

**DISTRICT OF COLUMBIA
OFFICE OF THE ATTORNEY GENERAL**

NOTICE OF FINAL RULEMAKING

The Attorney General of the District of Columbia, pursuant to the authority set forth in § 1311 of the Residential Drug-Related Evictions Re-enactment Act of 2000 (the "Act"), effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 42-3610) (2001) and Mayor's Order 2005-206, dated December 30, 2005, hereby gives notice of the adoption of the following rules to be included in Chapter 48 of Title 14 of the District of Columbia Municipal Regulations (DCMR). The rules provide for the procedures to be followed by an affected tenant, resident, or resident association for submitting for review a petition and complaint for the eviction of a tenant or occupant of a rental unit used as a drug haven, or an action to abate a nuisance, pursuant to section 1303 of the Act.

A notice of emergency and proposed rulemaking was published in the *D.C. Register* on February 10, 2006 (53 DCR 314). No comments on the proposed rules were received. No changes have been made to the text of the proposed rules. Additionally, the Residential Drug-Related Evictions Regulations Approval Resolution of 2006 (PR16-0622) was submitted to the Council on February 2, 2006. The Council has neither approved nor disapproved during the required 45 day period of Council review and they are therefore deemed approved pursuant to section 1311(a) of the Act, D.C. Official Code § 42-3610 (a) (2001). These rules shall become effective on the date of publication of this notice in the *D.C. Register*.

Title 14 DCMR is amended by adding a new Chapter 48, Pre-filing Review of Petition and Complaint for a Drug Related Eviction of a Tenant or Occupant from a Drug Haven or Nuisance to read as follows:

CHAPTER 48

**PRE-FILING REVIEW OF PETITION AND COMPLAINT FOR A DRUG
RELATED EVICTION OF A TENANT OR OCCUPANT
FROM A DRUG HAVEN OR NUISANCE**

4800 APPLICABILITY

4800.1 Each affected tenant, resident, or resident association seeking to file a complaint for the eviction of a tenant or occupant of a rental unit used as a drug haven, or to commence an action to abate a nuisance, pursuant to section 1303 of the Act shall, prior to filing the complaint, submit a

petition for review of the complaint, along with a copy of the complaint, with the Attorney General.

4800.2 The petition and complaint shall be submitted by delivering a copy to the Attorney General, at 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20001.

4801 CONTENTS OF PETITION

4801.1 The petition shall set forth the following:

- (a) The date and time the affected tenant, resident, or resident association witnessed the possession, manufacture, storage, distribution, use, or attempted possession, manufacture, storage, distribution, or use of an illegal drug in the rental unit by a tenant or occupant;
- (b) The name, address, and telephone number of any corroborating witness; and
- (c) Any other information relevant to the petition that can be verified by a named witness or independent authority, including the Metropolitan Police Department.

4802 REVIEW OF PETITION

4802.1 The Attorney General shall complete the review of the petition and complaint within 7 days of their receipt. The period of review may be extended with the consent of the petitioner.

4802.2 If the Attorney General determines that a petition and complaint are complete, the affected tenant, resident, or resident association may file the complaint with the Court to commence an action pursuant to section 1303 of the Act.

4802.3 If the Attorney General determines that either a petition or complaint is incomplete, a notice of the deficiencies shall be mailed to the affected tenant, resident, or resident association at the address contained in the complaint. The petitioner may not file the proposed complaint until the deficiencies have been corrected and resubmitted to the Attorney General and the Attorney General has made a determination that all deficiencies have been cured. The Attorney General shall complete the review of any resubmitted petition and complaint within 7 days of their receipt. The period of review may be extended with the consent of the petitioner.

4802.4 A determination that a petition and complaint are complete and that they may be filed with the Court shall not prohibit the Attorney General from moving the Court to join the District of Columbia or any other party so authorized by the Act as a co-plaintiff to the complaint, or from moving the Court to intervene in the case commenced by the complaint at a later time.

4803-4898 **RESERVED**

4899 **DEFINITIONS**

4899.1 When used in this chapter, the following terms and phrases shall have the meanings ascribed:

"Act" means the Residential Drug-Related Evictions Re-enactment Act of 2000 (the "Act"), effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 42-3601 *et seq.*) (2001)

"Attorney General" means the Attorney General of the District of Columbia or his or her designee.

"Controlled dangerous substance" means any of the controlled dangerous substances as defined in D.C. Official Code § 48-901.02(4).

"Controlled Substances Act" means the Controlled Substances Act of 1970, approved October 27, 1970 (84 Stat. 1243; 21 U.S.C.S. § 801 *et seq.*).

"Court" means the Landlord and Tenant Branch of the Civil Division of the Superior Court.

"Drug haven" means a housing accommodation, or land appurtenant to or common areas of a housing accommodation where drugs are illegally stored, manufactured, used, or distributed.

"Drug" means a controlled substance as defined in D.C. Official Code § 33-504(4) or the Controlled Substances Act.

"Housing accommodation" means a building that is or contains at least one rental unit and the land appurtenant to the building.

"Manufacture" shall have the same meaning as that term has in D.C. Official Code § 48-901.02(13) or the Controlled Substances Act.

"Nuisance" means a property that is used:

- (a) By persons who assemble for the specific purpose of illegally using a controlled dangerous substance;
- (b) For the illegal manufacture or distribution of:
 - (1) A controlled dangerous substance; or
 - (2) Drug paraphernalia, as defined in D.C. Official Code § 48-1101(3); or
- (c) For the illegal storage or concealment of a controlled dangerous substance in sufficient quantity to reasonably indicate under all the circumstances an intent to manufacture, distribute, or dispense:
 - (1) A controlled dangerous substance; or
 - (2) Drug paraphernalia, as defined in D.C. Official Code § 48-1101(3).

"Occupant" means a person authorized by the tenant or housing provider to be on the premises of the rental unit.

"Rental unit" means an apartment, room, or part of a publicly or privately owned housing accommodation that is rented or offered for rent for residential occupancy, and the land appurtenant to the apartment, room, or part of the housing accommodation.

"Resident" means:

- (1) any individual who is domiciled or maintains a place of abode within a housing accommodation, multifamily building, or a single complex of jointly managed multifamily buildings that is alleged to be a drug haven or nuisance;
- (2) a member of a tenant's family who is identified on the tenant's lease or sublease for a housing accommodation that is alleged to be a drug haven or nuisance; or
- (3) a nontenant who resides, with the permission of the tenant, within a tenant's housing accommodation that is alleged to be a drug haven or nuisance.

"Resident association" means an organization of residents of a multifamily building or a single complex of jointly managed multifamily buildings.

"Tenant" means a lessee, sublessee, or other person entitled to the possession or occupancy of a rental unit.

"Uniform Controlled Substances Act" means Chapter 9 of Title 48 of the D.C. Official Code.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF FINAL RULEMAKINGFORMAL CASE NO. 1018, IN THE MATTER OF THE APPLICATION OF POTOMAC ELECTRIC POWER COMPANY FOR A CERTIFICATE OF AUTHORITY AUTHORIZING IT TO ISSUE DEBT SECURITIES, HYBRID SECURITIES, AND PREFERRED OR PREFERENCE STOCK andFORMAL CASE NO. 1046, IN THE MATTER OF THE APPLICATION OF POTOMAC ELECTRIC POWER COMPANY FOR A CERTIFICATE OF AUTHORITY AUTHORIZING IT TO ISSUE DEBT SECURITIES, HYBRID SECURITIES, AND PREFERRED OR PREFERENCE STOCK

1. The Public Service Commission of the District of Columbia (Commission) hereby gives notice, of its final rulemaking action,¹ taken in Order No. 13977, dated June 15, 2006, to Approve the Application² of Potomac Electric Power Company (PEPCO or Company) for a certificate of authority to issue and sell through public sale or private placement in domestic or foreign markets (1) Debt Securities including, but not limited to, one or more series of First Mortgage Bonds and one or more series of Debentures and one or more series of Notes; (2) one or more series of Hybrid Securities issued by a special purpose entity or trust established by the Company, which would use the proceeds from the sale to acquire and hold (either directly or through an intermediate entity) Debentures issued by the Company, and (3) one or more series of Serial Preferred or Preference Stock (including newly created classes of preferred or preference stock and Serial Preferred) with an aggregate principal amount or stated par value, as applicable, not to exceed \$700,000,000.³ The Application and the supporting exhibits were published in the *D.C. Register* on April 21, 2006. PEPCO requested expedited review of the Application under Chapter 35 of the Title 15 of D.C.M.R.

2. In its application, PEPCO sought authority to apply the proceeds from the financing contemplated in its Application for five primary purposes: (1) to refund maturing debt instruments; (2) to refund short-term debt incurred to finance utility construction and operations on a temporary basis; (3) to fund ongoing capital requirements of the Company, including redemption and sinking fund requirements; (4) to refund outstanding securities of the Company,

¹ *Formal Case No. 1046, In the Matter of the Application of Potomac electric Power Company for a Certificate of Authority Authorizing it to Issue Debt Securities, Hybrid Securities, and Preferred or Preference Stock* ("F.C. 1046") has been added to the caption for the purposes of this financing Order because the Commission changed the case number subsequent to the Notice of Proposed Rulemaking.

² *Formal Case No. 1018, In the Matter of the Application of Potomac electric Power Company for a Certificate of Authority Authorizing it to Issue Debt Securities, Hybrid Securities, and Preferred or Preference Stock*, filed March 31, 2006 ("Application").

³ Application at 1-2.

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should market conditions make refinancing feasible; and (5) for other general corporate purposes. PEPCO states that the precise timing and types of financing selected would depend on prevailing and anticipated market conditions in relation to the costs and volume of the Company's short-term debt and in relation to the costs of the Company's outstanding senior securities, and upon capital structure considerations.

3. Under Chapter 35 of Title 15 of the D.C.M.R., PEPCO requested expedited review of its Application. Notice of Proposed Rulemaking was given to the public on April 21, 2006, at 53 *D.C. Register* 3292-3294. No objections were filed. The Commission in Order No. 13977 approved the Application effective upon publication of this Notice of Final Rulemaking in the *D.C. Register*.