

**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 ("Act"), effective March 15, 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 adopt the following amendments to Chapter 45 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 this proposed rulemaking is to provide regulations for the random auditing of continuing education credits for renewal applicants as opposed to requiring renewal applicants to submit proof of having completed the required continuing education credits with the renewal applications; clarify that approved continuing education credits must be current and relevant to the practice of nutrition and dietetics, and to add the language "registered" to the term "dietician."

**Chapter 45 (Nutrition) of Title 17 (Business, Occupations & Professions)(May 1990) is amended as follows:**

**Section 4502.4(b) is amended to read as follows:**

4502.4 (b) The program was under the direction of a registered dietitian or nutritionist licensed or authorized to practice dietetics or nutrition in the United States;

**Section 4502.4(d) is amended to read as follows:**

4502.4(d) At least one (1) hour per week of experience was under the immediate supervision of a registered dietitian or nutritionist and the remaining experience was under the general supervision of a registered dietitian or nutritionist; and

**Section 4506.4 is repealed.**

**Section 4506.7 is amended to read as follows:**

4506.7 To qualify for renewal of a license to practice nutrition in the District an applicant shall:

- (a) Have completed thirty (30) hours of approved continuing education credits ("CEUs") during the two (2) year period preceding the date the license expires in accordance with this section;
- (b) Attest to completion of the required continuing education credits on the renewal application form; and
- (c) Be subject to a random audit for compliance with the continuing education requirement.

**Section 4506.8 is amended to read as follows:**

- 4506.8 Except as provided in § 4506.9, an applicant under this section shall prove completion of required continuing education credits by submitting with the application the following information with respect to each program:
- (a) The name and address of the sponsor of the program;
  - (b) The name of the program, its location, a description of the subject matter covered, and the names of the instructors;
  - (c) The dates on which the applicant attended the program;
  - (d) The hours of credit claimed; and
  - (e) Verification by the sponsor of completion, by signature or stamp.

**Section 4506.9 is amended to read as follows:**

- 4506.9 Applicants for renewal of a license shall only be required to prove completion of the required continuing education credits by submitting proof pursuant to § 4506.8 if requested to do so as part of the random audit, or if otherwise requested to do so by the Board.

**Section 4506.10 is amended to read as follows:**

- 4506.10 The Board shall conduct a random audit of continuing education credits at the completion of each renewal period.

**Section 4506.11 is amended to read as follows:**

- 4506.11 An applicant who falsely certifies completion of continuing education credits shall be subject to disciplinary action.

**A new section 4506.12 is added to read as follows:**

- 4506.12 An applicant for renewal of a license who fails to renew the license by the date the license expires may renew the license for up to sixty (60) days after the date of expiration by completing the application, submitting the required supporting documents, and paying the required late fee. Upon renewal, the licensee shall be deemed to have possessed a valid license during the period between the expiration of the license and the renewal thereof.

**A new section 4506.13 is added to read as follows:**

- 4506.13 If an applicant for renewal of a license fails to renew the license and pay the

late fee within the sixty (60) days after the expiration of the license, the expired license shall be deemed to have lapsed on the date of expiration and the applicant shall thereafter be required to apply for reinstatement of an expired license and meet all requirements and fees for reinstatement.

**A new section 4506.14 is added to read as follows:**

4506.14 If an applicant's license lapses, the applicant shall be subject to disciplinary action, including denial of a license, if the applicant practices as a nutritionist after the date the license lapses.

**A new section 4506.15 is added to read as follows:**

4506.15 The Board may, in its discretion, grant an extension of the sixty (60) day period to renew the license after expiration, if the applicant's failure to renew was for good cause. As used in this section "good cause" includes the following:

- (a) Serious and protracted illness of the applicant; and
- (b) The death or serious and protracted illness of a member of the applicant's immediate family.

**Section 4507.3(a) is amended to read as follows:**

4507.3(a) Be current and relevant to the practice of nutrition and dietetics in its subject matter;

**Section 4508.1 is amended to read as follows:**

4508.1 The Board may grant continuing education credit for whole hours only, with a minimum of fifty (50) minutes constituting one (1) credit hour, which shall equal one (1) continuing education unit (CEU).

All persons desiring to comment on the subject matter of this proposed rulemaking action shall submit written comments, not later than thirty (30) days after the date of publication of this notice in the D.C. Register, 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 between the hours of 9:00 a.m. and 5:00 p.m. at the address listed above.

## DEPARTMENT OF HEALTH

## NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth in An Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02), Reorganization Plan No. 4 of 1996 and Mayor's Order 97-42, dated February 18, 1987 hereby gives notice of the intent to adopt an amendment to Chapter 42 of Title 29 of the District of Columbia Municipal Regulations (DCMR) entitled "Home and Community-Based Waiver Services for Persons who are Elderly and Individuals with Physical Disabilities".

A notice of proposed rulemaking was published in the *D.C. Register* on November 24, 2006 (53 DCR 9452) establishing standards governing the provision of assisted living services and reimbursement of those services by the Medicaid program. Comments were received and substantive changes have been made. These proposed rules amend the previously published rules by: 1) amending the definition of assisted living services consistent with principles set forth in the Assisted Living Residence Regulatory Act of 2000 ("Act"); 2) amending the program services subject to Medicaid reimbursement consistent with the Act; and 3) other technical corrections.

The Medicaid program anticipates 100 waiver recipients will select assisted living as a service between fiscal year 2007 and fiscal year 2008. The estimated cost of this service for fiscal year 2007 is \$2.0 million dollars.

The Director also gives notice of intent to take final rulemaking action to adopt these rules not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

**Chapter 42 (Home and Community-Based Waiver Services for Persons who are Elderly and Individuals with Physical Disabilities) of Title 29 DCMR is amended as follows:**

A. Section 4200.1 is amended to read as follows:

4200.1 The following home and community-based waiver services are included in this chapter, consistent with the regulations set forth herein:

- (a) Case management services;
- (b) Personal case aide services;
- (c) Personal emergency response system services;

- (d) Respite services;
- (e) Homemaker services;
- (f) Chore aide services;
- (g) Environmental accessibility adaptations services; and
- (h) Assisted living services.

B. By adding section 4238 (Reimbursement Rates: Assisted Living Services) to read as follows:

**4238 REIMBURSEMENT RATES: ASSISTED LIVING SERVICES**

- 4238.1 The reimbursement rate for assisted living services shall be sixty dollars (\$60.00) per day.
- 4238.2 The rate is an all-inclusive rate for all services provided as set forth in section 4240. The reimbursement does not include room and board. Residents may seek subsidies outside of the Home and Community Based Waiver for Persons who are Elderly and Individuals with Physical Disabilities (EPD Waiver) to pay for room and board.
- 4238.3 A provider shall not bill assisted living services concurrently with the following EPD Waiver services:
- (a) Case management services;
  - (b) Personal emergency response system services;
  - (c) Respite services; or
  - (d) Environmental accessibility adaptations services.

C. By adding section 4239 (Specific Provider Requirements: Assisted Living Services) to read as follows:

**4239 SPECIFIC PROVIDER REQUIREMENTS: ASSISTED LIVING SERVICES**

- 4239.1 Each facility providing assisted living services shall be licensed by the District of Columbia and comply with the requirements set forth in the Assisted Living Residence Regulatory Act of 2000, effective June 24, 2000 (D.C. Law 13-127; D.C. Official Code §§ 44-101.01 et seq.) and attendant rules.

4239.2 Each assisted living residence shall support the resident's dignity, privacy, independence, individuality, freedom of choice, decision making, spirituality and involvement of family and friends.

4239.3 Staff shall also comply with the requirements set forth in the District of Columbia Health Occupations Revisions Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official §§ 3-1201.01 et seq.).

D. By adding section 4240 (PROGRAM SERVICES: ASSISTED LIVING SERVICES) to read as follows:

**4240 PROGRAM SERVICES: ASSISTED LIVING SERVICES**

4240.1 Consistent with the requirements set forth in D.C. Official Code § 44-106.07 assisted living services shall consist of any combination of the following services to meet the resident's needs as outlined in the written individualized service plan required pursuant to section 4202 of these rules:

- (a) Twenty-four (24) hour supervision and oversight to ensure the well-being and safety of residents;
- (b) At a minimum, some assistance with activities of daily living and instrumental activities of daily living to meet the scheduled and unscheduled service needs of the residents;
- (c) Laundry and housekeeping service not provided by the resident, personal care aide or homemaker aide;
- (d) Facilitate access for a resident to appropriate health and social services, including social work, home health agencies, nursing, rehabilitative, hospice, medical, dental, dietary, counseling and psychiatric services; and
- (e) Coordinate scheduled transportation to community-based activities.

E. By adding the following terms to section 4299 Definitions: Waiver Services:

**Activities of Daily Living**-shall have the same meaning as set forth in D.C. Official Code § 44-102.01(1).

**Assisted Living Services**-hands-on care provided in an assisted living residence, of both a supportive and health-related nature, specific to the needs of an older person or a physically handicapped individual. Supportive services include activities associated with providing or coordinating personalized assistance through activities of daily living, recreational activities, 24 hour

supervision, and provision or coordination of health services and instrumental activities of daily living.

**Assisted Living Residence**-shall have the same meaning as set forth in D.C. Official Code § 44-102.01 (4).

**Instrumental Activities of Daily Living**-shall have the same meaning as set forth in D.C. Official Code § 44-102.01 (15).

**Resident**- shall have the same meaning as set forth in D.C. Official Code § 44-102.01 (19).

All persons wishing to comment on these proposed rules shall submit written comments no later than thirty (30) days after the date of publication of this notice in the *D.C. Register* to Robert T. Maruca, Senior Deputy Director, Department of Health, Medical Assistance Administration, 825 North Capitol Street, N.E. , 5<sup>th</sup> Floor, Washington, D.C. 20002. Copies of the proposed rules may be obtained from the same address between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday, excluding holidays.

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

**AMENDED NOTICE OF PROPOSED RULEMAKING**

**FORMAL CASE NO. 977, IN THE MATTER OF THE INVESTIGATION INTO THE  
QUALITY OF SERVICE OF WASHINGTON GAS LIGHT COMPANY, DISTRICT OF  
COLUMBIA DIVISION, IN THE DISTRICT OF COLUMBIA**

1. The Public Service Commission of the District of Columbia ("Commission") hereby gives notice, pursuant to Section 2-505 of the District of Columbia Code,<sup>1</sup> of its intent to adopt Chapter 37, of Title 15 of the District of Columbia Municipal Regulations ("DCMR"), commonly referred to as the Natural Gas Quality of Service Standards ("NGQSS"). The proposed NGQSS sets forth standards to establish requirements for ensuring that natural gas utilities operating in the District of Columbia meet an adequate level of quality and reliability in the natural gas service provided to District of Columbia residents. The Commission gives notice of its intent to take final rulemaking action in not less than ten (10) days after publication of this Amended Notice of Proposed Rulemaking ("ANOPR") in the *D.C. Register*.

2. On May 11, 2007, the Commission issued a Notice of Proposed Rulemaking on the NGQSS for comment in the *D.C. Register*.<sup>2</sup> This NOPR contained a technical error regarding the comment and reply comment period. Because of this error, the Commission has decided to publish an ANOPR giving interested persons additional time to file comments. The Commission's ANOPR does not change the substance or meaning of the original NGQSS NOPR. Accordingly, interested persons shall have ten (10) days from the date of publication of this ANOPR to file comments and twenty (20) days from the date of publication to file reply comments.

**CHAPTER 37 NATURAL GAS QUALITY OF SERVICE STANDARDS**

<b>Secs.</b>	
<b>3700</b>	<b>Purpose and Applicability</b>
<b>3701</b>	<b>Reporting Requirements for Service Outages and Gas Incidents</b>
<b>3702</b>	<b>Reporting and Repairing Requirements for Gas Leaks and Odor Complaints</b>
<b>3703</b>	<b>Reporting and Responding Requirements for Gas Emergencies</b>
<b>3704</b>	<b>Customer Service Standards, Customer Surveys, Service Provisioning</b>
<b>3705</b>	<b>Reliability Standards, Low Pressure water infiltration, Underground Damage prevention, Lost Time Accidents OSHA 200 log</b>
<b>3706</b>	<b>Billing Error Notification</b>
<b>3707</b>	<b>Waiver</b>
<b>3799</b>	<b>Definitions</b>

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

<sup>2</sup> 54 *D.C. Register* 4489 – 4507.

**3700 PURPOSE AND APPLICABILITY**

3700.1 The purpose of this chapter is to establish standards and requirements for ensuring that a natural gas utility operating in the District of Columbia meets an adequate level of quality and reliability in the natural gas service provided to District of Columbia customers.

3700.2 This chapter shall apply to a natural gas utility company operating in the District of Columbia, subject to the authority of the Public Service Commission of the District of Columbia.

**3701 REPORTING REQUIREMENTS FOR SERVICE OUTAGES AND GAS INCIDENTS**

3701.1 The natural gas utility shall report all major and non-major natural gas service outages, as well as incidents that result in the loss of human life, personal injury requiring hospitalization, property damage of over \$50,000, or service disruption directly or indirectly arising from or connected with the gas utility's maintenance or operation, that occur on the natural gas system within the District of Columbia to the Public Service Commission of the District of Columbia and to the Office of the People's Counsel of the District of Columbia.

3701.2 The natural gas utility shall report major service outage by telephone or e-mail to the Public Service Commission's Office of Engineering and to the Office of the People's Counsel, as soon as practicable, but not later than one (1) hour after the utility has determined a major service outage has occurred.

3701.3 Each telephone or e-mail report rendered by the natural gas utility subsequent to a major service outage shall state clearly, at a minimum, the following information:

- (a) The location(s) of the service outage(s);
- (b) The ward(s) where the service outage(s) occurred;
- (c) The total number of customers out of service;
- (d) A preliminary assessment as to the cause(s) of the service outage(s); and
- (e) The estimated repair and/or restoration time.

3701.4 During the course of each major service outage, the utility shall report periodically to the Public Service Commission's Office of Engineering regarding the status of the service outage and the utility's progress in restoration efforts. The frequency of such periodic updates to the Office of Engineering shall be jointly determined by the utility and the Office of Engineering at the start of the

service outage and/or as modified during the course of the service outage. The utility shall provide an update to the Office of Engineering and to the Office of the People's Counsel prior to making any changes to its estimated restoration time.

- 3701.5 Specific restoration information, including estimated restoration times, shall be provided to the District of Columbia customers by the utility's customer service representatives and by the utility's automated voice response unit.
- 3701.6 The utility shall report non-major service outages by telephone or e-mail to the Public Service Commission's Office of Engineering and to the Office of the People's Counsel as soon as practicable but no later than one (1) hour after the utility becomes aware of the incident.
- 3701.7 Notwithstanding the above:
- (a) The natural gas utility shall report a single customer service outage of more than eight (8) hours only upon verification that the service outage was caused by some event on the utility's side of the customer's meter; and
  - (b) No report need be filed if the single customer service outage was caused by some event on the customer's side of the meter.
- 3701.8 Each telephone or e-mail report concerning a non-major service outage shall state clearly, at a minimum, the following information:
- (a) The location(s) of the service outage(s);
  - (b) The ward(s) where the service outage(s) occurred;
  - (c) The total number of customers out of service;
  - (d) A preliminary assessment as to the cause(s) of the service outage(s); and
  - (e) The estimated repair and/or restoration time.
- 3701.9 The natural gas utility shall report by telephone or e-mail all incidents that result in the loss of human life and/or personal injury requiring hospitalization, and/or property damage of \$50,000 or more directly or indirectly arising from or connected with the natural gas utility's maintenance or operation, to the Commission's Office of Engineering and to the Office of the People's Counsel within thirty (30) minutes upon receiving notice of the incident.

- 3701.10 Each telephone or e-mail report concerning the loss of human life and/or personal injury, and/or property damage of \$50,000 or more, shall state clearly, at a minimum, the following information:
- (a) The location(s) of the incident(s);
  - (b) The ward(s) where the incident(s) occurred;
  - (c) The total number of customers and/or persons affected;
  - (d) A preliminary assessment as to the cause(s) of the incident(s); and
  - (e) The steps the gas utility will take to provide assistance to consumers.
- 3701.11 Written reports concerning all non-major service outages shall be submitted by the natural gas utility to the Commission's Office of Engineering and to the Office of People's Counsel within five (5) days of the event occurrence.
- 3701.12 Each written report concerning non-major service outages shall state clearly, at a minimum, the following information as applicable to the given incident:
- (a) A description of the service outage(s) and information as to the cause of the outage(s);
  - (b) The location(s) of the service outage(s);
  - (c) The ward(s) where the service outage(s) occurred;
  - (d) The exact time of the service outage(s) occurrence;
  - (e) The actual repair and restoration times of the service outage(s);
  - (f) The duration of the service outage(s) in hours and minutes; and,
  - (g) The total number of customers affected by the service outage(s).
- 3701.13 The natural gas utility shall file a quarterly written report on all non-major service outages with the Office of the Commission Secretary of the District of Columbia Public Service Commission and to the Office of the People's Counsel.
- 3701.14 The natural gas utility shall file a written report concerning all major service outages with the Office of the Commission Secretary of the District of Columbia Public Service Commission and to the Office of People's Counsel within three (3) weeks following the end of a major service outage.

3701.15 Each written report concerning a major service outage shall state clearly, at a minimum, the following information:

- (a) The dates and times when the major service outage began and ended;
- (b) The dates and times when the restoration effort began and ended;
- (c) The date and time when the maximum number of customers were experiencing a sustained interruption and the total number of customers affected at that time (both on a system-wide basis and for the District of Columbia only);
- (d) The total number of customers that experienced a sustained interruption given in one hour intervals throughout the major service outage (both on a system-wide basis and for the District of Columbia only);
- (e) The total number of customer interruption durations (converted into hours) during the major service outage (both on a system-wide basis and for the District of Columbia only);
- (f) Any information concerning requests made for outside assistance, including the organization(s) to which such requests were made, the date and time of the requests, and the resources requested;
- (g) Any information concerning outside assistance received, including the organization(s) that provided personnel, the date(s) and time(s) of personnel arrivals and departures, all crew personnel shall be certified with operator qualification status by type of work that can be assigned and performed, the number of and types of vehicles provided, the total number of personnel received, the total number of personnel assigned to transmission system restoration service crews, the total number of personnel assigned to distribution system restoration crews, the total number of personnel assigned to rights of way clearing crews, the total number of personnel assigned to pressure regulation and measurement crews, the total number of personnel assigned to drip pumping crews, and the total number of personnel assigned to service utilization crews;
- (h) Any information concerning the utility's own personnel and resources used in restoration efforts, including the total number and types of vehicles used, the total number of utility personnel involved in the restoration effort, the number of personnel assigned to transmission system restoration service crews, the total number of personnel assigned to distribution system restoration crews, the total number of personnel assigned to damage assessment crews, the total number of personnel assigned to rights of way clearing crews, the total number of personnel assigned to pressure regulation and measurement crews, the total number

of personnel assigned to drip pumping crews, and the total number of personnel assigned to service utilization crews;

- (i) Any information concerning customer communications, including the hourly call volumes (specifically identifying the total number of customer calls received and the total number of calls answered by the utility during each hour of the service outage), the hourly staffing numbers (specifically identifying the total number of customer service representatives logged into the call center and supporting phone systems actively taking or waiting to take customer calls), and the telephone service factor provided on an hourly basis during the entire duration of the service outage (specifically identifying the percentage of answered calls that were answered within a 60-second timeframe);
- (j) The total number of customers interrupted and the customer interruption durations (converted into hours) caused by each of the following: water in the main, poor pressure, over and under pressure conditions, frozen meters, pressure regulator malfunctions, lightning damage, ice or snow near pressure regulator vents, and any other major causes (both on a system-wide basis and for the District of Columbia only);
- (k) The total number of each of the following occurring as part of the emergency restoration efforts: the footage of main replaced, number of regulators and meters replaced, the number of transmission and distribution regulator station equipment replaced, relief valve replacements, service piping replacements, additional excess flow valves installed on services and other appurtenances or issued for replacement (both on a system-wide basis and for the District of Columbia only);
- (l) Any issues concerning the availability of materials that affected restoration progress and a description of the emergency measures taken to resolve such issues;
- (m) A self-assessment of the utility's restoration efforts in the District of Columbia;
- (n) The total number of customers, and percent of all customers, restored given in one hour intervals throughout the major service outage restoration effort (both on a system-wide basis and for the District of Columbia only); and
- (o) An analysis, based upon the availability of the data and all other surrounding circumstances, of the utility's performance in its current restoration efforts as compared to its past restoration efforts, taking into account all relevant factors, such as the severity of the current major

service outage in terms of the percent of customers affected on a system-wide or local basis.

- 3701.16 Written reports concerning all incidents that result in the loss of human life and/or personal injury requiring hospitalization, and/or property damage of \$50,000 or more directly or indirectly arising from or connected with the gas utility's maintenance or operation, shall be filed with the Office of the Commission Secretary of the District of Columbia Public Service Commission and to the Office of the People's Counsel within five (5) days of the event occurrence.
- 3701.17 Each written report concerning the loss of human life and/or personal injury and/or loss of property in an amount of \$50,000 or more, shall state clearly, at a minimum, the following information:
- (a) A description of the incident(s) and information as to the cause of the incident(s);
  - (b) The location(s) of the incident(s);
  - (c) The ward(s) where the incident(s) occurred;
  - (d) The exact time of the incident(s) occurrence;
  - (e) The total number of customers and/or persons affected;
  - (f) The steps the gas utility took to provide assistance;
  - (g) The amount of time it took for assistance to arrive;
  - (h) The total dollar amount of damage caused by the incident;
  - (i) The steps the gas utility will undertake to prevent such an occurrence in the future; and
  - (j) Any other information that maybe requested by the Commission.

3702 **REPORTING AND REPAIRING REQUIREMENTS FOR GAS LEAKS AND ODOR COMPLAINTS**

- 3702.1 The natural gas utility shall report by telephone or e-mail all natural gas leaks and customer reported leaks due to odor complaints to the Public Service Commission's Office of Engineering and to the Office of the People's Council. Each gas leak shall be categorized as Grade 1, 2, or 3. All leaks shall be classified with the following criteria:

- (a) Grade 1: Leaks posing an immediate hazard and are repaired or controlled through immediate and continuous action;
- (b) Grade 2: Leaks which do not pose an immediate hazard and are repaired on a scheduled basis. This allows use of the most efficient methods, allows for coordination with customer's schedules, and minimizes traffic disruption and associated safety concerns; and
- (c) Grade 3: Other leaks which are considered to be non-hazardous at the time of detection and are monitored.

3702.2 All leaks that are categorized as Grade 1 or customer reported leaks due to odor complaint, shall be reported to the Public Service Commission's Office of Engineering and to the Office of the People's Counsel as soon as practicable, but no later than one (1) hour after receiving the odor complaint and/or the utility has determined that a Grade 1 leak has occurred on the utility's gas system.

3702.3 Each telephone or e-mail report of a Grade 1 leak or a leak due to odor complaint shall state clearly, at a minimum, the following information:

- (a) The location of the leak(s);
- (b) The ward(s) where the leakage occurred;
- (c) The total number of customers and/or persons affected;
- (d) A preliminary assessment as to the cause of the leak(s); and
- (e) The estimated time to repair the leak.

3702.4 Written reports for leaks classified as Grade 1, or leaks due to an odor complaint, shall be filed with the Office of the Commission Secretary of the District of Columbia Public Service Commission and to the Office of the People's Counsel no more than five (5) days after the discovery of the leak.

3702.5 Each written report concerning Grade 1 leaks or leaks due to odor complaint shall state clearly, at a minimum, the following information as applicable:

- (a) Address of leak or odor;
- (b) A description of the type of leak;
- (c) Piping systems involved (Transmission, High Pressure or Low Pressure);
- (d) The Ward(s) where the leak has been identified;

- (e) The exact time of the first leak call or leak detection;
- (f) The cause of the leak, if known; and
- (g) Any action taken to date.

3702.6 All Grade 1 leaks and customer reported odor complaint leaks shall be promptly repaired. The utility shall report periodically to the Public Service Commission's Office of Engineering regarding the status of and the utility's progress of the leak repair. The natural gas utility shall provide an update to the Office of Engineering and to the Office of People's Counsel prior to making any changes to the estimated leak repair time(s).

3702.7 Written reports concerning repairs of Grade 1 leaks and customer reported odor complaint leaks shall be filed with the Office of the Commission Secretary of the District of Columbia Public Service Commission and to the Office of the People's Counsel within (5) days of the completion of the leak repair.

3702.8 Each written report concerning the repair of Grade 1 leak and customer reported odor complaint leak shall state clearly, at a minimum, the following information as applicable to the incident.

- (a) Addresses of leak or odor;
- (b) A description of the type of leak;
- (c) Piping systems involved (Transmission, High Pressure or Low Pressure);
- (d) The ward(s) where the leak occurred;
- (e) The exact time of the first leak call or leak detection;
- (f) The actual repair time; and
- (g) The cause(s) of the leak

3702.9 All leaks that are classified as Grade 2 or 3 shall be reported to the Public Service Commission's Office of Engineering and to the Office of the People's Counsel as soon as practicable, but no later than two days after the utility has determined that a Grade 2 or 3 leak has occurred on the utility's gas system. All Grade 2 leaks shall be repaired within six months of their detection. All Grade 3 leaks shall be re-evaluated at least once a year from the date of detection.

3702.10 Written reports for leaks classified as Grade 2 and Grade 3, shall be filed quarterly and annually with the Office of the Commission Secretary of the District

of Columbia Public Service Commission and to the Office of the People's Counsel.

3702.11 Each quarterly and annual written report concerning Grades 2 and 3 leaks, shall state clearly, at a minimum, the following information as applicable:

- (a) Address of leak or odor;
- (b) A description of the type of leak;
- (c) Piping systems involved (Transmission, High Pressure or Low Pressure);
- (d) The ward(s) where the leak was identified;
- (e) The schedule and the status of repair of all Grade 2 leaks consistent with the standard provided in Section 3702.9; and
- (f) The status of re-evaluation and repair schedule, if applicable, of Grade 3 leaks, consistent with Section 3702.9.

3703 **REPORTING AND RESPONDING REQUIREMENTS FOR GAS EMERGENCIES**

3703.1 The natural gas utility shall respond (be at the site) to natural gas-related emergency calls within 30 minutes of receiving an emergency call during normal business hours, and within 45 minutes during non-business hours.

3703.2 The natural gas utility shall report all natural gas-related emergencies to the Public Service Commission's Office of Engineering and to the Office of the People's Counsel.

3703.3 All natural gas-related emergencies, shall be reported by telephone or e-mail to the Public Service Commission's Office of Engineering and to the Office of the People's Counsel as soon as practicable, but no later than (45) minutes after the utility has determined an emergency has occurred.

3703.4 Each telephone or e-mail report of a gas-related emergency shall state clearly, at a minimum, the following information:

- (a) The location of the gas-related emergency, person making the report and their contact information;
- (b) The ward(s) where the emergency occurred;
- (c) The total number of customers impacted by the emergency;

- (d) A preliminary assessment as to the cause of the gas-related emergency;
- (e) The time between becoming aware of the emergency and responding (arriving at the emergency site) to the emergency;
- (f) The estimated time to clear the emergency;
- (g) The estimated time to repair pipeline facilities affected by the emergency, and/or restore service, if applicable; and
- (h) A preliminary assessment as to any injuries, or death, or personal property damage.

3703.5 During the course of a natural gas-related emergency on the natural gas utility's system, the utility shall report periodically to the Public Service Commission's Office of Engineering and to the Office of the People's Counsel, regarding the status of the natural gas emergency and the utility's progress in clearing the emergency and making the site safe. The frequency of such periodic updates shall be jointly determined by the utility and the Office of Engineering at the start of the emergency and/or as modified during the course of the emergency.

3703.6 Written reports concerning all natural gas-related emergencies shall be filed with the Office of the Commission's Secretary of the District of Columbia Public Service Commission and to the Office of People's Counsel within five (5) days of the event occurrence.

3703.7 Each written report concerning a natural gas-related emergency shall state clearly, at a minimum, the following information:

- (a) The location of the natural gas emergency;
- (b) The date and time when the natural gas-related emergency started;
- (c) The date and time when the natural gas-related emergency ended;
- (d) An assessment as to the cause, origin, and contributing factors of the natural gas related emergency; and
- (e) The steps the utility is taking to minimize the possibility of a recurrence of the incident.

3704 **CUSTOMER SERVICE STANDARDS, CUSTOMER SURVEYS, SERVICE PROVISIONING**

3704.1 The natural gas utility shall maintain a customer service (walk-in) office physically located in the District of Columbia.

- 3704.2 The natural gas utility shall annually conduct customer surveys to assess customer satisfaction. The gas utility shall provide the results of the surveys to the Commission's Office of Engineering and to the Office of the People's Counsel. The customer satisfaction surveys should be conducted from (1) a statistically representative sample of residential customers; and (2) customers randomly selected from those customers who have contacted the company's customer service department within the year in which service is being measured. The representative sample shall be newly drawn from customers contacting the company's customer service department in the previous year and shall be conducted with a sample of customers who contacted the natural gas utility by walk-in, telephone or e-mail. The surveys, if conducted internally, shall be pre-approved by the Commission's Office of Engineering regarding the method and customer questions. The natural gas utility shall include the results from all available previous years of the survey up to a maximum of ten years.
- 3704.3 The natural gas utility shall gather data and report statistics regarding the number of service calls met on the same day requested, excluding instances where a customer misses a mutually agreed upon time. The natural gas utility shall report the percentage of scheduled service appointments met by the utility on the same day requested. Service appointment data shall be compiled and aggregated monthly. A minimum performance standard of 97% on a quarterly basis will apply. The natural gas utility shall provide the results to the Commission's Office of Engineering and to the Office of the People's Counsel on an annual basis.
- 3704.4 The natural gas utility shall gather data on the percentage of meters that are actually read by the company on a monthly basis. Eligible meters include both residential and commercial accounts. On-cycle meter reads performance standard of 95% on a quarterly basis will apply. The natural gas utility shall provide the results to the Commission's Office of Engineering and to the Office of the People's Counsel on an annual basis.
- 3704.5 The natural gas utility shall perform the customer requested meter testing on a timely basis, but at a minimum shall test 97%, on a quarterly basis, of meters on pre-scheduled test time mutually agreed upon by the utility and the customer. The natural gas utility shall submit its results to the Office of Engineering and to the Office of the People's Counsel on an annual basis.
- 3704.6 The natural gas utility shall answer seventy (70) percent of all customers' phone calls received within thirty (30) seconds and shall maintain records delineating customer phone calls answered by a utility representative or an automated operator system. The natural gas utility shall measure and report on an annual basis to the Commission's Office of Engineering and to the Office of the People's Counsel and the average customer wait time for being transferred from an automated operator system to a utility representative.

- 3704.7 The natural gas utility's statistics concerning customer calls answered shall exclude calls made during periods of major telecommunication failures, periods of labor disruptions, and periods of major service outage.
- 3704.8 The natural gas utility shall maintain a call abandonment rate below ten (10) percent on a quarterly basis, and report the information to the Commission's Office of Engineering and to the Office of the People's Counsel on an annual basis.
- 3704.9 The natural gas utility's call abandonment statistics shall exclude calls made during periods of major telecommunication failures, periods of labor disruption and periods of major service outage.
- 3704.10 If the natural gas utility fails to meet the standards set forth in Sections 3704.3, 3704.4, 3704.5, 3704.6 or 3704.8, for two consecutive quarters, it shall be required to develop a corrective action plan.
- 3704.11 The corrective action plan shall describe the cause(s) of the utility's non-compliance with Section 3704.3, 3704.4, 3704.5, 3704.6 or 3704.8, describe the corrective measure(s) to be taken to ensure that the standard is met or exceeded in the future, and set a target date for completion of the corrective measure(s).
- 3704.12 Progress on current corrective action plans shall be included in the utility's annual Quality of Service Standard Performance Report ("QSSPR"), filed with the Office of the Commission Secretary of the District of Columbia, Public Service Commission and to the Office of the People's Counsel by April 30 of each year, beginning with April 30, 2009 report for performance during 2008.
- 3704.13 The natural gas utility shall complete installation of 80%, on a quarterly basis, of new residential service requests within ten (10) business days of the start date for the new installation.
- 3704.14 The start date for a new installation shall be designated as the first business day after all of the following events have taken place:
- (a) The customer's valid billing information is received;
  - (b) The site is ready for service (cleared, graded, staked, etc.);
  - (c) The service connection fee is paid, if applicable;
  - (d) The gas safety inspection is received;
  - (e) The security deposit is paid, if applicable;
  - (f) All mains and regulating facilities are installed;

- (g) Any required public space excavation is completed;
- (h) Any delays due to weather emergencies do not intervene; and
- (i) All rights-of-way and permits are obtained.

- 3704.15 The natural gas utility shall submit a written report on its performance pursuant to Section 3704.13 every six (6), months. The report shall be submitted to the Commission's Office of Engineering and to the Office of the People's Counsel, forty-five (45) days following the reporting period, starting with the July-December 2008 reporting period.
- 3704.16 After four (4) reports pursuant to Section 3704.15 have been submitted, the frequency of the reporting may be changed by the Commission, provided notice of the change is given.
- 3704.17 The reports pursuant to Section 3704.15 shall clearly state the total number of new residential service installation requests received during the relevant reporting period, and for the new residential installation service requests received, the percentage of new residential service connections that were completed in accordance with Section 3704.13.
- 3704.18 If the natural gas utility fails to meet the standard set in Section 3704.13, in any two consecutive quarters, it shall be required to develop a corrective action plan.
- 3704.19 The corrective action plan shall describe the cause(s) of the utility's non-compliance with Section 3704.13 and 3704.18, describe the corrective measure(s) to be taken to ensure that the standard is met or exceeded in the future, and set a target date for completion of the corrective measure(s).
- 3704.20 Progress on any current corrective action plans shall be included in the utility's annual QSSPR.
- 3704.21 The natural gas utility shall report the actual performance obtained during the reporting period in the annual QSSPR of the following year.
- 3705 **RELIABILITY STANDARDS, LOW PRESSURE WATER FILTRATION, UNDERGROUND DAMAGE PREVENTION, LOST TIME ACCIDENTS OSHA 200LOG**
- 3705.1 The natural gas utility shall respond to all customer odor complaint calls within 35 minutes during business hours and 45 minutes during non-business hours from the time of call initiation. The natural gas utility shall provide the results to the Public Service Commission's Office of Engineering and to the Office of the

People's Counsel on an annual basis. Explanations shall be provided if these time limits are exceeded.

- 3705.2 Each calendar year, the natural gas utility shall rank and identify areas of piping networks of its natural gas operating system requiring improvements for meeting its minimum design pressure and volume deliverability, and establish a performance ranking by area, on a scale of one to ten, one being poor delivery pressure to customers on peak demand supply days. The natural gas utility shall provide the results to the Public Service Commission's Office of Engineering and to the Office of the People's Counsel on an annual basis.
- 3705.3 Each calendar year, the natural gas utility shall perform necessary analysis for the issues identified in Section 3705.2, for two lowest ranked low pressure distribution systems and one lowest ranked high pressure distribution system, and take necessary remedial actions to eliminate poor supply pressure or volume issues for the following year. The natural gas utility shall file the results with the Office of the Commission Secretary of the District of Columbia, Public Service Commission and to the Office of the People's Counsel on an annual basis.
- 3705.4 The natural gas utility shall respond to all underground utility locate requests and locate their facilities in accordance with the damage prevention laws established within the District of Columbia and the U.S. Department of Transportation. The utility shall maintain an accurate count of all locate requests, responses to locate requests, damages caused by excavators or third party to gas facilities (both above ground and underground), third party responsible for the damage, and the root cause(s) of the damage. An annual report shall be filed with the Office of the Commission Secretary of the District of Columbia, Public Service Commission and to the Office of the People's Counsel.
- 3705.5 The natural gas utility shall monitor high volume condensate drips on its low pressure distribution network to minimize service continuity issues. In no case shall a natural gas customer outage due to condensate accumulation be more than 5% of the low pressure customer base during two consecutive winter periods. The natural gas utility shall prepare remediation plans within 120 days of such exceedance in interruption, for the approval of the Public Service Commission, and provide a target date for completion of recommended repair to the low pressure piping network. The natural gas utility shall file the results with the Office of the Commission Secretary of the District of Columbia, Public Service Commission and to the Office of the People's Counsel on an annual basis.
- 3705.6 The natural gas utility shall measure annually its Lost Time Accident Rate as reported in Occupational Safety Health Administration ("OSHA") 200 log Summary of Occupational Injuries and Illnesses. The natural gas utility shall provide the results to the Public Service Commission's Office of Engineering and to the Office of the People's Counsel on an annual basis.

**3706 BILLING ERROR NOTIFICATION**

- 3706.1 The natural gas utility and all natural gas service providers must inform the Commission's Office of Engineering and the Office of the People's Counsel when a billing error has affected 100 or more customers or the number of affected customers is equal to or more than two (2) percent of the natural gas utility's or natural gas service provider's customer base. The natural gas utility and natural gas service providers with a customer base of less than 100 customers shall report errors when two (2) or more customers are affected.
- 3706.2 The natural gas utility and all natural gas service providers shall file an initial billing error notification within one (1) business day of discovering or being notified of the error. After submitting the initial notification, the natural gas utility and natural gas service providers must submit a follow-up written report within 14 calendar days and a final written report within 60 calendar days.
- 3706.3 The initial billing error notification shall be sent via e-mail to the Commission's Office of Engineering and to the Office of the People's Counsel.
- 3706.4 The initial billing error notification shall contain the following information:
- (a) Type(s) of billing error(s) found;
  - (b) Date and time the billing error(s) was discovered;
  - (c) How the natural gas utility service provider discovered the error(s); and
  - (d) Approximate number of customers affected.
- 3706.5 The follow-up written report shall contain the following information:
- (a) Type(s) of billing error(s);
  - (b) Date and time of the billing error(s);
  - (c) Number of customers affected;
  - (d) Cause of the error and status of any and all corrective action(s) taken; and
  - (e) Timeline for completing any and all other required corrective action(s).
- 3706.6 The final written report shall contain the following information:

- (a) Type(s) of billing error(s);
- (b) Date and time of billing error(s);
- (c) Number of customers affected and the dollar amount involved;
- (d) Duration of the billing error(s);
- (e) Corrective action(s) and preventative measure(s) taken; and
- (f) Lessons learned, if any.

3706.7 Upon receipt of the final written report, the Commission shall determine whether any further investigation is necessary.

**3707 WAIVER**

3707.1 The Commission may, in its discretion, waive any provisions of Chapter 37 of this title.

**3799 DEFINITIONS**

3799.1 When used in this chapter, the following terms and phrases shall have the meaning ascribed:

**Abandoned Calls** – calls to the natural gas utility that are terminated by the customer after the customer selects the menu option and is placed in the queue, but before the call is answered by the utility customer representative or any other automated response system.

**Call Abandonment Rate** – the annual number of calls to the utility’s call center or business office that were abandoned divided by the total number of calls that the company received.

**Call Answering** – a process whereby natural gas utility representative, voice response unit, or other automated operator system is ready to render assistance or ready to accept information necessary to process a customer’s call. An acknowledgement that the customer is waiting on the line does not constitute an answer.

**Condensate Drips** – devices installed on low pressure natural gas distribution system at its lowest elevation to facilitate collection of condensates such as ground water or other liquids infiltrating into the gas piping.

**Distribution Line** – gas pipelines that provide natural gas delivery service to consumers.

**Gas Emergency** – any sudden and unexpected situation where leakage, blowing gas, loss of gas pressure, an overpressure condition, or loss of communications or control systems have or may cause serious injury or damage to life and/or property. Examples of emergencies include fires,

explosions, escaping gas, unplanned supply interruptions, bomb threats, releases of hazardous material, vehicle accidents, carbon monoxide poisonings, odorant releases, and natural disasters.

**Gas Pipeline Facility** - includes a pipeline, a right of way, a building, or equipment used in transporting natural gas or treating natural gas during its transportation.

**Gas Related Emergency Call** - a telephone call where the caller believes that he or she is confronting special circumstances that might lead to bodily and/or system-related damage if circumstances remain unaddressed. Examples include, but are not limited to, gas detected inside or near buildings, fire/explosion near or directly involving gas pipeline facility with or without escaping gas, unplanned supply interruption, uncontrolled escape of gas or other conditions that may warrant immediate response.

**High Pressure (HP) System** – a gas pipeline in which the gas pressure is higher than the pressure provided to the customer. Typically, high pressure pipelines operate between 18 psig and 60 psig.

**Interruption Duration** – the period of time, truncated or rounded to the nearest minute, during which a sustained interruption occurs.

**Incident** – an event involving the release or potential release of natural gas that interrupts normal operations or causes a crisis. A reportable incident is an event that involves the release of gas and a death or injury requiring in-patient hospitalization or property damage of at least \$50,000. Incidents include damages or costs in excess of \$50,000, also, in general, event receiving media attention or any event that requires closing a street.

**Low Pressure System** – a gas pipeline in which the pressure is substantially the same as the pressure provided to the normal residential customer. Low pressure lines normally operate at 7.8 inches water column.

**Major Service Outages** – customer interruption occurrences and durations during time periods when 2% or more (2,5000) of the natural gas utility's District of Columbia customers are without service and the restoration effort due to this major service outage takes more than twenty-four (24) hours.

**Natural Gas** - is a gaseous flammable fossil fuel consisting primarily of methane.

**Natural Gas Service Provider** – a natural gas supplier, including an Aggregator, Broker, or Marketer, who generates or produces natural gas, sells natural gas, or purchases, brokers, arranges, or markets natural gas for sale to customers.

**Natural Gas Utility** - the company that owns or controls the distribution facilities required for the transmission and delivery of natural gas to customers, provides Sales Service and delivery of distribution service of natural gas and is regulated by the Public Service Commission of the District of Columbia.

**Non-major service outages** – customer service outages caused by the failure of devices such as pressure regulators, underground excavation damage, meter freeze ups, lasting over eight (8) hours, regardless of how many customers are affected; or customer service outages affecting over 25 but less than 2,500 customers, regardless of duration.

**Outside assistance** – resources not routinely used by a natural gas utility for service restoration. Resources transferred among utility operating areas are not considered outside assistance.

**PSIG** – pounds per square inch gauge.

**Regulator Station** – a regulator station for controlling the pressure and flow of natural gas serving a distribution system.

**Telephone Service Factor** – the percentage of calls answered within a specified amount of time. For example, if the service level time is set at thirty (30) seconds and 70 percent of calls are answered in less than 30 seconds, then the telephone service factor is 70.

**Transmission Line** – pipeline that operates at a pressure greater than 60 psig.

3. All persons interested in commenting on the subject matter of this proposed rulemaking action may submit comments, in writing, not later than ten (10) days after publication of this notice in the *D.C. Register*, with reply comments to be filed within twenty (20) days from the date of publication in the *D.C. Register* to Dorothy Wideman, Commission Secretary, Public Service Commission of the District of Columbia, 1333 H Street, N.W., West Tower, Suite 200, Washington, D.C. 20005. Copies of these proposed rules may be obtained, at cost, by writing the Commission Secretary at the above address.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
NOTICE OF PROPOSED RULEMAKING**

**Z.C. Case No. 07-05**

**(Text Amendment – 11 DCMR)**

**(Temporary Accessory Parking Spaces on Reservation 13)**

The Zoning Commission for the District of Columbia, pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01), hereby gives notice of its intent to amend § 2116.1 of the Zoning Regulations (Title 11 DCMR), and add new §§ 2116.10 and 2116.11 to those regulations. The proposed amendments are intended to facilitate the implementation of the Master Plan for Public Reservation 13, which calls for extending several roads, and redeveloping the tract. The amendments allow the temporary relocation of parking lots serving the District of Columbia Correctional Facility while the redevelopment proceeds. 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 11 (DCMR) is amended as follows (additions to the existing text are **bold and underlined** and deletions are ~~struck through~~):

1. Chapter 21, OFF-STREET PARKING REQUIREMENTS, § 2116.1 is amended to read as follows:

2116.1 Except as provided in §§ 214, 510, 708, 730, 743.2(d), 753.1(c), 761.2, 803.1, 926, 2116.5, **2116.10**, and 2117.9(c), all parking spaces shall be located on the same lot with the buildings or structures they are intended to serve.

2. Chapter 21, OFF-STREET PARKING REQUIREMENTS, § 2116, is amended by adding the following new provisions:

**2116.10** **Notwithstanding §§ 106.7 and 2116.1, parking spaces serving the District of Columbia Correctional Facility and other uses and agencies currently on the site as of March 2, 2007, may be located anywhere within the Public Reservation 13 tract.**

**2116.11** **Subsection 2116.10 shall expire in seven (7) years after its effective date.**

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice in the D.C. Register. Comments should be filed with Sharon Schellin, Secretary to the Zoning Commission, Office of Zoning, 441 4<sup>th</sup> Street, N.W., Suite 200-S, Washington, D.C. 20001. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.