or deductions, (~~see Chapter 78~~), are likely to result in an increase or decrease in rental subsidy provided for under the program, the Family must report such changes in the times and with the effect on subsidy payments as set forth herein below at Section 8405 of this Chapter **in the Administrative Plan adopted pursuant to 24 CFR § 982.54.**
- 8404.3 Families are required to report any increase in household income from wages or assets to DCHA.
- 8404.4 Families may report a decrease in income or other changes such as increases in allowances or deductions which would reduce the amount of Tenant rent.
- 8404.5 Families are required to report the following changes in family composition.
- (a) A member has been added to the family through birth, adoption or court-awarded custody or any other kinship arrangement that is verifiable by a third party organization or governmental entity;
  - (b) A household member is leaving, on a more than temporary basis as identified in ~~Chapter 77~~ hereof, **the Administrative Plan adopted pursuant to 24 CFR § 982.54,** or has left the family unit due to family break-up, death, establishing their own family unit, or any other reason.
  - (c) The elderly or disability status of a household member has changed, or a household member other than a spouse of Head of Household is a Full Time Student.
  - (d) Any other change in status by of an existing member of the household composition that would modify the determination of Total Tenant Payment ~~under Chapter 77 of this Title.~~

**8405           TIMELY REPORTING AND CHANGES TO TOTAL TENANT  
PAYMENT**

8405.1           The following are the reporting requirements for changes to income:

- (a)     The Family must report any change in income or assets within thirty (30) Days of when the change occurs.
- (b)     Documentation of the changes must be provided at the recertification appointment or within ten (10) Days of request therefore. Any requested documentation that is not received within ten (10) Days shall be considered untimely and may result in a notice of proposed termination.

8405.2           The following are the reporting requirements for changes to family composition:

- (a)     All changes in family composition are required to be reported
  - (i)     If a minor, within thirty (30) calendar Days of its occurrence, and
  - (ii)    In the case of an adult, the change is required to be reported prior to the adult's addition to the household.
- (b)     If the unit is overcrowded due to a family composition change (the Family is under-housed) a Family being assisted under a tenant-based program may request a voucher to move in accordance with the provisions of Chapter 85 hereof and the Family will be issued a transfer voucher.
- (c)     If the Family is over-housed due to a reduction in family composition, the Family may elect to request a transfer voucher and move to an appropriately sized unit, or the Family may remain in the unit and pay the difference in the rent owed, as the subsidy will be continued on the basis of the smaller family size.
- (d)     If the Family does not locate a suitable unit that is either larger or smaller than their present unit, and the Family's transfer voucher expires, the Family may remain in the unit, and the subsidy will be based on the lesser of the unit occupied or the new family composition and size.

8405.3           All increases in Total Tenant Payment and reductions in housing assistance payments based on changes in the family's adjusted Annual Income are effective on the first of the month following the thirty (30) Days notice to participant and owner ~~required under Subsection 8406 of this Title~~. All decreases in Total Tenant Payment and increases in housing assistance payments are effective the first of the month after the change is reported.

8405.4 If the Family does not report the change in income or family composition within the thirty (30) Days as required hereinabove, the Family will be determined to have caused an unreasonable delay in the interim recertification. If the change is not reported timely and the change results in an increase in the family share (Tenant Rent), then:

- (a) The increase in Tenant Rent will be effective as of the first of the month following the change;
- (b) Any excess housing assistance payment subsidy already paid to owner based on a lower Total Tenant Payment based on the size of the household or lower adjusted Annual Income will be charged to the owner;
- (c) An excess housing assistance payment due to a failure to report a smaller household size will be calculated by taking the larger household size payment standard and subtracting the smaller household size payment standard for calculating the Total Tenant Payment portion and multiplying the difference times the number of months that the Total Tenant Payment was based on the incorrect family composition; and
- (d) An excess housing assistant payment due to a failure to properly report additional adjusted Annual Income will be re-determined using the adjusted Annual Income back to the first of the month following the date the change should have been reported.

8405.5 If the participant timely reports a change, the change goes in to effect at the later of:

- (a) The first day of the month following the report of the change or
- (b) The first of the month that is thirty (30) Days after DCHA provides written notice to the participant and owner.

8405.6 Decreases to Total Tenant Payment that result in an overpayment by the participant will be calculated retroactively to the date the change should have been effective and a check will be sent to the participant.

#### **8406 TIMING OF NEXT RECERTIFICATION**

8406.1 In the event there is an interim adjustment to the Total Tenant Payment following the report of a change in income, allowances, deductions or family composition, that is made less than six (6) months before the regularly scheduled recertification, such regularly scheduled recertification will be skipped and the next regular reexamination will be the next annual reexamination.

**8407 CHANGE IN TOTAL TENANT PAYMENT AFTER REGULAR OR INTERIM REEXAMINATION**

8407.1 The HUD Form 50058 will be completed and transmitted as required by HUD. The completion and transmission of such form has no effect on payments or DCHA's obligations to make payments in accordance with the provisions of this Chapter.

8407.2 A notice of change in Total Tenant Payment and payment to owner is sent to the owner and the participant thirty (30) Days prior to the implementation of the change.

- (a) Notices that increase the required Total Tenant Payment shall be mailed at least thirty (30) Days before the first of the month that an increase in Total Tenant Payment goes in to effect.
- (b) Signatures of the participant and owner are not required. Participants may not waive the thirty (30) Day written notice for an increase in Total Tenant Payment.
- (c) A form showing the calculation of the new Total Tenant Payment is mailed with the notice.
- (d) If the participant disagrees with the change in Total Tenant Payment, they may file a grievance in accordance with the provisions of this Chapter 89 of this Title.

**8408 THIRD PARTY VERIFICATION FOR ALL CERTIFICATIONS**

8408.1 In order to determine the adjusted Annual Income of any participant household either upon initial certification or upon any examination as set forth in this Chapter, and except as otherwise provided in ~~Subsection 7900.2 or otherwise in Chapter 79 of this Title,~~ **the Administrative Plan adopted pursuant to 24 CFR § 982.54**, the DCHA is required to obtain and retain in the file of each participant, documentation which provides third-party verification of the following:

- (a) Annual Income of the participant household;
- (b) The value of the household's assets;
- (c) Allowances or deductions from Annual Income; and
- (d) Other factors affecting adjusted Annual Income as required in this Title or the requirements, guidelines or notices published by HUD from time to time.

- 8408.2 If third party verification is not complete or available for income or assets, DCHA must document the efforts made to obtain such verification. Income can be included without verification. Deductions, allowances or other factors affecting adjusted gross income are not allowed without third party verification.
- 8408.3 Verifications may be required, at the discretion of DCHA, more frequently than annually for certain types of certifications, such as a self-certification of zero (0) Annual Income for the household.
- 8408.4 DCHA allows ten (10) business Days for the return of third party verifications or any resident documents or certifications.
- 8408.5 Verifications may not be more than one hundred twenty (120) Days old at the time a voucher is issued.
- 8408.6 Income information provided by the family will be verified using the HUD approved Upfront Income Verification method (UIV). This includes verification from HUD's computerized Enterprise Income Verification System, similar District of Columbia government computer based systems and non-government web based systems.
- (a) In the event the family provided income information is verified by the UIV method no further verification is required.
  - (b) In the event the family provided income information is substantially different (variance of more then two hundred dollars (\$200.00) per month), the family disputes the UIV data or additional information is required, the following hierarchy of verification methods will be followed:
    - (i) Written third party verification;
    - (ii) Oral third party verification;
    - (iii) Family provided documentation; or
    - (iv) Family declaration under oath.
  - (c) Verification of required family information concerning assets, Full Time Student status, medical expenses, requests for larger units, preference status, and zero (0) income status shall be obtained by written third party verification. If the written third party verification is unobtainable after diligent efforts by DCHA then the hierarchy in (b)(2), (3) and (4) of this Subsection shall be followed.

**8409            RELEASE OF RECORDS OR OTHER INFORMATION FOR ALL  
REPORTING AND REEXAMINATIONS**

- 8409.1            Each family member over eighteen (18) will be required to execute an authorization for the information sources to release records to DCHA.
- 8409.2            The release will cover all sources of information, included and not limited to the information included in HUD's Form 9886, "Authorization for Release of Information/Privacy Act Notice."
- 8409.3            A release by each covered family member must be executed and updated at every examination, whether initial, interim or periodic.
- 8409.4            Refusal of any member of the participant family to supply any information, sign consent or release forms, or otherwise cooperate with the verification requirements of the program shall result in denial of admission or termination of assistance for the Family.
- 8409.5            Termination or denial of assistance is subject to review or informal hearing as provided for in Chapter 89 of this Title.

**OFFICE OF TAX AND REVENUE**

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**NOTICE OF PROPOSED RULEMAKING**

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The Office of Tax and Revenue (OTR), pursuant to the authority set forth in the D.C. Official Code § 42-1117 (2001), D.C. Official Code § 47-920 (2001), Section 155 of the District of Columbia Appropriations Act of 2001 (P.L. 106-522, D.C. Official Code § 1-204.24c (2001), and the Office of the Chief Financial Officer Financial Management and Control Order No. 00-5, effective June 7, 2000, hereby gives notice of the repeal of sections 512.1 and 512.2 of Chapter 5, "Recordation of Revocable Trust Deeds," and sections 611.1 and 611.2 of Chapter 6, "Transfers of Revocable Trust Deeds," to Title 9 of the District of Columbia Municipal Regulations ("DCMR"). Section 512.1 provides that any deed which transfers naked legal title to real property to a trustee by a settlor who retains a right of revocation shall be subject to the recordation tax, unless otherwise exempt under the Act of this chapter. Section 512.2 establishes that the measure of the tax is the consideration for the deed. Sections 611.1 and 611.2 similarly provides for the imposition of a transfer tax.

D.C. Official Code § 42-1102(17) exempts from recordation tax a deed by a transferor that conveys bare legal title to the trustee of a revocable trust, without consideration for the transfer, where the transferor is the beneficiary of the trust. Similarly, D.C. Official Code § 47-902(12) similarly provides an exemption from the transfer tax. The Report of the Committee of the Whole on Bill 9-53 which added these exemptions (and others related to revocable trusts) subsequent to the promulgation of the above regulations, in the "Revocable Trust Tax Exemption Amendment Act of 1991" indicated the purpose of the bill was to nullify the existing rules [subsequent to 1984] by explicitly exempting certain transfers into or out of a revocable trust from the transfer and deed recordation taxes and to reverse the policy expressed in the above-stated regulations. By doing so, the Committee sought to maximize the options for those planning for the disposition of their assets in the event of future disability. The Committee Report indicated that, for many years prior to 1984, the practice in the District (and in Virginia and Maryland) was to treat transfers into revocable trusts as nontaxable. The Committee Report further stated that

[w]hile legal title to real property changes, in the technical legal sense, upon the establishment of a revocable trust and the naming of a trustee, beneficial ownership is retained by the grantor and can be revoked at any time.

**Chapter 5 of Title 9 DCMR is amended as follows:**

Sections 512.1 and 512.2 are repealed and 512.3 shall be renumbered as 512.1.

**Chapter 6 of Title 9 DCMR Sections is amended as follows:**

Sections 611.1 and 611.2 are repealed and 611.3 shall be renumbered as 611.1.

OTR also gives notice of its intent to take final rulemaking action to repeal these regulations and renumber sections 512.3 and 611.3 as indicated in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Persons desiring to comment on this proposed regulation should submit comments in writing to Mr. Alan C. Levine, Assistant General Counsel, Office of Tax and Revenue, 941 North Capitol Street, NE, Suite 8010, Washington, DC 20002, not later than thirty (30) days after publication of this notice in the *D.C. Register*. Copies of this rule and related information may be obtained by writing to the person and address stated herein.

DISTRICT OF COLUMBIA DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULEMAKING

DOCKET NUMBER 07-54-TS

The Director of the District Department of Transportation, pursuant to the authority in sections 3, 5(3), and 6 of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code §§ 50-921.02, 50-921.04(3) and 50-021.05), and sections 6(a)(1), 6(a)(6) and 6(b) of the District of Columbia Traffic Act, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code § 50-2201.03(a)(1), (a)(6) and (b)), hereby gives notice of the intent to amend Chapter 40 of the Vehicles and Traffic Regulations (18 DCMR). Final rulemaking action shall be taken in not less than thirty (30) days from the date of publication of this notice in the D.C. Register.

The following rulemaking action is proposed:

Title 18 DCMR, Section 4011, SPEED LIMITS, Subsection 4011.2, (d) Southeast Section, is amended by deleting the following from the list of locations where the speed limit is thirty miles per hour (30 MPH):

“Pennsylvania Avenue, S.E., between 2<sup>nd</sup> Street and Southern Avenue, for both directions of travel”.

All persons interested in commenting on the subject matter in this proposed rulemaking action may file comments in writing, not later than thirty days (30) days after the publication of this notice in the D.C. Register, with:

The District Department of Transportation  
Traffic Services Administration  
2000 14<sup>th</sup> Street, N.W., 7<sup>th</sup> Floor  
Washington, D.C. 20009  
Attention: Docket No. 07-54-TS

Copies of this proposal are available, at cost, by writing to the above address.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA  
1333 H STREET, N.W., SUITE 200, WEST TOWER  
WASHINGTON, DC 20005

NOTICE OF PROPOSED RULEMAKING

FORMAL CASE NO. 1002, IN THE MATTER OF THE JOINT APPLICATION OF  
PEPCO AND THE NEW RC, INC. FOR AUTHORIZATION AND APPROVAL OF  
MERGER TRANSACTION

1. The Public Service Commission of the District of Columbia ("Commission") hereby gives notice, pursuant to Section 2-505 of the District of Columbia Official Code,<sup>1</sup> of its intent to act upon the Application of the Potomac Electric Power Company ("Pepco")<sup>2</sup> in not less than 30 days from the date of publication of this Notice of Proposed Rulemaking ("NOPR") in the *D.C. Register*.

2. On July 30, 2007, Pepco filed an application on behalf of the Smart Meter Pilot Program ("SMPPI")<sup>3</sup> seeking approval of a Revised Tariff that reflects a change in the program name to **PowerCentsDC**<sup>TM4</sup> (formerly "**SmartPowerDC**<sup>TM</sup>").<sup>5</sup> The Revised Tariff also changes the smart meter pilot rates to reflect Pepco's new Standard Offer Service ("SOS") annual rates, which became effective on June 1, 2007.<sup>6</sup> In addition, according to Pepco, the Revised Tariff clarifies the language regarding the minimum bill calculations for two of the rate options-Hourly Pricing and Critical Peak Pricing.<sup>7</sup>

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<sup>1</sup> D. C. Official Code, 2001 Ed. § 2-505.

<sup>2</sup> *Formal Case No. 1002, In the Matter of the Joint Application of Pepco and the New RC, Inc. for Authorization and Approval of Merger Transaction ("F.C. 1002")*, Application of the Potomac Electric Power Company on Behalf of the Smart Meter Pilot Program, Inc. for Approval of a Corrected Revised Tariff, filed August 15, 2007 ("Corrected Revised Smart Meter Tariff").

<sup>3</sup> SMPPI is comprised of the following entities: Pepco; District of Columbia Office of the People's Counsel ("OPC"); District of Columbia Consumer Utility Board ("CUB"); International Brotherhood of Electrical Workers Local 1900 ("IBEW"); and the Commission.

<sup>4</sup> Pepco indicates that the name change was necessary because SMPPI was advised by another entity that the use of the pilot program name SmartPowerDC should be discontinued in that the name SmartPowerDC was too close to the entity's trade name and service mark and that the entity was already conducting business under its name in the Washington metropolitan area.

<sup>5</sup> *F.C. 1002*, Application of the Potomac Electric Power Company on Behalf of the Smart Meter Pilot Program, Inc. for Approval of a Compliance Tariff, filed July 30, 2007 ("Revised Smart Meter Tariff").

<sup>6</sup> *F.C. 1002*, Revised Smart Meter Tariff at 1. Pepco states that SMPPI indicated previously to the Commission that SMPPI will annually evaluate the rate schedules to verify that electricity is being priced in a revenue neutral manner and that at the time revisions are made to Pepco's District of Columbia SOS rates, SMPPI will propose appropriate adjustments for the smart meter pilot rates.

<sup>7</sup> *Id.* at 1.

3. Before the Commission acted on Pepco's Application, the Company filed a Corrected Revised Smart Meter Tariff Application on behalf of SMPPI.<sup>8</sup> Pepco states that the Corrected Revised Tariff reflects minor changes to the Revised Meter Tariff filed on July 30, 2007.<sup>9</sup> The Company also indicates that the major provisions of the Corrected Revised Tariff addressing the program name change, smart meter pilot rates and the language regarding the minimum bill calculations remain unchanged from the July 30<sup>th</sup> filing.<sup>10</sup> Accordingly, Pepco seeks authority to revise and put into service the following tariff pages:

**POTOMAC ELECTRIC POWER COMPANY, P.S.C. of D.C. No. 1**

**35<sup>th</sup> Revised Page No. R-1**

**35<sup>th</sup> Revised Page No. R-2**

**28<sup>TH</sup> Revised Page No. R-2.1**

**4<sup>th</sup> Revised Page No. R-2.2**

**6<sup>th</sup> Revised Page No. R-3**

**6<sup>th</sup> Revised Page No. R-3.1**

**6<sup>th</sup> Revised Page No. R-4**

**6<sup>th</sup> Revised Page No. R-4.1**

**1<sup>st</sup> Revised Page No. R-44**

**1<sup>st</sup> Revised Page No. R-44.1**

**1<sup>st</sup> Revised Page No. R-44.2**

**1<sup>st</sup> Revised Page No. R-44.3**

**1<sup>st</sup> Revised Page No. R-44.4**

4. This Application is on file with the Commission and may be reviewed at the Office of the Commission Secretary, 1333 H Street, N.W., Second Floor, West Tower, Washington, D.C. 20005, between the hours of 9:00 a.m. and 5:30 p.m., Monday through Friday. Copies of the tariff pages are available upon request, at a per-page reproduction cost.

5. Comments on the proposed Corrected Revised Tariff Application must be made in writing to Dorothy Wideman, Commission Secretary, at the above address. All comments must be received within 30 days of the date of publication of this NOPR in the *D.C. Register*. Once the comment period has expired, the Commission will take final action on Pepco's Corrected Revised Tariff Application.

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<sup>8</sup> *F.C. 1002*, Corrected Revised Smart Meter Tariff.

<sup>9</sup> *Id.* at 1.

<sup>10</sup> *Id.*