

**DEPARTMENT OF HUMAN SERVICES
INCOME MAINTENANCE ADMINISTRATION**

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Human Services (DHS), pursuant to the authority set forth in Mayor's Reorganization Plan No. 3 of 1986, section 502(e)(2) of Title V of the Omnibus Budget Support Act of 1995, effective September 26, 1995 (D.C. Law 11-52; D.C. Official Code §4-205.52(d)), and Mayor's Order 97-53, dated March 19, 1997, hereby gives notice of its intent to adopt a new Chapter 72 of Title 29 of the District of Columbia Municipal Regulations which will establish new payment levels for recipients of Temporary Assistance for Needy Families (TANF) benefits (D.C. Official Code §4-205.52), Program on Work, Employment and Responsibility (POWER) (D.C. Official Code §4-205.78), General Assistance for Children (GAC) (D.C. Official Code §4-205.05a), and Interim Disability Assistance (IDA) (D.C. Official Code §204.07), and to amend §5814.5 of Chapter 58 and §6600.4 of Chapter 66 of Title 29 of the D.C. Municipal Regulations to refer to the new payment levels enumerated in Chapter 72.

These proposed rules modify the District of Columbia's (District's) public assistance payment levels for District of Columbia residents participating in the TANF public benefit program. The rates are based on an increase of seven and one half (7.5%) percent of the existing payment levels, currently set forth in D.C. Official Code § 4-205.52(c). In addition, the rules modify specific sections of Title 29 to direct the application of the modified payment levels for TANF benefits, pursuant to Chapter 72.

Title 29 DCMR is amended by adopting a new Chapter 72:

**CHAPTER 72. STANDARDS OF ASSISTANCE AND PAYMENT LEVELS IN
PUBLIC ASSISTANCE PROGRAMS**

7200 STANDARDS OF ASSISTANCE AND PAYMENT LEVELS

- 7200.1** For the purposes of payments under TANF (D.C. Official Code §205.52), POWER (D.C. Official Code §4-205.78), General Assistance for Children (D.C. Official Code §4-205.05a) and Interim Disability Assistance (D.C. Official Code §4-204.07), effective July 1, 2006, the District of Columbia's payments levels are adjusted as set forth § 7200.2.
- 7200.2** Pursuant to D.C. Official Code §4-205.52(d), the payment levels set forth in this subsection shall apply to public assistance payments made after June 30, 2006.

Family Size	Standards of Assistance	Payment Level
1	\$450	\$257
2	560	\$320
3	712	\$407
4	870	\$498
5	1,002	\$573
6	1,178	\$674
7	1,352	\$773
8	1,494	\$855
9	1,642	\$940
10	1,786	\$1,021
11	1,884	\$1,077
12	2,024	\$1,158
13	2,116	\$1,210
14	2,232	\$1,276
15	2,316	\$1,324
16	2,432	\$1,391
17	2,668	\$1,525
18	2,730	\$1,561
19	2,786	\$1,593

CHAPTER 58. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

5814 INCOME DISREGARDS

Section 5814.5 of Chapter 58 is amended by deleting the existing paragraph and replacing it with the following amended paragraph:

5814.5 After application of these disregards in subsection 5814.4, the remaining income shall be compared to the Standard of Assistance for a family unit. The Standard of Assistance shall be defined as specified in the District of Columbia Public Assistance Act of 1982, as amended. If less than the Standard of Assistance, the income shall be compared to the payment standard. The pay standard shall be defined as specified in the District of Columbia Public Assistance Act of 1982, as amended. The payment levels set forth in Chapter 72 of Title 29 DCMR shall apply to payments made after June 30, 2006.

CHAPTER 66. INTERIM DISABILITY ASSISTANCE

6600 PURPOSE

Section 6600.4 of Chapter 66 is amended by deleting the existing paragraph and replacing it with the following amended paragraph:

6600.4 The monthly grant shall be the same as that for a family size of one (1) or two (2) under the TANF Program as set forth in section 552 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law § 4-101; D.C. Official Code § 4-205.52(c)), as amended. The payment levels set forth in Chapter 72 of Title 29 shall apply to payments made after June 30, 2006.

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 Kate Jesberg, Income Maintenance Administration, 645 H Street, N.E., Third floor, Washington, DC 20002. Copies of these rules may be obtained in writing to the above address or walk-in to the above address.

D.C. OFFICE OF PERSONNEL

NOTICE OF PROPOSED RULEMAKING

The Director, D.C. Office of Personnel, with the concurrence of the City Administrator, pursuant to Mayor's Order 2000-83, dated May 30, 2000, and in accordance with Title IX of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-609.01 *et seq.*) (2001) (CMPA), hereby gives notice of the intent to adopt the following rules in no less than thirty (30) days from the publication of this notice in the *D.C. Register*. These rules would amend Chapter 9, Excepted Service, of Title 6 of the District of Columbia Municipal Regulations (DCMR), for the main purpose of adding a new section 903 to the chapter, "Excepted Service Pay Plan," on the Excepted Service Schedule ("ES Schedule") approved on July 6, 2005 by Council Resolution No. 16-219 (the heading of section 903 was changed from "Age Requirements"). Another key substantive change is to section 906, "Excepted Service Appointments of Persons from Career or Educational Service." The section was amended to add language explaining more specifically the "entitlements" of Career Service employees holding positions in the Career or Educational Service who are detailed, temporarily promoted, temporarily transferred, or temporarily reassigned without a break in service to positions that would otherwise be in the Excepted Service (specifically, sections 906.1 through 906.3 were amended, and a new section 906.4 was added). The rest of the changes to the chapter are as follows: the heading of section 900 was changed from "Applicability" to "Applicability and Age Requirements," section 900.1 was amended, and new sections 900.2 and 900.3 were added; the heading of section 901 was changed from "Excepted Service Classification Standards" to "Excepted Service Classification System and Standards," a new section 901.1 was added, and section 901.1 was renumbered as 901.2 and amended; sections 902.1 through 902.6 were amended; sections 904.1 through 904.7 were amended; sections 905.1 through 905.4 were amended; sections 907.1 through 907.6 were amended; sections 908.1 through 908.3 were amended; section 909.1 was amended; section 910.1 was amended; sections 911.1 through 911.3, 911.5, and 911.7 were amended; the heading of section 912 was changed from "Performance Incentives for Excepted Service" to "Performance Incentives and Incentive Awards for Excepted Service Employees," and sections 912.1 through 912.7 were amended; section 913.1, and 913.4 through 913.6 were amended; the heading of section 914 was changed from "Performance Management for Excepted Service" to "Performance Evaluation System for Excepted Service Employees" and section 914.1 was amended; sections 915.1 through 915.12, and 915.14 through 915.23 were amended; and section 999 was amended to modify the definitions of the terms "attorney," "Excepted Service," "hard-to-fill position," "performance contract," "personnel authority," "pre-employment travel expenses," "relocation expenses," and "temporary housing allowance," and to add the definition of the terms "biweekly pay period" and "separation pay." Upon adoption, these rules will amend Chapter 9, Excepted Service, of the District of Columbia Municipal Regulations, published at 32 DCR 2271 (April 26, 1985) and amended at 36 DCR 7931 (November 17, 1989), 39 DCR 6171 (August 21, 1992), 47 DCR 8093 (October 6, 2000), 50 DCR 4743 (June 13, 2003), 50 DCR 11076 (December 26, 2003), 51 DCR 10416 (November 12, 2004), and 51 DCR 10934 (November 26, 2004) – Errata Notice.

CHAPTER 9

EXCEPTED SERVICE

Chapter 9 of the D.C. Personnel Regulations is amended as follows:

The heading of section 900 is changed from "Applicability" to "Applicability and Age Requirements;" section 900.1 is amended to read as follows; and new sections 900.2 and 900.3 are added to read as follows:

900 APPLICABILITY AND AGE REQUIREMENTS

- 900.1 This chapter applies to all appointments in the Excepted Service under the authority of Title IX of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (CMPA), effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-609.01 et seq.) (2001 and 2005 Supp.).
- 900.2 Unless otherwise required by law, all Excepted Service appointments, other than those appointed under the authority of section 904 of the CMPA (D.C. Official Code § 1-609.04) (2001), serve at the pleasure of the appointing personnel authority.
- 900.3 The minimum age for employment in the Excepted Service, unless a different age requirement is specifically provided in the law authorizing such appointment or position, is sixteen (16) years, except that the minimum age for any junior youth aide in the Department of Recreation and Parks and for summer employment is fourteen (14) years for a person appointed to a transitional position.

The heading of section 901 is changed from "Excepted Service Classification Standards" to "Excepted Service Classification System and Standards;" a new section 901.1 is added to read as follows; and section 901.1 is renumbered as 901.2 and amended to read as follows:

901 EXCEPTED SERVICE CLASSIFICATION SYSTEM AND STANDARDS

- 901.1 Notwithstanding the provisions in section 903 of this chapter on the establishment of the new Excepted Service Pay Schedule, the classification system or systems in effect on December 31, 1979 shall remain in effect until the adoption of a new classification system or systems pursuant to section 1102 of the CMPA (D.C. Official Code § 1-611.02) (2001), and shall be the system utilized to classify Excepted Service positions.
- 901.2 Each position in the Excepted Service will be classified as prescribed in Chapter 11 of these regulations, except that:
- (a) Statutory positions will be classified in a manner consistent with their governing statutes; and
 - (b) The personnel authority may adjust the grade or pay level, as applicable, or salary of a position to reflect the professional, scientific, or technical stature of an individual appointed as an expert or consultant.

902 EXCEPTED SERVICE QUALIFICATION STANDARDS

Sections 902.1 through 902.6 are amended to read as follows:

- 902.1 A person appointed to a position in the Excepted Service, other than a person appointed to a statutory position, must meet the minimum qualification standards established for the position to which the appointment is to be made.

- 902.2 The personnel authority may establish, adopt, and publish, new qualification standards for positions in the Excepted Service other than statutory positions. Until such standards are established, adopted, and published, the federal government's "Qualification Standards Handbook for General Schedule Positions" and applicable supplementary publications will remain applicable.
- 902.3 Employment in the Excepted Service must comply with the provisions of the Immigration Reform and Control Act of 1986, as amended, that require employers to hire only citizens and nationals of the United States and aliens authorized to work, and to verify the identity and employment eligibility of all employees hired after November 6, 1986.
- 902.4 Pursuant to section 408 of the CMPA (D.C. Official Code § 1-604.08) (2001), each personnel authority will designate a person to administer the oath of office to each new employee of an agency. The oath is as follows: "I, (employee's name), do solemnly swear (or affirm) that I will faithfully execute the laws of the United States of America and of the District of Columbia, and will to the best of my ability, preserve, protect and defend the Constitution of the United States, and will faithfully discharge the duties of the office of which I am about to enter."
- 902.5 Accordingly, each personnel authority will determine whether an applicant or appointee is or has been involved in any activities that constitute a reasonable basis for concluding that the candidate would not faithfully discharge the duties of the position for which he or she is being considered.
- 902.6 For purposes of this chapter, a person who advocates the overthrow of the governments of the United States or the District of Columbia by unconstitutional means will be considered unsuitable for employment with the District government.

Previous section 903, "Age Requirements," is deleted; and a new section 903, "Excepted Service Pay Plan," is added to read as follows:

903 EXCEPTED SERVICE PAY PLAN

- 903.1 An Excepted Service Pay Schedule ("ES Schedule") has been established as the basic pay schedule for all Excepted Service positions. The ES Schedule, which was approved on July 6, 2005 by Council Resolution No. 16-219, is a merit-based plan that provides for market competitive open-salary ranges with progression based on performance, and replaces the salary schedule structure for Excepted Service positions consisting of grade levels and ten (10) steps.
- 903.2 The structure and application of the ES Schedule will provide flexibility in hiring and compensation for Excepted Service positions. Some of the features of a merit-based pay plan such as the new ES Schedule are:
- (a) Merit pay or pay for performance systems provide the flexibility to:
- (1) Combine merit or performance-based increases with what is commonly known as a "cost-of-living-adjustment" or "market adjustment;" or

- (2) Base the total salary increase the employee receives solely on merit (performance);
- (b) Base-pay increases vary in direct relationship to each employee's performance level;
- (c) The system differentiates between various levels of performance and rewards employees through additional compensation accordingly;
- (d) Success of the system depends on accurate and realistic performance evaluations by supervisors; and
- (e) The system provides flexibility for varying budget constraints and revenues.

903.3 The ES Schedule is divided into eleven (11) pay levels (ES 1 through ES 11). Instead of the typical ten (10) steps, each pay level of the ES Schedule has an open range with no steps, only a "minimum," "midpoint," and "maximum" as reference points of the range.

903.4 Application of the ES Schedule must ensure compliance with the principle of equal pay for substantially equal work contained in section 1103 (a)(2) of the CMPA (D.C. Official § 1-611.03 (a)(2)) (2001).

903.5 As appropriate, Excepted Service employees converted into the ES Schedule will be treated as employees in other services in the application of other compensation regulations contained in Chapter 11 of these regulations.

903.6 For the purposes of determining the new pay level of Excepted Service employees upon their initial conversion into the ES Schedule, the following will apply:

Old Pay Structure Based on Grade Levels and Steps	New Pay Structure under the ES Schedule
Grade Levels 5/6	ES 1
Grade Levels 7/8	ES 2
Grade Level 9	ES 3
Grade Level 10	ES 4
Grade Level 11	ES 5
Grade Level 12	ES 6
Grade Level 13	ES 7
Grade Levels 14/15	ES 8
Grade Levels 15/16	ES 9
Grade Levels 16/17	ES 10
Grade Level 18	ES 11*

*Pay level ES 11 is limited to Deputy Mayor positions.

903.7 During fiscal year 2006, the following shall apply concerning the granting of salary increases to Excepted Service employees converted into the ES Schedule in 2005:

- (a) Excepted Service employees in agencies under the personnel authority of the Mayor who are paid from the ES Schedule and received an official performance rating of at least "Meets Expectations" for the rating period that ended on September 30, 2005 will

receive a salary increase consisting of a market adjustment of three percent (3%), plus a varying additional merit increase based on the official performance rating, to be determined using the percentage scale in section 903.7 (b) of this section. Employees who received an official rating below the "Meets Expectations" level will not receive a salary increase of any kind.

- (b) The scale below is based on the rating levels under the Performance Management Program (PMP), which is the performance appraisal system applicable to Excepted Service employees in agencies under the personnel authority of the Mayor:

PMP PERFORMANCE RATING LEVEL FOR RATING PERIOD ENDING SEPTEMBER 30, 2005	PERCENTAGE OF MARKET ADJUSTMENT FOR FY 2006	PERCENTAGE OF PERFORMANCE-BASED OR MERIT PAY INCREASE FOR FY 2006	TOTAL PERCENTAGE OF SALARY INCREASE FOR FY 2006
Level 5 – Significantly Exceeds Expectations	3%	3.5%	6.5%
Level 4 – Exceeds Expectations	3%	2%	5%
Level 3 – Meets Expectations	3%	1%	4%
Level 2 – Needs Improvement	0%	0%	0%
Level 1 – Does Not Meet Expectations	0%	0%	0%

- (c) Independent agencies that converted their Excepted Service employees to the ES Schedule in 2005 shall determine the percentage of salary increases (market adjustment, merit increase, or both) for these employees during fiscal year 2006, if any, and may use the scale in section 903.7 (b) of this section as a guide.
- (d) With the exception noted in section 903.7 (d)(3) below, the following employees are not eligible to receive the salary increase specified in section 903.7 (a) of this section:
- (1) Any employee who received an official performance evaluation of "Needs Improvement" (Level 2) or "Does Not Meet Expectations" (Level 1) for the rating period that ended on September 30, 2005;
 - (2) An individual first hired into an Excepted Service position (including conversion actions) on or after July 1, 2005; and

- (3) Any employee who did not receive a performance rating for the period that ended on September 30, 2005, unless the employee's supervisor completes a performance review for the employee by April 14, 2006. Any such performance review shall be submitted to the Director, D.C. Office of personnel, by the April 14, 2006 deadline.
- (e) An employee who was in the active rolls of his or her employing agency on or before June 30, 2005, but did not receive a Performance Plan by June 30, 2005, may receive the market adjustment portion of the salary increase only, upon written certification of satisfactory performance for the rating period that ended on September 30, 2005, to be completed by the employee's supervisor and submitted to the Director, D.C. Office of Personnel, by April 14, 2006.
- (f) An eligible Excepted Service employee whose salary is at the top of the range for the pay level of the position he or she occupies and who received an official performance rating of at least "Meets Expectations" (Level 3) for the rating period that ended on September 30, 2005 will receive a one-time (1-time) lump sum payment, the amount of which shall not exceed the total percentage specified in the scale in section 903.7 (b) of this section for the performance rating received by the employee.
- (g) The salary increase will have an effective date retroactive to the pay period beginning on January 8, 2006, and will be paid to eligible employees not later than the pay period beginning on March 19, 2006. The salary increase shall be paid only to eligible employees who are in the active rolls of their employing agencies on the effective date of the increase.
- (h) Employees described in sections 903.7 (d)(3) or 903.7 (e) of this section who receive a performance rating of at least "Meets Expectations" (Level 3), or receive the supervisory certification of satisfactory performance by the April 14, 2006 deadline, respectively, will be paid the applicable salary increase as soon as practicable after that date.
- 903.8 Beginning on October 1, 2006, eligible employees paid under the ES Schedule shall not receive more than one (1) salary increase in a calendar year (annual salary increase). Sections 903.9 through 903.12 of this section explain the requirements and conditions for annual salary increases beginning on October 1, 2006, and every fiscal year thereafter.
- 903.9 Annual salary increases will become effective on the last full biweekly pay period in the calendar year (pay period number twenty-six (26), or pay period number twenty-seven (27), as may occur from time to time), beginning on December 10, 2006, and every year thereafter, provided that the following requirements are met:
- (a) The employee received a Performance Plan for the year; and
- (b) The employee's level of competence and job performance is determined to be acceptable or better, as evidenced by a performance rating of "Meets Expectations" (Level 3), or higher, for Excepted Service employees whose performance is rated using the PMP in Chapter 14 of these regulations.

- 903.10 For the purposes of sections 903.8 and 903.12 of this section, the term "salary increase" means:
- (a) A market adjustment;
 - (b) A merit-pay increase based on performance as specified in section 903.9 (a) of this section; or
 - (c) A market adjustment, plus a merit-pay increase based on performance as specified in section 903.9 (a) of this section combined.
- 903.11 Each personnel authority, in consultation with the Office of the Chief Financial Officer, shall:
- (a) Plan for and determine the payroll cost of salary increases every year for agency Excepted Service employees who meet the requirements in section 903.9 (a) and (b) of this section;
 - (b) Determine the total percentage of the annual salary increases for these employees; and
 - (c) Communicate the plan to agency heads every year.
- 903.12 An eligible Excepted Service employee whose salary is at the top of the range for the pay level of the position he or she occupies and who meets the requirements in section 903.9 (a) and (b) of this section, will receive a one-time (1-time) lump sum payment for the calendar year in question, the amount of which shall not exceed the total percentage afforded to other eligible agency employees with the same performance rating.
- 903.13 The Director, D.C. Office of Personnel, will determine the salary levels for Capital City Fellows.
- 903.14 The salary of an employee paid under the ES Schedule may be reduced for unacceptable performance or for misconduct that does not warrant separation.
- 903.15 Nothing in this section shall prevent Excepted Service employees paid under the ES Schedule from receiving performance incentives and incentives awards in accordance with section 912 of this chapter and Chapter 19 of these regulations.

904 EXCEPTED SERVICE POSITIONS

Sections 904.1 through 904.7 are amended to read as follows:

- 904.1 Statutory positions under section 908 of the CMPA (D.C. Official Code § 1-609.08) (2001), include those occupied by employees who by statute serve at the pleasure of the appointing authority, or as provided by statute for a term of years, subject to removal for cause as may be provided in their appointing statute.
- 904.2 Public employment positions under section 904 (1) of the CMPA (D.C. Official Code § 1-609.04 (1)) (2001), include positions created under public employment programs established by law.

- 904.3 Transitional positions under section 904 (2) of the CMPA (D.C. Official Code § 1-609.04 (2)) (2001), include positions established under special employment programs of a transitional nature designed to provide training or job opportunities for rehabilitation purposes, including developmentally disabled or handicapped persons, ex-offender or other disadvantaged groups.
- 904.4 Special category positions under section 904 (3), (4), and (5) of the CMPA (D.C. Official Code § 1-609.04 (3), (4), and (5)) (2001), respectively, include the following:
- (a) Positions occupied by Federal, state, or local government employees under the mobility provisions of the Intergovernmental Personnel Act of 1970, approved January 5, 1971 (P.L. 91-648; 84 Stat. 1909; 5 U.S.C. § 3301 et seq.), or a temporary personnel exchange agreement as authorized under Chapter 27 of these regulations;
 - (b) Positions established by personnel authorities, other than the D.C. Board of Education or the Board of Trustees of the University of the District of Columbia, under federal grant-funded programs that have a limited or indefinite duration and are not subject to state merit requirements; and
 - (c) Professional, scientific, or technical expert or consultant positions.
- 904.5 Training positions under section 904 (6) of the CMPA (D.C. Official Code § 1-609.04 (6)) (2001), consist of positions established under cooperative educational and study programs, positions established under a predoctoral or postdoctoral training program under which employees receive a stipend, and positions occupied by persons who are graduate students under temporary appointments when the work performed is the basis for completing certain academic requirements for advanced degrees.
- 904.6 Policy positions under section 903 (a) of the CMPA (D.C. Official Code § 1-609.03 (a)) (2002 Supp.) are positions reporting directly to the head of the agency, with primary duties of a policy determining, confidential, or policy advocacy character, and shall consist of the following:
- (a) Positions on the staff of the Mayor and paid from funds appropriated for the Office of the Mayor;
 - (b) Not more than two hundred twenty (220) positions in subordinate agencies as designated by the Mayor, sixty (60) of which may be allotted to and designated by the Office of the Inspector General and, in a control year, up to twenty (20) shall be allocated to and designated by the Office of the Chief Financial Officer;
 - (c) All positions occupied by employees of the Council of the District of Columbia, except those permanent technical and clerical employees appointed by the Secretary or General Counsel;
 - (d) The District of Columbia Auditor may designate four (4) positions;

- (e) Not more than twenty-five (25) positions selected by the D.C. Board of Education;
- (f) Positions occupied by persons appointed by the Board of Trustees of the University of the District of Columbia as officers of the University, those who report directly to the President, those who head major units of the University, academic administrators, and persons in a confidential relationship to any of the foregoing, exclusive of those appointed under section 801 (a) of the CMPA (D.C. Official Code § 1-608.01 (a) (2001));
- (g) Not more than ten (10) positions selected by the District of Columbia Health and Hospitals Public Benefit Corporation;
- (h) Not more than six (6) persons appointed by the District of Columbia Lottery and Charitable Games Control Board who report directly to either the Executive Director or Deputy Director, or who head major units of the Board;
- (i) The Chief of Police may designate up to one percent (1%) of the total number of authorized positions within the Metropolitan Police Department, no more than ten (10) of which may be filled by sworn members or officers;
- (j) Notwithstanding any other law or regulation, the Chief of the Fire and Emergency Medical Services Department may designate up to eleven (11) positions, no more than four (4) of which may be filled by sworn members;
- (k) All employees of the Criminal Justice Coordinating Council;
- (l) The Advisory Commission on Sentencing may appoint six (6) persons; and
- (m) Not more than two (2) positions selected by each other personnel authority not expressly designated in this section.

904.7 A statutory or policy position described in section 904.1 or section 904.6 of this chapter and occupied by a person holding an appointment to an attorney position will be treated solely as a statutory or policy position, as the case may be.

905 METHOD OF MAKING EXCEPTED SERVICE APPOINTMENTS

Sections 905.1 through 905.4 are amended to read as follows:

- 905.1 A person may be appointed to any position in the Excepted Service by the appropriate personnel authority non-competitively, provided that the individual appointed meets the qualification standards established for the position.
- 905.2 An appointment to a statutory position will be made as specified in the law authorizing the position.
- 905.3 An appointment to a special category position under a federal grant-funded program will be either for an indefinite period or a time-limited appointment, reflecting the duration of the grant.

- 905.4 An appointment to a policy position shall be subject to the following provisions:
- (a) Each person appointed to a policy position shall perform duties that include policy determination, or that are of a confidential or policy advocacy character;
 - (b) Each personnel authority authorized to make appointments to policy positions shall ensure that the position to which the appointment is to be made, together with the position qualifications, standards, and salary range, is published in the D.C. Register;
 - (c) The position shall become a position in the Excepted Service automatically upon being filled by a policy appointment, and shall remain an Excepted Service position only for so long as filled by a policy appointment; if a Career or Educational Service employee holds a position converted to an Excepted Service position, and the employee is not afforded or does not accept a policy appointment to that position, the employee shall have all rights and remedies available under Chapter 24 of these regulations;
 - (d) An appointment to a policy position may be either for an indefinite or time-limited period;
 - (e) Each personnel authority, within forty-five (45) days of filling any such designated position by a policy appointment, shall publish in the D.C. Register the name of the person accepting the policy appointment, and the position to which appointed; and
 - (f) The authority to make policy appointments may be delegated or redelegated in whole or in part.

906 EXCEPTED SERVICE APPOINTMENT OF PERSONS FROM CAREER OR EDUCATIONAL SERVICE

Sections 906.1 through 906.3 are amended to read as follows:

- 906.1 Any person holding a position in the Career or Educational Service may be detailed, temporarily promoted, temporarily transferred, or temporarily reassigned, without a break in service to a position that would otherwise be in the Excepted Service, without losing his or her existing status in the Career or Educational Service.
- 906.2 Before effecting an appointment to a position in the Excepted Service under section 906.1 of this section, the appointing personnel authority must first inform the appointee, in writing, of the conditions of employment under the new appointment, and that the appointee will not lose his or her existing status in the Career or Educational Service, as applicable. The appointee must accept or decline the appointment, also in writing.
- 906.3 Any person tendered an appointment to a position in the Excepted Service under this section who declines or refuses to accept such appointment will continue to be subject to the rules applicable to the service in which he or she has existing status as provided in section 906.1 of this section.

A new section 906.4 is added to read as follows:

- 906.4 The temporary nature of an appointment under this section must be clearly stated and recorded on the appointing personnel action or actions. As a means of so stating, the appointing personnel authority may specify the anticipated duration of the temporary appointment by including a not-to-exceed (NTE) date to the appointing personnel action(s). Additionally, the appointing personnel action(s) must include remarks specifying all of the following:
- (a) The temporary nature of the appointment to the Excepted Service position;
 - (b) That the appointee was informed in writing of the conditions of employment under the new appointment, and accepted the appointment;
 - (c) That the appointee will not lose his or her existing status in the Career or Educational Service by accepting the temporary appointment to the Excepted Service position; and
 - (d) That, upon termination of the temporary appointment to the Excepted Service position, the appointee is entitled to be returned to the Career or Educational Service position he or she occupied prior to the temporary assignment, or to an equivalent position.

907 EMPLOYEE RIGHTS

Sections 907.1 through 907.6 are amended to read as follows:

- 907.1 A person appointed to a position in the Excepted Service will not acquire permanent Career status.
- 907.2 A person appointed to the Excepted Service serves at the pleasure of the appointing personnel authority, and may be terminated at any time, with or without a stated reason, except as provided in this section.
- 907.3 A person holding an appointment in a statutory position who is appointed in accordance with a law that provides for a term of years subject only to removal for cause, may be removed only as provided for in the applicable law.
- 907.4 Except as provided in section 907.3 of this section, and in accordance with section 905 of the CMPA (D.C. Official Code § 1-609.05) (2001), a person holding an appointment in the Excepted Service is entitled to advance written notice of at least fifteen (15) days when termination is contemplated. The notice may explain the reason for the termination.
- 907.5 The fifteen-day (15-day) notice is not required for termination on the date previously anticipated for termination, such as in the case of an employee with a not-to-exceed (NTE) date or other date of anticipated termination included on the appointing personnel action form.
- 907.6 Any person holding an appointment in the Excepted Service to a policy position, whose position ceases to be authorized as a policy position by reason of a notice published in the D.C. Register in accordance with section 905.4 of this chapter, is to be terminated not later than thirty (30) days from the date of the published notice, except that the minimum advance written notice provision of section 907.4 of this section will apply, as appropriate.

908 RESTRICTIONS ON SUBSEQUENT APPOINTMENT TO THE CAREER, MANAGEMENT SUPERVISORY, OR EDUCATIONAL SERVICES

Sections 908.1 through 908.3 are amended to read as follows:

- 908.1 In accordance with section 902 of the CMPA (D.C. Official Code § 1-609.02 (2001), and except as provided in section 908.2 of this section, no person holding an Excepted Service appointment pursuant to sections 904.1 or 904.6 of this chapter may be appointed to a position in the Career, Management Supervisory, or Educational Service during the six-month (6-month) period immediately preceding a Mayoral election.
- 908.2 Upon termination, a person holding an Excepted Service appointment pursuant to sections 904.1 or 904.6 of this chapter who has Career or Educational Service status may retreat, at the discretion of the terminating personnel authority, within three (3) months of the effective date of the termination, to a vacant position in such service for which he or she is qualified.
- 908.3 The provisions of sections 908.1 and 908.2 of this section shall not apply to employees of the Council of the District of Columbia.

909 RESIDENCY REQUIREMENTS

Section 909.1 is amended to read as follows:

- 909.1 The residency and domicile requirements imposed by law and Chapter 3 of these regulations are applicable to all persons appointed to positions in the Excepted Service.

910 DUAL COMPENSATION AND ANNUITY OFF-SET

Section 910.1 is amended to read as follows:

- 910.1 A person holding an appointment in the Excepted Service is subject to the dual compensation and annuity off-set requirements of law and regulations.

911 PRE-EMPLOYMENT TRAVEL, RELOCATION, AND TEMPORARY HOUSING ALLOWANCE

Sections 911.1 through 911.3 are amended to read as follows:

- 911.1 In accordance with section 903 (g)(1) of the CMPA (D.C. Official Code § 1-609.03 (g)(1)) (2002 Supp.), an agency may pay to an individual reasonable travel expenses, up to a maximum of five thousand dollars (\$5000), incurred incidental to pre-employment interviews held for the purpose of ascertaining his or her qualifications for a hard-to-fill policy position in the Excepted Service at grade level DS 11 or pay level ES 5, as applicable, or above.
- 911.2 In accordance with section 903 (g)(2) of the CMPA (D.C. Official Code § 1-609.03 (g) (2)) (2002 Supp.), an agency may pay reasonable relocation expenses for an individual and his or her immediate family when that individual is selected for or appointed to a hard-to-fill policy position in the Excepted Service at grade level DS 11 or pay level ES 5, as applicable, or

above, if relocation is to the District of Columbia from outside the Greater Washington Metropolitan Area.

- 911.3 In the case of an individual eligible for relocation expenses pursuant to section 911.2 of this section, an agency may pay reasonable temporary housing allowance for a period not to exceed sixty (60) days for the individual and his or her immediate family.
- 911.4 The personnel authority may designate a position as a hard-to-fill position on the basis of demonstrated recruitment and retention problems inherent in the position due to the uniqueness of the duties and responsibilities and the unusual combination of highly specialized qualification requirements for the position.

Section 911.5 is amended to read as follows:

- 911.5 Payment of expenses under sections 911.2 and 911.3 of this section may only be made after the selectee or appointee signs a notarized agreement to remain in the District government service for twelve (12) months after his or her appointment unless separated for reasons beyond his or her control which are acceptable to the agency head concerned.
- 911.6 Any expense incurred for which reimbursement is sought pursuant to this section must be supported by valid receipts or invoices, the originals of which must be submitted with the request for reimbursement.

Section 911.7 is amended to read as follows:

- 911.7 If an individual violates an agreement under section 911.5 of this section, the money paid by the District government for expenses will become a debt due the District government and will be recovered by set-off in accordance with Chapter 29 of these regulations, against accrued pay or any other amount due the individual, and by other lawful collections actions.

The heading of section 912 is changed from "Performance Incentives for Excepted Service" to "Performance Incentives and Incentive Awards for Excepted Service Employees;" and sections 912.1 through 912.7 are amended to read as follows:

912 PERFORMANCE INCENTIVES AND INCENTIVE AWARDS FOR EXCEPTED SERVICE EMPLOYEES

- 912.1 In accordance with section 903 (e) of the CMPA (D.C. Official Code § 1-609.03 (e)) (2002 Supp.), a personnel authority may authorize performance incentives for exceptional service by an employee appointed to an Excepted Service policy position under section 903 (a) of the CMPA (D.C. Official Code § 1-609.03 (a)) (2002 Supp.).
- 912.2 Any performance incentive awarded under this section will be paid only once in a fiscal year, and only when the employee is subject to an annual performance contract that clearly identifies measurable goals and outcomes and the employee has exceeded contractual expectations in the year for which the incentive is to be paid.

- 912.3 For Excepted Service employees in agencies under the personnel authority of the Mayor, when there is no annual performance contract as described in section 912.2 of this section, the employee's annual individual performance plan pursuant to Chapter 14 of these regulations will be considered the annual performance contract for the purpose of authorizing a performance incentive.
- 912.4 A performance incentive shall not exceed ten percent (10%) of the employee's rate of basic pay. For the purposes of determining the percentage of a performance incentive, the amount of the incentive will be calculated based on the employee's scheduled rate of basic pay during the performance rating period in which the exceptional service occurred, pursuant to Chapter 19 of these regulations. The percentage scale provided in Chapter 19, and the documentation required therein, will also apply to performance incentives pursuant to this section.
- 912.5 In addition to performance incentives in accordance with this section, Excepted Service employees are eligible for incentive awards pursuant to Chapter 19 of these regulations, except for monetary awards.
- 912.6 Performance incentives must be submitted, processed and approved in accordance with Chapter 19 of these regulations.
- 912.7 A performance incentive awarded under this section will not be considered base pay for any purpose, and will be subject to the withholdings of federal, District of Columbia, and State income taxes, and social security taxes, if applicable. The amount of a performance incentive cannot be adjusted upward to cover these taxes.

913 SEPARATION PAY

Section 913.1 is amended to read as follows:

- 913.1 In accordance with section 903 (f) of the CMPA (D.C. Official Code § 1-609.03 (f)) (2001) and subject to the provisions of this section, an individual appointed to an Excepted Service policy position or an Excepted Service statutory position shall be paid separation pay at his or her rate of basic pay upon separation for non-disciplinary reasons, as follows:
- (a) An individual at grade level DS-15 (or equivalent) or pay level ES 9, as applicable, or above, will be paid separation pay in increments of weeks up to a maximum of eight (8) weeks, unless the personnel authority specifies that separation pay of up to twelve (12) weeks is warranted; and
 - (b) An individual at grade level DS-14 (or equivalent) or pay level ES 8, as applicable, or below, will be paid separation pay in increments of weeks up to a maximum of four (4) weeks, unless the personnel authority specifies that separation pay of up to twelve (12) weeks is warranted.
- 913.2 The number of weeks of separation pay authorized pursuant to this section shall not exceed the number of weeks between the individual's separation and the individual's appointment to another position in the District government.

913.3 Separation pay shall be provided at the time of separation as a lump-sum, one-time payment, subject only to the withholdings of federal, District of Columbia, and State income taxes, and social security taxes, if applicable.

Sections 913.4 through 913.6 are amended to read as follows:

913.4 Separation pay is not payable to any individual who either:

- (a) Has accepted an appointment to another position in the District government without a break in service; or
- (b) Is eligible to receive an annuity under any retirement program for employees of the District government, excluding the District retirement benefit program under section 2605 of the CMPA (D.C. Official Code § 1-626.05) (2001).

913.5 An individual who receives separation pay pursuant to this section, but who is subsequently appointed to any position in the District government during the period of weeks represented by that payment, will be required to repay the amount of separation pay attributable to the period covered by such appointment. The pro-rated amount to be repaid will be based on the entire amount of the separation pay, including all required deductions, and is payable to the General Fund of the District of Columbia.

913.6 Separation pay for any individual covered by this section will not exceed four (4) weeks of his or her basic pay unless he or she has been a District government employee for at least one (1) year prior to the separation.

The heading of section 914 is changed from "Performance for Excepted Service" to "Performance Evaluation System for Excepted Service Employees;" and section 914.1 is amended to read as follows:

914 PERFORMANCE EVALUATION SYSTEM FOR EXCEPTED SERVICE EMPLOYEES

914.1 Except as provided in section 1414 of Chapter 14 of these regulations, the performance of employees in the Excepted Service will be evaluated utilizing the performance management system in that chapter.

915 ATTORNEY CERTIFICATE OF GOOD STANDING FILING REQUIREMENT

Sections 915.1 through 915.12 are amended to read as follows:

915.1 In accordance with section 881 (a) of the CMPA (D.C. Official Code § 1-608.81 (a)) (2005 Supp.), the provisions of this section are applicable to each attorney appointed in the Excepted Service at the level DS-13 (or "ES 7" for Excepted Service attorneys who are compensated under the ES Schedule) or equivalent and above who is required to be a member of the D.C. Bar as a prerequisite of employment, and who is employed by:

- (a) The Office of the Chief Financial Officer;

- (b) Any agency, independent or subordinate, and whose duties, in whole or substantial part, consist of hearing cases as an administrative law judge or as an administrative hearing officer; and
 - (c) Any independent agency excluded from the Legal Service, including the Housing Finance Agency, Pretrial Services Agency, Water and Sewer Authority, and Housing Authority.
- 915.2 Not later than December 15 of each year, or as specified in sections 915.18 and 915.19 of this section, each attorney as described in section 915.1 of this section must file with the D.C. Office of Personnel a certificate of good standing from the Committee on Admissions, D.C. Court of Appeals.
- 915.3 Except as specified in sections 915.18 and 915.19 of this section, the certificate of good standing submitted every year pursuant to this section must be dated not earlier than October 1 and not later than December 15 of the year of submission.
- 915.4 Each subordinate agency or independent personnel authority that employs Excepted Service attorneys subject to the filing requirement is responsible for:
- (a) Notifying each agency attorney of the filing requirement every year; and
 - (b) Submitting a list of agency attorneys subject to the filing requirement to the Director of Personnel every year, not later than the December 15 deadline.
- 915.5 Notwithstanding the procedures in section 915.2 of this section, each subordinate agency or independent personnel authority may elect to submit every year to the Committee on Admissions, D.C. Court of Appeals, a consolidated listing requesting certificates of good standing (certificates) for each agency attorney subject to the filing requirement, and file the original individual certificates with the D.C. Office of Personnel on behalf of each attorney.
- 915.6 A subordinate agency or independent personnel authority that elects to submit a consolidated listing as specified in section 915.5 of this section is responsible for establishing internal procedures for the compilation of the consolidated listing and every year inform each attorney subject to the filing requirement of the internal procedures. Any consolidated listing submitted to the Committee on Admissions, D.C. Court of Appeals (Court) must include, at a minimum, the following:
- (a) The attorney's name and bar number and, if necessary, some other identifier such as the attorney's date of admission to the D.C. Bar;
 - (b) A request that an individual certificate be prepared for each attorney in good standing from the names submitted in the consolidated listing; and
 - (c) A request that the Court specify which attorneys, from the names submitted in the consolidated listing, are not in good standing.

- 915.7 Any consolidated listing prepared pursuant to section 915.5 of this section must be submitted to the Committee on Admissions, D.C. Court of Appeals, as soon after October 1 of each year as practicable, but not later than November 15 of each year.
- 915.8 Nothing in this section prevents an attorney subject to the filing requirement from individually applying for the certificate of good standing (certificate) from the Committee on Admissions, D.C. Court of Appeals, and filing the certificate directly with the D.C. Office of Personnel by December 15 of each year.
- 915.9 Each subordinate agency head or independent personnel authority that elects to submit a consolidated listing to the Committee on Admissions, D.C. Court of Appeals (Court) pursuant to section 915.5 of this section will provide every year to the Director of Personnel:
- (a) Each original individual certificate of good standing received;
 - (b) The name of each attorney who is not in good standing and any documentation from the Court to that effect; and
 - (c) A copy of the consolidated listing submitted to the Court.
- 915.10 Upon receipt of the original individual certificate of good standing (certificate) from each attorney, or subordinate agency or independent personnel authority on his or her behalf, the Director of Personnel (or his or her designee) will:
- (a) File the original individual certificates in a place designated for that purpose; and
 - (b) In the case of an attorney who is not in compliance with the filing requirement, forward the name to the appropriate agency head.
- 915.11 Notwithstanding any other provision in this section, the Director of Personnel may establish internal procedures to identify every year each attorney as described in section 915.1 of this section who is subject to the filing requirement and subsequently identify any attorney who did not comply with the filing requirement.
- 915.12 Failure of any attorney as described in section 915.1 of this section, either individually, or through his or her employing subordinate agency or independent personnel authority, to file the certificate of good standing with the D.C. Office of Personnel by December 15 of each year, or as specified in sections 915.18 or 915.19 of this section, will result in forfeiture of employment.
- 915.13 Upon written request from an attorney subject to the filing requirement, the Director of Personnel or independent personnel authority may grant a temporary waiver of the filing requirement to the attorney if compliance with the filing requirement by December 15 is inordinately difficult due to circumstances beyond his or her control or other good cause.

Sections 915.14 through 914.23 are amended to read as follows:

- 915.14 Any request for a temporary waiver of the filing requirement must be submitted by the attorney to the Director of Personnel or independent personnel authority not later than December 1.
- 915.15 The Director of Personnel or independent personnel authority will grant a temporary waiver of the filing requirement to an attorney who has exercised due diligence in applying to be waived in to the D.C. Bar from another jurisdiction but does not anticipate being waived in by December 15.
- 915.16 A request for temporary waiver of the filing requirement must include all of the following:
- (a) The reason or reasons for the request;
 - (b) The date of appointment to the attorney position subject to the filing requirement;
 - (c) In the case of an attorney as described in section 915.15 of this section, the date he or she submitted application to be waived in to the D.C. Bar; and
 - (d) Any appropriate or required supporting material or documentation to substantiate the request.
- 915.17 The Director of Personnel or independent personnel authority will promptly determine whether to grant the request for a temporary waiver of the filing requirement and notify the attorney in writing. A notification granting the request must inform the attorney of the deadline to file prescribed in section 915.18 of this section. A notification denying the request must inform the attorney of the following:
- (a) The reason or reasons for the denial of the request;
 - (b) That he or she has thirty (30) days from the receipt of the notification denying the request to attempt to file the certificate of good standing (certificate) with the D.C. Office of Personnel;
 - (c) That he or she will be terminated at the end of the prescribed thirty-day (30-day) period if unable to file the certificate with the D.C. Office of Personnel within the prescribed period; and
 - (d) The effective date of termination in the event that he or she is unable to file the certificate with the D.C. Office of Personnel within the prescribed period.
- 915.18 An attorney granted a temporary waiver of the filing requirement (waiver) must file a certificate of good standing (certificate) with the D.C. Office of Personnel within thirty (30) days of being admitted to the D.C. Bar. A certificate filed pursuant to this subsection must not be dated earlier than the date of the written request for the waiver submitted by the employee.
- 915.19 When a personnel action placing an employee in an attorney position subject to the filing requirement, such as in the case of a promotion to a grade DS-13 (or "ES 7" for Excepted Service attorneys who are compensated under the ES Schedule) or equivalent, becomes

effective on or after the December 15 deadline, the attorney will file a certificate of good standing (certificate) with the D.C. Office of Personnel within thirty (30) days of the effective date of such personnel action. A certificate filed pursuant to this subsection must not be dated earlier than the effective date of the personnel action that placed the employee in the attorney position subject to the filing requirement.

- 915.20 Upon establishing the effective date of a personnel action as described in section 915.19 of this section and processing the action, the Director of Personnel or independent personnel authority will promptly inform the affected employee, in writing, of the deadline to file prescribed in section 915.19 of this section.
- 915.21 Each subordinate agency or independent personnel authority will provide a written notice of the intent to terminate employment to any agency attorney who is not in compliance with the filing requirement (requirement), except that in the case of a denial of a request for a temporary waiver of the requirement, notification will be accomplished as specified in section 915.17 of this section. The notice will inform the attorney:
- (a) That he or she has thirty (30) days from the receipt of the notice to attempt to file the certificate of good standing (certificate) with the D.C. Office of Personnel;
 - (b) That he or she will be terminated at the end of the prescribed thirty-day (30-day) period if unable to file the certificate with the D.C. Office of Personnel within the prescribed period; and
 - (c) The effective date of termination in the event that he or she is unable to file the certificate with the D.C. Office of Personnel within the prescribed period.
- 915.22 Each appointee to an attorney position subject to the filing requirement (requirement) will be notified by the appropriate personnel authority at the time of hire, in writing, of the requirement, and that failure to comply by December 15 of each year or as specified in sections 915.18 and 915.19 of this section, as applicable, will result in forfeiture of employment.
- 915.23 Not later than March 1 of each year after the December 15 filing deadline for the preceding year, the Director of Personnel will publish in the D.C. Register the list of attorneys who have not met the filing requirement.

Section 999 is amended as follows:

999 DEFINITIONS

The definitions of the terms "attorney;" "Excepted Service;" "hard-to-fill position;" "performance contract;" "personnel authority;" "pre-employment travel expenses;" "relocation expenses;" and "temporary housing allowance" are amended to read as follows; and the definition of the term "biweekly pay period" is added to read as follows:

999.1 In this chapter, the following terms have the meaning ascribed:

Attorney – a position that is classified as part of Series 905, except for a position in the Legal Service.

Biweekly pay period – the two-week (2-week) period for which an employee is scheduled to perform work.

Excepted Service – positions identified as being statutory, transitional, public employment, special category, training, or policy positions, and authorized by sections 901 through 908 of the CMPA (D.C. Official Code § 1-609.01 through 1-609.08) (2001). These positions are not in the Career, Educational, Management Supervisory, Legal or Executive Service.

Hard-to-fill position – a position designated as a hard-to-fill position pursuant to section 911.4 of this chapter on the basis of demonstrated recruitment and retention problems inherent in the position due to the uniqueness of the duties and responsibilities and the unusual combination of highly specialized qualification requirements for the position.

Performance contract – an agreement between an employee in an Excepted Service policy position under section 903 (a) of the CMPA (D.C. Official Code § 1-609.03 (a)) (2002 Supp.) and the personnel authority that may be entered into and that clearly identifies measurable goals and outcomes.

Personnel authority – an individual or entity with the authority to administer all or part of a personnel management program as provided in section 401 of the CMPA (D.C. Official Code § 1-604.01 *et seq.*) (2001).

Pre-employment travel expenses – expenses allowed for an individual pursuant to section 911.1 of this chapter, which may include such items as hotel accommodations, travel (commercial carrier, privately owned vehicle, etc.), and a per diem allowance.

Relocation expenses – expenses allowed for an individual and his or her immediate family pursuant to section 911.2 of this chapter, which may include such items as transportation of family, transportation of household goods and expenses related thereto, temporary storage expenses, relocation services company, property management services, and a per diem allowance.

Separation pay – compensation to be paid to an individual upon separation from the Excepted Service for non-disciplinary reasons as specified in section 913 of this chapter. Separation pay is computed based on the individual's rate of basic pay at the time of separation, and the maximum amount of separation pay an individual may receive upon separation is twelve (12) weeks.

Temporary housing allowance – subsistence expenses incurred by an individual and his or her immediate family while occupying lodging obtained for the purpose of temporary occupancy when authorized pursuant to section 911.3 of this chapter.

Comments on these proposed regulations should be submitted, in writing, to Ms. Lisa R. Marin, SPHR, Director of Personnel, 441 4th Street, N.W. Washington, D.C. 20001, within thirty (30) days of the date of publication of this notice in the D.C. Register. Additional copies of these proposed regulations are available from 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

GT97-3, IN THE MATTER OF THE APPLICATION OF WASHINGTON
GAS LIGHT COMPANY FOR AUTHORITY TO AMEND ITS RATE
SCHEDULES FOR NOS. 3, 3A, AND 6

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 Application of Washington Gas Light Company ("WGL" or the "Company")² 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 April 20, 2006, WGL filed a Revised Tariff Application requesting authority to revise Rate Schedule No. 3 Interruptible Sales Service, Rate Schedule No. 3A Interruptible Delivery Service, Rate Schedule No. 5 Firm Delivery Service Gas Supplier Agreement, and Rate Schedule No. 6 Small Aggregation Pilot. Consequently, the Company requests authority to revise the following tariff pages:

WASHINGTON GAS LIGHT COMPANY, P.S.C. of D.C. No. 3
Rate Schedule No. 3 Interruptible Sales Service
6th Revised Page No. 14
Rate Schedule No. 3A Interruptible Delivery Service
5th Revised Page No. 19
7th Revised Page No. 20
3rd Revised Page No. 21
5th Revised Page No. 22
1st Revised Page No. 22A
2nd Revised Page No. 22B
3rd Revised Page No. 22C
Rate Schedule No. 5 Firm Delivery Service Gas Supplier Agreement
12th Revised Page No. 27A
Rate Schedule No. 6 Small Commercial Aggregation Pilot
2nd Revised Page No. 27I
2nd Revised Page No. 27J
1st Revised Page No. 27K

¹ D. C. Code, 2001 Ed. § 2-505.

² *Gas Tariff 97-3, In the Matter of the Application of Washington Gas Light Company for Authority to Amend its General Service Provisions ("GT97-3")*, Letter to Dorothy Wideman, Commission Secretary, from Keith Townsend, Senior Attorney for Washington Gas Light Company, filed April 20, 2006 (hereinafter referred to as "Application").

2nd Revised Page No. 27L
2nd Revised Page No. 27M
Original Page No. 27N
Original Page No. 27O
Original Page No. 27P
Original Page No. 27Q
Original Page No. 27R
Original Page No. 27S

3. WGL's proposed rate schedule revisions to Rate Schedule Nos. 3 and 3A establish the specifications regarding a supplier's responsibility to make deliveries of natural gas on behalf of its interruptible customers under various conditions. The Company also proposes clarifications to daily nominations and delivery requirements, including holding the supplier directly responsible for any shortfall of deliveries during curtailment. The proposed revisions to Rate Schedule No. 6 would require suppliers to execute a consent form or receive a customer agreement to transport gas to the Washington Gas city-gate and establishes certain credit and payment policies of the Company as applied to suppliers. In addition, the Company submitted a revised tariff page for Rate Schedule No. 5 to remove the reference to Rate Schedule No. 6 as stated in Order No.13897 issued on March 9, 2006.³

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., 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 cost.

5. Comments on the proposed tariff pages 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*. Persons wishing to file reply comments may do so no later than 45 days of the date of publication of this NOPR in the *D.C. Register*. Once the comment and reply comment periods have expired, the Commission will take final action on WGL's Application.

³ See GT97-3, *In the Matter of the Application of Washington Gas Light Company for Authority to Amend its Rate Schedules for NOS. 3, 3A and 6*, Order No. 13897, rel. March 9, 2006 at 3.

UNIVERSITY OF THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED RULEMAKING

The Board of Trustees of the University of the District of Columbia pursuant to the authority set forth under §201(a) of the District of Columbia Public Postsecondary Education Reorganization Act Amendments ("Act") effective January 2, 1976 (D.C. Law 1-36; D.C. Official Code § 38-1202.06) hereby gives notice of its intent to amend Section 728 of Chapter 7 of Title 8, DCMR entitled "Tuition and Fees" in not less than thirty (30) days from the date of publication of this notice in the D.C. Register. The purpose of the proposed rule is to further revise the comprehensive schedule of tuition and fees adopted on March 21, 2006 and to correct some technical omissions from the schedule of increases.

The revised Section 728 of the Title 8, DCMR, entitled "Tuition and Fees, Degree-granting Programs," hereby proposes further revisions of certain fees for each Semester beginning with the Fall of 2007 and again with the Fall of 2008, to wit:

728 TUITION AND FEES: Degree-granting Programs

728.3

- (b) Each semester and summer of enrollment beginning Fall Semester 2007 and then again in the Fall Semester of 2008, each law school student shall pay the following mandatory fees:

	<u>Fall 2007</u>	<u>Fall 2008</u>
(3) Health Services Fee	Increase \$10 to \$25	No increase, to remain at \$25

728.4 The University shall charge the following miscellaneous fees to all students:

	<u>Fall 2007</u>	<u>Fall 2008</u>
(a) Application Fee, Graduate, including law students	Increase \$30 to \$50	Increase \$25 to \$75

All persons desiring to comment on the subject matter of the proposed rulemaking should file comments in writing not later than thirty (30) days after the date of publication of this notice in the D.C. Register. Comments should be filed with the Office of the General Counsel, Building 39 – Room 301Q, University of the District of Columbia, 4200

Connecticut Avenue, N.W., Washington, DC 20008. Comments of no more than ten pages may be submitted by telecopier (FAX) to (202) 274-5320. Copies of the proposed rules may be obtained from the Office of the General Counsel at the address set forth above.