

DEPARTMENT OF HEALTH

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health ("DOH"), pursuant to section 11 of the Litter Control Administration Act of 1985 ("Act"), effective March 25, 1986, D.C. Law 6-100, D.C. Official Code § 8-810 (2001), and Mayor's Order 2000-184 (December 5, 2000), hereby gives notice of his intent to adopt the following amendment to Chapter 13 (Civil Fines Under D.C. Law 6-100) of Title 24 (Public Space and Safety) of the *District of Columbia Municipal Regulations* ("DCMR"). The amendment would clarify the legal authority of DOH by adding its Director to the list of government agency officials empowered to issue citations for violations under the Act.

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

Chapter 13 of Title 24 DCMR is amended as follows:

Section 1300.2 is amended to read as follows:

"1300.2 The following District government agency officials or their delegates shall be empowered to issue the Notice of Violation, also referred to as a "ticket," to persons who violate any provisions set forth in D.C. Law 6-100, the "Litter Control Administration Act of 1985," as amended:

- "(a) The Director of the Department of Public Works;
- "(b) The Chief of Police of the Metropolitan Police Department; and
- "(c) The Director of the Department of Health."

All persons wishing to comment on these proposed rules should submit written comments no later than thirty (30) days after publication of this notice in the *D.C. Register*, to the Department of Health, Office of the General Counsel, 51 N Street, N.E., Room 3005, Washington, D.C. 20002. Copies of the proposed rules may be obtained, at cost, at the same address during the hours of 9:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays.

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

NOTICE OF PROPOSED RULEMAKING

FORMAL CASE NO. 712, IN THE MATTER OF THE INVESTIGATION OF
THE PUBLIC SERVICE COMMISSION'S RULES OF PRACTICE AND
PROCEDURE

1. The Public Service Commission of the District of Columbia ("Commission") hereby gives notice, pursuant to § 2-505 of the District of Columbia Code,¹ of its intent to adopt the following amendments to Chapter 13 of Title 15 of the District of Columbia Municipal Regulations ("DCMR") "Rules Implementing the Public Utilities Reimbursement Fee Act of 1980" ("Chapter 13") in not less than 15 days from the date of publication of this Notice of Proposed Rulemaking ("NOPR" or "Notice") in the *D.C. Register*.

2. Chapter 13 contains the Commission's regulations governing the reimbursable budgets of the Commission and the Office of the People's Counsel ("People's Counsel" or "OPC"). The Commission is reducing the notice and comment period from 30 days to 15 days because the proposed rule makes only technical and corrective amendments to 15 DCMR § 1301.1 of the final rules, which were adopted on May 9, 2006 after a full 30-day notice and comment period.² The purpose of these changes is to remove any ambiguity in the assessment formula. These changes do not alter the substance of the final rules or how the Commission proposes to assess for OPC's and the Commission's respective operating budgets.

3. Currently, Section 1301.1 reads:

1301.1 Each public utility, competitive electric supplier, competitive natural gas supplier, and competitive local exchange carrier ("CLEC") shall be assessed a fraction of the reimbursable budgets of the Commission and of the People's Counsel equal to the ratio of that utility's, competitive electric supplier's, competitive natural gas supplier's, or CLEC's calendar year gross revenues to the sum of the calendar year gross revenues of all public utilities, competitive electric suppliers, competitive natural gas suppliers and CLECs. Calendar year gross revenues are those revenues

¹ D.C. Code §2-505 (2001 Ed.).

² 53 *D.C. Register* 4141-4144 (May 19, 2006). On June 9, 2006 and June 12, 2006 respectively, PEPCO Energy Services and Washington Gas Energy Services filed requests for reconsideration of the Commission's rulemaking and Order. On July 10, 2006, the Commission tolled the time for issuing a decision an additional 30 days.

earned during the preceding calendar year by each public utility, competitive electric supplier, competitive natural gas supplier, and CLEC from operations in the District of Columbia that are regulated by the Commission.

The proposed amended Section 1301.1 shall read:

1301.1 Each public utility, competitive electric supplier, competitive natural gas supplier, and competitive local exchange carrier ("CLEC") shall be assessed according to D.C. Code Section 34-912(b) for the reimbursable budgets of the Commission and the People's Counsel in the following manner:

- (a) For CLECs, competitive electric suppliers, and competitive natural gas suppliers (collectively "alternative providers"), the assessments shall be equal to the ratio of the alternative provider's calendar year gross revenues to the sum of the calendar year gross revenues of all public utilities and all alternative providers times the budgets of the Commission and OPC. This calculation is subject to any adjustment pursuant to subsection (c).
- (b) For public utilities, the assessment shall be the utility's proportionate share of the calendar year gross revenues of all public utilities times the budgets of the Commission and OPC less the amount to be reimbursed by the alternative providers in subsection (a).
- (c) In any year in which there is a first year CLEC(s) providing local service, the CLEC(s) shall be assessed twenty-five thousand dollars (\$25,000) pursuant to D.C. Code § 34-912(b)(4). The \$25,000 assessment shall be allocated equally between the operating budgets of the Commission and OPC. For purposes of the calculations in subsection (a), the first-year CLEC(s) total revenues shall be deducted from the total gross revenues of all companies and the total amounts to be assessed for the Commission's and OPC's budgets shall be reduced by the amount of assessment to the first year CLEC(s).

All persons interested in commenting on the subject matter of this proposed rulemaking action may submit comments, in writing, not later than 15 days after publication of this Notice in the *D.C. Register* with Dorothy Wideman, Commission Secretary, Public Service Commission of the District of Columbia, 1333 H Street, N.W.,

West Tower, Suite 200, Washington, D.C. 20005. Copies of the proposed rule may be obtained, at a per-page reproduction cost, by writing the Commission Secretary at the above address. Once the comment period has expired, the Commission will take final rulemaking action.