

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Human Services, pursuant to authority set forth in Mayor's Reorganization Plan No. 3 of 1986, section 2 of the Day Care Policy Act of 1979 Amendment Act of 1988, effective July 29, 1988 (D.C. Law 7-136; D.C. Official Code §§ 4-409(a)(1)-(2) and 4-410(a)), section 2 of the Day Care Policy Amendment Act of 1995, effective April 7, 1995 (D.C. Law 11-2; D.C. Official Code §§ 4-409(a)(3) and 4-410(a-1)), section 503 of the Omnibus Budget Support Act of 1995, effective September 26, 1995 (D.C. Law 11-52; D.C. Official Code §§ 4-409(h) and 4-410(b)), section 2(d) of the Day Care Policy Amendment Act of 1998, effective April 13, 1999 (D.C. Law 12-216; D.C. Official Code § 4-404.01), and Mayor's Order 98-11, dated February 9, 1998, hereby gives notice of the adoption of the following amendments to section 308 of Chapter 3 of Title 29 of the *District of Columbia Municipal Regulations* (DCMR) entitled "Rates Paid by the District of Columbia Government to Child Development Centers, Child Development Homes and Relative and In-home Caregivers for Child Care Services."

These proposed rules establish the District of Columbia's (District's) child care subsidy rates for child care services provided by child development centers, child development homes, and relative and in-home caregivers participating in the subsidized child care program, and are based on findings of the University of the District of Columbia Market Rate and Capacity Utilization Survey of Child Care Providers completed in 2004.

These proposed rules amend the rules that were published in the February 17, 2006, edition of the *D.C. Register* to reflect public comments regarding the proposed reimbursement rates, including some technical adjustments to the proposed rates as well as definitional clarifications.

Title 29 DCMR, Chapter 3, section 308 is amended by deleting section 308 in its entirety and substituting the following new section 308 in its place:

308 RATES PAID BY THE DISTRICT OF COLUMBIA GOVERNMENT TO CHILD DEVELOPMENT CENTERS, CHILD DEVELOPMENT HOMES AND RELATIVE AND IN-HOME CAREGIVERS FOR CHILD CARE SERVICES

308.1 The District of Columbia government shall pay the following rates per day for child care services, less the parent fee as required by the parent sliding fee scale to child development centers and child development homes that meet their respective requirements of the Tiered Rate Reimbursement System, which is entitled "*Going for the Gold!*" when appropriate and funds are available.

- (a) The payment rates for child development centers and child development homes (including satellite homes) for traditional, extended day, and nontraditional hours of care at the Bronze Tier shall be as follows:

Child Development Center Bronze Rates

Age Group	Full Time Traditional	Part Time Traditional	Extended Day Full Time	Extended Day Part Time	Nontraditional Full Time	Nontraditional Part Time
Infant	\$40.70	\$24.42	\$44.77	\$28.49	\$50.86	\$30.53
Toddler	\$39.83	\$23.99	\$43.81	\$27.88	\$49.79	\$29.87
Pre-school	\$29.21	\$17.53	\$32.13	\$20.45	\$36.51	\$21.91
Pre-school Before and After	\$29.21	\$17.53				
School-Age Before and After	\$19.85	\$12.25	\$21.84	\$13.10	\$24.59	\$14.75
School-Age Before or After	\$19.85	\$9.19				

Child Development Home Bronze Rates

Age Group	Full Time Traditional	Part Time Traditional	Extended Day Full Time	Extended Day Part Time	Nontraditional Full Time	Nontraditional Part-Time
Infant	\$28.49	\$17.09	\$31.34	\$19.94	\$35.61	\$21.37
Toddler	\$27.14	\$16.28	\$29.85	\$19.00	\$33.93	\$20.34
Pre-school	\$22.03	\$13.22	\$24.23	\$15.42	\$27.53	\$16.52
Pre-school Before and After	\$22.03	\$13.22				
School-Age Before and After	\$20.00	\$12.00	\$22.00	\$13.20	\$23.66	\$14.19
School-Age Before or After	\$20.00	\$9.00				

- (b) The payment rates for child development centers and child development homes (including satellite homes) for traditional, extended day and nontraditional hours of care at the Silver Tier shall be as follows:

Child Development Center Silver Rates

Age Group	Full Time Traditional	Part Time Traditional	Extended Day Full Time	Extended Day Part Time	Nontraditional Full Time	Nontraditional Part-Time
Infant	\$47.25	\$28.35	\$51.98	\$33.08	\$59.06	\$35.44
Toddler	\$46.23	\$27.74	\$50.85	\$32.36	\$56.69	\$34.01
Pre-school	\$35.60	\$21.36	\$39.16	\$24.92	\$44.50	\$26.70
Pre-school Before and After	\$35.60	\$21.36				
School-Age Before and After	\$25.43	\$15.26	\$27.97	\$16.79	\$30.92	\$18.55
School-Age Before or After	\$25.43	\$11.45				

Child Development Homes Silver Rates

Age Group	Full Time Traditional	Part Time Traditional	Extended Day Full Time	Extended Day Part Time	Nontraditional Full Time	Nontraditional Part-Time
Infant	\$31.07	\$18.64	\$34.18	\$21.75	\$38.84	\$23.30
Toddler	\$29.23	\$17.54	\$32.50	\$20.46	\$36.54	\$21.92
Pre-school	\$24.53	\$14.72	\$26.98	\$17.17	\$30.66	\$18.40
Pre-school Before and After	\$24.53	\$14.72				
School-Age Before and After	\$22.90	\$13.74	\$25.19	\$15.11	\$27.08	\$16.25
School Age Before or After	\$22.90	\$10.31				

- (c) The payment rates for child development centers and child development homes (including satellite homes) for traditional, extended day and nontraditional hours of care at the Gold Tier shall be as follows:

Child Development Center Gold Rates

Age Group	Full Time Traditional	Part Time Traditional	Extended Day Full Time	Extended Day Part Time	Nontraditional Full Time	Nontraditional Part-Time
Infant	\$54.41	\$32.65	\$59.85	\$38.09	\$68.01	\$40.81
Toddler	\$50.87	\$30.52	\$55.96	\$35.61	\$63.59	\$38.15
Pre-school	\$42.00	\$25.20	\$46.20	\$29.40	\$52.50	\$31.50
Pre-school Before and After	\$42.00	\$25.20				
School-Age Before and After	\$32.00	\$19.20	\$35.20	\$21.12	\$38.91	\$23.35
School-Age Before or After	\$32.00	\$14.40				

Child Development Home Gold Rates

Age Group	Full Time Traditional	Part Time Traditional	Extended Day Full Time	Extended Day Part Time	Nontraditional Full Time	Nontraditional Part-Time
Infant	\$35.00	\$21.00	\$38.50	\$24.50	\$43.75	\$26.25
Toddler	\$34.00	\$20.40	\$37.40	\$22.44	\$41.25	\$24.75
Pre-school	\$28.00	\$16.80	\$30.80	\$19.60	\$35.00	\$21.00
Pre-school Before and After	\$28.00	\$16.80				
School-Age Before and After	\$25.80	\$15.48	\$28.38	\$17.03	\$30.51	\$18.31
School-Age Before or After	\$25.80	\$11.61				

308.2 The District of Columbia government shall pay child development centers in the Level II Provider program the full amount of the above applicable payment rate and shall allow such centers to retain the parent fees collected.

308.3 The District of Columbia government shall pay the following rates per day for child care services to relative and in-home caregivers, when appropriate and funds are available.

- (a) The payment rates for relative caregivers for traditional, extended day and nontraditional hours of care shall be as follows:

Relative Child Care Rates

Age Group	Full Time Traditional	Part Time Traditional	Extended Day Full Time	Extended Day Part Time	Nontraditional Full Time	Nontraditional Part-Time
Infant	\$16.82	\$10.09	\$18.50	\$11.77	\$21.03	\$12.62
Toddler	\$14.33	\$8.60	\$15.43	\$10.03	\$17.91	\$10.75
Pre-school Before and After	\$14.33	\$8.60				
School-age Before and After	\$13.92	\$8.35	\$15.31	\$9.74	\$17.40	\$10.44
School-Age Before or After	\$13.92	\$4.18				

(b) The payment rates for in-home caregivers for traditional, extended day and nontraditional hours of care shall be as follows:

In-Home Child Care Rates

Age Group	Full Time Traditional	Part Time Traditional	Extended Day Full Time	Extended Day Part Time	Nontraditional Full Time	Nontraditional Part-Time
Infant	\$9.86	\$5.92	\$10.85	\$6.90	\$12.33	\$7.40
Toddler	\$8.70	\$5.22	\$9.57	\$6.09	\$10.88	\$6.53
Pre-School	\$8.70	\$5.22	\$9.57	\$6.09	\$10.88	\$6.53
Pre-school Before and After	\$8.70	\$5.22				
School-age Before and After	\$7.54	\$4.52	\$8.29	\$5.28	\$9.43	\$5.66
School-Age Before or After	\$7.54	\$4.14				

- 308.4 Child care programs that are authorized to manage Family Child Care satellite systems or networks shall receive a daily administrative fee of \$2.53 per day for the management of the family child care homes under their systems or networks.
- 308.5 The District shall pay the regular rate to providers on holidays when providers may be closed.
- 308.6 For the purpose of this section, the following terms shall have the meanings ascribed:
- (a) Age groups for children are defined as follows:
- (1) Infant – a child up to twelve (12) months of age;
 - (2) Toddler – a child twelve (12) months or older, but less than thirty-six (36) months of age;
 - (3) Preschool – a child thirty-six (36) months of age or older, but less than five (5) years of age on or before December 31 of that year; and

- (4) School-age – a child five (5) years of age on or before December 31 of that year through the age of twelve (12) or through the age of eighteen (18) if the child has a disability.
- (b) Holidays include:
- Labor Day
 - Columbus Day
 - November 11 – Veteran's Day
 - Thanksgiving Day
 - December 25 – Christmas Day
 - January 1
 - Martin Luther King, Jr. Day
 - President's Day
 - Emancipation Day
 - Memorial Day
 - July 4 - Independence Day
- (c) The District shall also consider as a holiday January 20th during years when there is a presidential inauguration.
- (d) The Level II Providers are those child care center providers authorized to conduct initial eligibility determinations and re-determinations for families seeking child care subsidy under specified eligibility categories.
- (e) Types of child care services and hours are as follows:
- (1) Full time traditional – six (6) to eleven (11) hours between 7:00 a.m. and 6:00 p.m., Monday through Friday;
 - (2) Part time traditional - less than six (6) hours of care between 7:00 a.m. and 6:00 p.m., Monday through Friday;
 - (3) Extended day full time – six (6) to fourteen (14) hours where at least one hour of care is in the morning before 7:00 a.m. or in the afternoon after 6:00 p.m. and the majority of hours are between 7:00 a.m. and 6:00 p.m., Monday through Friday. If more than fourteen hours of service are provided, an additional service will be authorized;
 - (4) Extended day part time - less than six (6) hours where at least one hour of care is in the morning before 7:00 a.m. or in the afternoon after 6:00 p.m. and the majority of hours are between 7:00 a.m. and 6:00 p.m., Monday through Friday;
 - (5) Nontraditional full time – six (6) to eleven (11) hours between 6:00 p.m. and 7:00 a.m., Monday through Friday; or six (6) to eleven (11)

hours on Saturday or Sunday, regardless of the time of day. If more than eleven (11) hours of service are provided, an additional service will be authorized;

- (6) Nontraditional part-time - less than six (6) hours between 6:00 p.m. and 7:00 a.m., Monday through Friday; or less than six (6) hours on Saturday or Sunday, regardless of the time of day;
- (7) Preschool traditional full time- six (6) eleven (11) hours between 7:00 a.m., Monday through Friday, for three (3) and four (4) year-olds who are not in the public or private pre-Kindergarten programs;
- (8) Preschool traditional part-time – less than (6) hours of care between 7:00 a.m. and 6:00 p.m., Monday through Friday, for three (3) and four (4) year-olds who are not in the public or private pre-Kindergarten programs;
- (9) Preschool before and after traditional full time – service for the three (3) and four (4) year-olds in public or private pre-Kindergarten programs, Monday through Friday, during school holidays;
- (10) Preschool before and after traditional part time – before and after service for the three (3) and four year-olds in public or private pre-Kindergarten programs, Monday through Friday;
- (11) School age before and/or after traditional full time – six (6) to eleven (11) hours between 7:00 a.m. and 6:00 p.m., Monday through Friday, for school age children when the child is not in school during school holidays;
- (12) School age before and after traditional part time – before and after school-age children, Monday through Friday; and
- (13) School age before or after traditional part time – before or after school services for school-age children, Monday through Friday.

Persons who wish to comment on these proposed rules may do so in writing no later than thirty (30) days after the publication of this notice in the *D.C. Register*. Comments should be forwarded to Barbara Ferguson Kamara, Administrator, Early Care and Education Administration, 717 14th Street, N.W., Suite 1200, Washington, D.C. 20005. Copies of these rules may be obtained by writing to the above address or by walk-in to the above address.

DISTRICT OF COLUMBIA
DEPARTMENT OF MOTOR VEHICLESNOTICE OF PROPOSED RULEMAKING

The Director of the Department of Motor Vehicles, pursuant to the authority set forth in Section 1825 of the Department of Motor Vehicles Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-175; D.C. Official Code § 50-904); §§ 6 and 7 of the District of Columbia Traffic Act of 1925, effective March 3, 1925 (43 Stat. 1121; D.C. Official Code §§ 50-2201.03 and 50-1401.01); § 2 of Title IV of the District of Columbia Revenue Act of 1937, approved September 8, 1950 (64 Stat. 792; D.C. Official Code § 50-1501.02); and Mayor's Order 03-58, effective April 21, 2003, hereby gives notice of the intent to adopt the following rulemaking that will amend Chapters 1, 4 and 99 of Title 18 of the District of Columbia Municipal Regulations (DCMR) (Vehicles and Traffic). The proposed rules would set a limit on the amount of time a written exam is valid, allow a temporary driver's permit to be issued to any individual who successfully renews a permit online, revise regulations pertaining to the exceptions to the motor vehicle registration requirements to reflect the District of Columbia Revenue Act and federal law, and amend the definition for motor vehicle to conform to the applicable statutory definition. Final rulemaking action shall not be taken in less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Title 18, DCMR, is amended as follows:

A. Chapter 1, ISSUANCE OF DRIVER'S LICENSES, is amended as follows:

1) Section 104, EXAMINATION OF APPLICANTS FOR DRIVER'S LICENSES, is amended as follows:

a) Subsection 104.2 is amended by striking the phrase "Provided, that an applicant for a learner's permit need not take the written and eye tests more than once each six (6) month period".

b) By adding two new subsections 104.14 and 104.15 to read as follows:

104.14 For any applicant for successor learner's permit under the age of 21, the Director may accept test results from a written examination of the traffic regulations taken not more than 15 months earlier to satisfy the requirements in section 7(a)(2)(B) of the District of Columbia Traffic Act of 1925, effective March 3, 1925 (43 Stat. 1121; D.C. Official Code § 50-1401.01(a)(2)(B)).

104.15 Any applicant for a successor learner's permit 21 years of age or older must take a written examination of the traffic regulations to satisfy the

requirements in section 7(a)(2)(B) of the District of Columbia Traffic Act of 1925, effective March 3, 1925 (43 Stat. 1121; D.C. Official Code § 50-1401.01(a)(2)(B)).

2) Section 107, LICENSES ISSUED TO DRIVERS, is amended as follows:

a) Subsection 107.4 is amended to read as follows:

107.4 The Director may, in his or her discretion, issue a temporary driver's permit to an applicant under the following circumstances:

- (a) While the Director is completing an investigation and determination of all facts relative to the applicant's eligibility to receive a driver's license; or
- (b) After an applicant has renewed his or her driver's license on the Department's website.

b) Two new subsections 107.16 and 107.17 are added to read as follows:

107.16 A temporary driver's permit described in § 107.4 shall expire when a regular driver's license is received, when a regular license has been refused, or on the expiration date of the temporary permit, whichever is sooner.

107.17 The temporary driver's permit issued pursuant to §107.4 (b) allows the holder to operate a motor vehicle only if the operator also has their expired license in their possession.

B. Chapter 4, MOTOR VEHICLE TITLE AND REGISTRATION, section 411, REGISTRATION OF MOTOR VEHICLES: GENERAL PROVISIONS, is amended as follows:

1) Subsection 411.1 is amended by inserting after the phrase "title" the phrase "and § 8 of the District of Columbia Traffic Act of 1925, approved March 3, 1925 ("Act") (43 Stat. 1123; D.C. Official Code § 50-1401.02) ".

2) Subsections 411.2 through 411.6 are amended to read as follows:

411.2 Any person described in § 8(a) (D.C. Official Code § 50-1401.02(a)) of the Act, or who is displaying a valid District of Columbia reciprocity sticker as provided for in § 411.3 and is in compliance with the laws authorizing the issuance of that sticker, is exempt from the District's license and registration requirements.

411.3 The Director shall issue reciprocity stickers, upon application, as follows:

- (a) As required by § 8 (D.C. Official Code § 50-1401.02) of the Act;
- (b) To any non-resident service member in accordance with section 571 of title 50 of the United States Code; and
- (c) To any foreign mission, its members, or dependents of its members issued a title and registration by the U.S. Department of State.

411.4 Reciprocity stickers issued pursuant to §§ 411.3(b) or (c) shall be issued for the same duration set forth in § 8(d) (D.C. Official Code § 50-1401.02(d)) of the Act.

411.5 No reciprocity sticker issued for a period of one hundred and eighty (180) days shall be issued to the same person within one (1) year from the expiration date of the previous reciprocity sticker.

411.6 The fee for a one hundred and eighty (180) day reciprocity sticker is two hundred and fifty dollars (\$ 250).

3) Subsections 411.7 and 411.8 are repealed.

C. Chapter 99, DEFINITIONS, is amended as follows:

- 1) Section 9901, DEFINITIONS, is amended by amending the definition of Motor Vehicle to read as follows:

Motor Vehicle – any vehicle propelled by internal-combustion engine, electricity, or steam, including any non-operational vehicle that is being restored or repaired. The term "motor vehicle" shall not include road rollers, farm tractors, vehicles propelled only upon stationary rails or tracks, electric personal assistive mobility devices, and battery-operated wheelchairs when operated by a handicapped person at speeds not exceeding 10 miles per hour.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments, in writing, to Corey Buffo, General Counsel, D.C. Department of Motor Vehicles, 95 M Street, S.W., Room 5D, Washington, D.C. 20024. Comments must be received not later than thirty (30) days after the publication of this notice in the *D.C. Register*. Copies of this proposal may be obtained, 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, D.C. 20005

NOTICE OF PROPOSED RULEMAKING

GAS TARIFF 05-1, IN THE MATTER OF THE APPLICATION OF
WASHINGTON GAS LIGHT COMPANY FOR AUTHORITY TO AMEND ITS
BUDGET PAYMENT PLAN TARIFF

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,¹ of its intent to act upon the revised Application of Washington Gas Light Company ("WGL" or the "Company") 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 December 16, 2005, WGL filed its Revised Tariff requesting authority to revise Rate Schedule No. 3 WGL's Budget Payment Plan Tariff.² Specifically, the Company requests authority to revise, **Washington Gas Light Company, P.S.C. of D.C. No. 3, 4th Revised Page No. 37**. In its Application, WGL seeks to change the way in which it has been operating its budget payment plan. WGL states that prior to implementation of the Budget Plan, the Company shall provide the customer with the following information in writing or electronically: (1) An acknowledgement that the customer will be in the plan effective the next billing period; and (2) the customer's projected use on an annual basis and an explanation of how the equal monthly payment has been calculated.³ WGL also proposes the following additional changes: (1) the Company will inform any customer who inquires about the budget program how the program operates and will explain how the monthly payments are calculated; (2) the Company will not allow customers to participate in the Budget plan until all charges are paid; and (3) the Company will perform a periodic analysis of the customer's payment plan and notify the customer if actual usage or costs vary significantly from that upon which the plan was based and give the customer an opportunity for revision of the plan.⁴ At the end of each plan year, WGL recommends that underpayments will be due with the twelfth monthly bill; however, the Company shall place the underpayment on a three month deferral payment plan at the customer's request.⁵

¹ D. C. Code, 2001 Ed. § 2-505.

² *GT05-1*, Washington Gas Light Company revised Tariff Pages, filed December 16, 2005 ("WGL's Revised Tariff").

³ *GT05-1*, WGL Revised Tariff Revised Page No. 37, Section f.

⁴ *Id.*

⁵ *Id.*

3. WGL's Revised Tariff is on file with the Commission and may be reviewed at the Office of the Commission Secretary, 1333 H Street, N.W., Seventh Floor, East 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 fee.

4. Comments on WGL's Revised Tariff shall be filed with Dorothy Wideman, Commission Secretary, and must be received within thirty (30) days of the date of publication of this Notice in the *D.C. Register*. Reply comments may be filed within forty-five (45) days of the publication of this Notice, after which time the Commission will take final action.

DISTRICT OF COLUMBIA TAXICAB COMMISSION

NOTICE OF PROPOSED RULEMAKING

The District of Columbia Taxicab Commission ("Commission"), by its Panel on Rates and Rules, pursuant to the authority set forth under sections 8(b)(1)(J) and 9(b) of the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code §§ 50-307(b)(1)(J), and 50-308(b)), hereby gives notice of its proposed rulemaking action taken February 8, 2006, to amend § 104.1 of Chapter 1 of Title 31 of the District of Columbia Municipal Regulations ("DCMR"). An initial notice of proposed rulemaking was published in the *DC Register* on December 2, 2005, at 52 DCR 10585. The proposed rulemaking amended the number of Commissioners required to be present to hold meetings concerning matters that do not require a vote from six (6) to a majority of Commissioners in office. A public hearing was held on January 18, 2006, and comments were received by the Commission and taken into consideration. Thereafter, the rulemaking was changed for further clarification. Final rulemaking action shall not be taken in less than thirty (30) days from the date of publication of this notice in the D.C. Register.

Title 31 DCMR, Section 104, QUORUM is amended to read as follows:

104 QUORUM

104.1 A majority of the Commissioners in office shall constitute a quorum for the transaction of business at all meetings of the Commission. A meeting may commence for the consideration of matters not requiring a vote when less than a majority of Commissioners in office are present.

Any person desiring to file written comments on the Panel's proposed rulemaking action must do so not later than thirty (30) days after the publication of this notice in the District of Columbia Register. Comments should be filed with Kimberly A. Lewis, Attorney Advisor and Secretary, District of Columbia Taxicab Commission, 2041 Martin Luther King, Jr., Avenue, S.E., Suite 204, Washington, D.C. 20020. Copies of the proposed rulemaking may be obtained by writing to the above address.