

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF FINAL RULEMAKING

The Alcoholic Beverage Control Board ("Board"), pursuant to the authority set forth in D.C. Official Code § 25-351(a) (2001) and Section 303 of Title 23 of the District of Columbia Municipal Regulations ("DCMR"), 51 DCR 4309 (April 30, 2004), hereby gives notice of the adoption of the following final rules that replace existing section 304 of Title 23 DCMR with a new section 304 that imposes a three (3) year moratorium on the issuance of any new retailer's license class CN, CT, CX, DN, DT, and DX in a portion of Adams Morgan which shall be known as the Adams Morgan Moratorium Zone. The final rules were adopted by the Board on April 6, 2005. The text of these final rules is substantively identical to the text of the notice of emergency and proposed rulemaking published in the D.C. Register on September 3, 2004 at 51 DCR 8669.

The Board conducted a public hearing, pursuant to D.C. Official Code § 25-354 (2001), on July 7, 2004 to consider the written request of the Kalorama Citizens Association ("KCA") and the Reed-Cooke Neighborhood Association ("RCNA") to extend and modify the current Adams Morgan Moratorium Zone for a five year period. The Board received a significant amount of detailed testimony and comments, both in favor and in opposition to the moratorium proposal submitted by the KCA and RCNA, including comments from Ward One Councilmember Jim Graham, Advisory Neighborhood Commission ("ANC") 1C, the Metropolitan Police Department ("MPD"), the Adams Morgan Community Association ("AMCA"), the Coalition of Latino Business, the Adams Morgan Business and Professional Association, the Coalition of Concerned Adams Morgan Commercial Property Owners, as well as numerous District of Columbia residents and other District of Columbia organizations. The Board found the testimony provided by the KCA and RCNA to warrant an extension of the moratorium on any new retailer's licenses class CN, CT, CX, DN, DT and DX based upon the appropriateness standards set forth in D.C. Official Code §§ 25-313(b) (2001).

In reaching its decision, the Board gave great weight to the written recommendations of ANC 1C as required by section 13(d)(3) of the Advisory Neighborhood Councils Act of 1975, effective October 10, 1975, D.C. Law 1-21, D.C. Official Code § 1-309.10(d)(3) (2001), as amended, and D.C. Official Code § 25-609 (2001). ANC 1C voted to reject the petition filed by the KCA and RCNA by a 4-3 vote taken at its monthly business meeting on May 5, 2004. The ANC 1C Resolution, in opposing the written request of the KCA and RCNA, stated that the current moratorium has failed to reduce vehicular or pedestrian traffic, make parking more available, clean up trash, reduce the rodent population, reduce noise, or promote desirable retail uses in the community. However, pursuant to subsection 303.1 of Title 23 DCMR (2004), the Board in rendering its decision on a moratorium request is required to determine whether the present conditions in the moratorium area – after considering the appropriateness standards set forth in D.C. Official Code §§ 25-313 and 25-314 (2001) – justify an extension of the moratorium, notwithstanding any perceived failures or successes of the previous moratorium. As

discussed below, the Board did find merit based upon the testimony and comments it received from ANC 1C regarding the need to promote desirable retail uses in the Adams Morgan Moratorium Zone. However, in considering the appropriateness standards set forth in D.C. Official Code §§ 25-313(b) (2001), the Board found the testimony and evidence put forward by the KCA, RCNA, Councilmember Jim Graham, and individual citizens of Adams Morgan to reveal that significant problems with peace, order, and quiet, particularly with respect to noise, litter, disorderly conduct, crowd control, and vehicular and pedestrian safety, as well as parking problems to still exist during late evening hours in the Adams Morgan Moratorium Zone. Additionally, the testimony provided by MPD revealed a number of significant public safety issues, including a large number of calls for police service and traffic congestion problems caused by patrons of ABC establishments in the Adams Morgan Moratorium Zone. While the Board recognizes the vibrant late night activity which continues to attract patrons to Adams Morgan, the Board is also responsible for addressing the concerns of Adams Morgan residents, which based upon the submitted testimony and evidence, endure late at night: loud noise, the disorderly departure of some patrons of ABC establishments, a variety of parking and vehicular and pedestrian safety problems, and excessive amounts of litter throughout neighborhood streets, including pizza paper plates, which are often from patrons of ABC establishments. As a result, the Board decided to continue the restriction on the issuance of new tavern and nightclub licenses within the Adams Morgan Moratorium Zone. The Board is also prohibiting the issuance of new class CX and DX, club and multipurpose facility licenses, which could also negatively impact upon peace, order, and quiet in the Adams Morgan Moratorium Zone by operating late at night without any statutory food service requirements.

While the Board found that the KCA and RCNA established the need for a moratorium on the issuance of new class CN, CT, CX, DN, DT, and DX licenses, the Board found the KCA's and RCNA's arguments for other license restrictions to not be warranted in other areas. First, the Board recognizes that the written petition filed by the KCA and RCNA specifically requests an exception to allow the issuance of new class B licenses for full service grocery stores that meet the requirements promulgated under D.C. Official Code §§ 25-303(c), 25-332(c), or 25-333(c) (2001), in an effort to allow full service grocery stores such as Harris Teeter and Safeway to locate and/or operate in the Adams Morgan Moratorium Zone with a class B license. However, the Board found, based upon the testimony submitted and the lack of evidence presented by the KCA and RCNA to the contrary, that new retailer's licenses class A and B should be excluded from the moratorium extension. Specifically, the Board found based upon the testimony and evidence presented, including by supporters of the moratorium petition, that including a prohibition on the issuance of new class A and other class B licenses to establishments is not appropriate as the aforementioned problems with peace, order, and quiet and vehicular and pedestrian safety within the current Adams Morgan Moratorium Zone primarily occur after 10 p.m., during which times class A and class B establishments are legally required to close. Rather, the testimony revealed that the primary concern of the KCA and RCNA was with the late night, after 10 p.m., peace, order, and quiet, and vehicular and pedestrian safety problems caused by patrons of class C and class D establishments. Second, while the KCA and RCNA established a need to place some

limits on the number of new late-night drinking establishments, based upon the reasons set forth above, the Board did not agree with the KCA's and RCNA's overconcentration argument – a consideration under D.C. Official Code § 25-314(a)(4) (2001) – as the Board also found merit in the testimony and comments it received regarding the need for new class CR restaurants – in addition to class DR restaurants which were not requested in the KCA's and RCNA's petition – in the Adams Morgan Moratorium Zone. Specifically, the Board found based upon the testimony and comments submitted by Councilmember Graham, the Coalition of Concerned Adams Morgan Commercial Property Owners, the AMCA, and the Coalition of Latino Business, as well as individual residents of Adams Morgan that there is a need for additional class CR restaurants within the Adams Morgan Moratorium Zone to spur commercial development and occupancy, to facilitate diversity, and to address the needs of a growing residential population in Adams Morgan. The Board found this restaurant exception also to be consistent in giving great weight to ANC 1C with its comments regarding the need to promote desirable retail uses in the community. As a result, the Board has excluded a prohibition on class CR restaurants from this rulemaking. However, to ensure that newly issued restaurant licenses are not able to circumvent the prohibition on the issuance of any new class CN, CT, CX, DN, DT, and DX licenses, the Board is prohibiting any new class CR or class DR license issued within the Adams Morgan Moratorium Zone from changing its license class to a class CN, CT, CX, DN, DT, or DX, for the duration of the moratorium period. It should be noted that although the issue of restaurants applying for entertainment endorsements was raised in Councilmember Graham's testimony, the existence of entertainment endorsements have not yet been enacted into law. However, the Board does note that it is seriously concerned about new restaurants obtaining entertainment endorsements without close community scrutiny and will be treating any such application as a substantial change. Third, the Board did not find the testimony or evidence it received to warrant either the prohibition on lateral expansion of the service or sale of alcoholic beverages into any adjoining or adjacent space, property, or lot, or the placement of any cap on the number of permitted class CT, CN, or DN licenses, as was requested by the petitioners. Specifically, the Board received testimony and comment in opposition to such changes, including from ANC 1C, and also received testimony from Councilmember Graham supporting license changes from restaurants to taverns.

The Board decided to change the geographical boundaries of the Adams Morgan Moratorium Zone in accordance with the boundaries described in the written petition of the KCA and the RCNA. The Board notes that changing the geographical boundaries of the Adams Morgan Moratorium Zone was necessary in order to clarify the street boundaries of the Adams Morgan Moratorium Zone subsequent to the District of Columbia's redistricting after the year 2000 census. The Board decided in favor of a three (3) year moratorium instead of the five (5) year moratorium period sought by the petitioners. Testimony and comments submitted by the petitioners, Councilmember Graham, ANC 1C, business associations, community organizations, and individual residents revealed that while problems with criminal activity, litter, noise, parking, and vehicular and pedestrian safety still exist in the Adams Morgan Moratorium Zone to justify the moratorium extension, these problems may begin to improve in the future with the formation of a Business Improvement District and are worth re-examining at the end

of the three year moratorium period. The statements set forth above reflect the written reasons for the Board's decision as required by subsection 303.1 of Title 23 DCMR (2004).

Pursuant to D.C. Official Code § 25-211(b)(2) (2001), the proposed rules were transmitted to the Council of the District of Columbia ("Council") for a forty-five (45) day period of review on September 20, 2004, as Proposed Resolution 15-1044, the Adams Morgan Liquor License Moratorium Approval Resolution of 2004. The forty-five (45) day period of review expired on November 20, 2004 with no action taken which resulted in the rulemaking being deemed approved by the Council. These final rules will become effective five (5) days after being published in the D.C. Register.

Title 23 DCMR, Chapter 3 (Limitations on Licenses), is amended by replacing the existing section 304 to read as follows:

**304 ADAMS MORGAN MORATORIUM ZONE**

304.1 No new Retailer's License Class CN, CT, CX, DN, DT, or DX shall be issued for a period of three (3) years from the effective date of this section in the area that extends approximately fourteen (1400) hundred feet in all directions from the intersection of 18<sup>th</sup> Street and Belmont Road, N.W., Washington D.C. This area shall be known as the Adams Morgan Moratorium Zone.

304.2 The Adams Morgan Moratorium Zone is more specifically described as beginning at 18<sup>th</sup> Street and Vernon Street, NW ; and proceeding on both sides of all streets, unless otherwise noted; West on Vernon Street to 19<sup>th</sup> Street; Northwest on 19<sup>th</sup> Street to Wyoming Avenue; Southwest on Wyoming Avenue to 20<sup>th</sup> Street; Northwest on 20<sup>th</sup> Street to Belmont Road; East on Belmont Road to 19<sup>th</sup> Street; Northwest on 19<sup>th</sup> Street to Biltmore Street; East on Biltmore Street to Cliffbourne Street; North on Cliffbourne Street to Calvert Street; East on Calvert Street to Lanier Place; Northeast on Lanier Place to Adams Mill Road; Southeast on Adams Mill Road to Columbia Road; Northeast on Columbia Road to Ontario Road; South on Ontario Road to Euclid Street; East on Euclid Street to 17<sup>th</sup> Street; South on 17<sup>th</sup> Street to Kalorama Road; Southwest on Kalorama Road to Ontario Road; South on Ontario Road to Florida Avenue; Southwest on Florida Avenue to U Street; West on U Street (North side only); across 18<sup>th</sup> Street to the South corner of 18<sup>th</sup> and Vernon Streets, N.W., Washington D.C.

304.3 The following license classes shall be exempt from the Adams Morgan Moratorium Zone:

- (a) All hotels, whether present or future;
- (b) Restaurants applying for new Retailer's licenses Class CR and DR;  
and

## (c) Retailer's licenses Class A and B

- 304.4 Any new Retailer's licenses Class CR or DR issued during the moratorium period within the Adams Morgan Moratorium Zone shall be prohibited from changing its license class to a Class CN, CT, CX, DN, DT, or DX.
- 304.5 Nothing in this section shall prohibit the Board from approving the transfer of ownership of a retailer's license Class CN, CT, CX, DN, DT, and DX within the Adams Morgan Moratorium Zone that was in effect or for which an application was pending prior to the effective date of this section, subject to the requirements of Title 25 of the D.C. Official Code and this title.
- 304.6 Nothing in this section shall prohibit the Board from approving the transfer of a license from a location within the Adams Morgan Moratorium Zone to a new location within the Adams Morgan Moratorium Zone.
- 304.7 A license holder outside the Adams Morgan Moratorium Zone shall not be permitted to transfer its license to a location within the Adams Morgan Moratorium Zone, unless exempt by section 304.3.
- 304.8 Nothing in this section shall prohibit a valid protest of any transfer or change of a license class.
- 304.9 The moratorium shall have a prospective effect and shall not apply to any license granted prior to the effective date of this section or to any application for licensure pending on the effective date of this section.
- 304.10 This section shall expire three (3) years after the date of publication of the notice of final rulemaking.

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD**

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**NOTICE OF FINAL RULEMAKING**

The Alcoholic Beverage Control Board ("Board"), pursuant to the authority set forth in D.C. Official Code § 25-351(a) (2001) and Section 303 of Title 23 of the District of Columbia Municipal Regulations ("DCMR"), 51 DCR 4309 (April 30, 2004), hereby gives notice of the adoption of the following final rules that replace existing section 305 of Title 23 DCMR with a new section 305 that imposes a five (5) year moratorium on the issuance of any new retailer's license class CN, CR, CT, CX, DN, DR, DT, and DX in a portion of Georgetown which shall be known as the Georgetown Moratorium Zone. The final rules were adopted by the Board on April 6, 2005. The text of these final rules is substantively identical to the text of the notice of emergency and proposed rulemaking published in the D.C. Register on September 3, 2004 at 51 DCR 8674.

The Board conducted a public hearing, pursuant to D.C. Official Code § 25-354 (2001), on May 12, 2004 to consider the written request of Advisory Neighborhood Commission ("ANC") 2E to extend the current Georgetown Moratorium Zone for a five year period. The written request of ANC 2E to extend the Georgetown Moratorium Zone for a five year period was also supported at the May 12, 2004 public hearing by the Citizens Association of Georgetown ("CAG"), the Georgetown Business Improvement District, and Karen Tammany Cruse, a Georgetown resident. Additionally, written comments supporting ANC 2E's request to continue the Georgetown Moratorium were also received from Georgetown University and the Metropolitan Police Department ("MPD"). The Board found the written request filed by ANC 2E, based upon the testimony and comments it received, to warrant an extension of the existing moratorium for a five year period based upon the appropriateness standards set forth in D.C. Official Code §§ 25-313 and 25-314 (2001). Specifically, under D.C. Official Code § 25-313(b)(2001), the testimony put forward by ANC 2E and Karen Tammany Cruse revealed that significant problems with peace, order, and quiet, including late night noise, rowdiness, crime, litter, as well as parking and vehicular and pedestrian safety still exist in the Georgetown Moratorium Zone. Additionally, the testimony of MPD indicated that there are a large number of complaints involving noise and disorderly behavior around the closing time of ABC establishments as well as traffic congestion and parking problems in the Georgetown Moratorium Zone. Furthermore, under D.C. Official Code § 25-314(a)(4) (2001), the testimony of ANC 2E, CAG, the Georgetown Business Improvement District, and Georgetown University revealed that efforts to seek a balance over the past several years between ABC establishments and other commercial retail would be harmed by not continuing the Moratorium and would result in an overconcentration of ABC establishments that would negatively impact upon the Georgetown Moratorium Zone. The Board also noted that there were no parties on record in opposition to the moratorium request of ANC 2E. These are the written reasons for the Board's decision as required by subsection 303.1 of Title 23 DCMR (2004).

Pursuant to D.C. Official Code § 25-211(b)(2) (2001), the proposed rules were transmitted to the Council of the District of Columbia ("Council") for a forty-five (45) day period of review on September 20, 2004, as Proposed Resolution 15-1043, the Georgetown Liquor License Moratorium Approval Resolution of 2004. The forty-five (45) day period of review expired on November 20, 2004 with no action taken which resulted in the rulemaking being deemed approved by the Council. These final rules will become effective five (5) days after being published in the D.C. Register.

Title 23 DCMR, Chapter 3 (Limitations on Licenses), is amended by replacing the existing section 305 to read as follows:

### **305. GEORGETOWN MORATORIUM ZONE**

305.1 No Retailer's licenses Class CN, CR, CT, CX, DN, DR, DT, or DX shall be issued for a period of five (5) years from the effective date of this section in the area that extends approximately 1800 feet in all directions from the intersection of Wisconsin Avenue and N Street, N.W., Washington, D.C. This area shall be known as the Georgetown Moratorium Zone.

305.2 The Georgetown Moratorium Zone is more specifically described as beginning at the intersection of 33rd and Q Streets; East on Q Street to Wisconsin Avenue; Southeast on Wisconsin Avenue to Q Street; East on Q Street to 29th Street; South on 29th Street to P Street; East on P Street to 28th Street; South on 28th Street to O Street; East on O Street to 27th Street; South on 27th Street to the Northwest Boundary of Rock Creek Park; Southwest along the Northwest Boundary of Rock Creek to the North Bulkhead of the Potomac River; West along the North Bulkhead of the Potomac River to the Key Bridge; North on the Key Bridge to M Street; West on M Street to 36th Street; North on 36th Street to O Street; East on O Street to 35th Street; North on 35th Street to P Street; East on P Street to 34th Street; North on 34th Street to Volta Place; East on Volta Place to 33rd Street; North on 33rd Street to Q Street.

305.3 The following establishments shall be exempt from the Georgetown Moratorium Zone:

- (a) All hotels, whether present or future; and
- (b) Establishments located in or to be located in Georgetown Park, Georgetown Park II, Prospect Place Mall, Georgetown Court, and Washington Harbor.

305.4 Nothing in this section shall prohibit the Board from approving the transfer of ownership of a Class C or D Retailer's license within the Georgetown Moratorium Zone that was in effect or for which an application was pending prior to the effective date of this section, subject to the requirements of Title 25 of the D.C. Official Code and this title.

305.5 Nothing in this section shall prohibit the Board from approving the transfer of a license from a location within the Georgetown Moratorium Zone to a new location within the Georgetown Moratorium Zone.

305.6 A license holder outside the Georgetown Moratorium Zone shall not be permitted to transfer its license to a location within the Georgetown Moratorium Zone.

305.7 Nothing in this section shall prohibit a valid protest of any transfer or change of license class.

305.8 The moratorium shall have a prospective effect and shall not apply to any license granted prior to the effective date of this section or to any application for licensure pending on the effective date of this section.

305.9 This section shall expire five (5) years after the date of publication of the notice of final rulemaking.

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD**

**NOTICE OF FINAL RULEMAKING**

The Alcoholic Beverage Control Board ("Board"), pursuant to the authority set forth in D.C. Official Code § 25-351(a) (2001) and Section 303 of Title 23 of the District of Columbia Municipal Regulations ("DCMR"), 51 DCR 4309 (April 30, 2004), hereby gives notice of the adoption of the following final rules that replace existing section 308 of Title 23 DCMR with a new section 308 that imposes a three (3) year moratorium on the issuance of any new retailer's license class A, B, CN, CR, CT, CX, DN, DT, and DX in a portion of Glover Park which shall be known as the Glover Park Moratorium Zone. The final rules were adopted by the Board on April 6, 2005. The text of these final rules is substantively identical to the text of the notice of emergency and proposed rulemaking published in the D.C. Register on September 3, 2004 at 51 DCR 8677.

The Board conducted a public hearing, pursuant to D.C. Official Code § 25-354 (2001), on July 7, 2004 to consider the written request of Advisory Neighborhood Commission ("ANC") 3B and the Glover Park Citizens Association ("GPCA") to renew the current Glover Park Moratorium Zone for a five year period. The Board found the testimony provided by ANC 3B and the GPCA to warrant an extension of the existing moratorium based upon the appropriateness standards set forth in D.C. Official Code §§ 25-313 and 25-314 (2001). Specifically, under D.C. Official Code § 25-313(b) (2001), the testimony put forward by ANC 3B and the GPCA revealed that significant problems with peace, order, and quiet, including criminal activity, noise, and litter, as well as parking problems still exist in the Glover Park Moratorium Zone. Additionally, the testimony of the Metropolitan Police Department indicated that a number of public safety issues, including a large number of calls for police service and traffic congestion problems are caused by patrons of ABC establishments in the Glover Park Moratorium Zone. Furthermore, under D.C. Official Code § 25-314(a) (2001), written comment from the Department of Parks and Recreation indicated that patrons of existing ABC establishments negatively impact upon the operations of the Guy Mason Recreation Center, including by littering the play areas of children. Finally, the testimony of ANC 3B and the GPCA revealed that a proper balance between ABC establishments and other commercial retail currently exists and that not continuing the moratorium would result in an overconcentration of ABC establishments, as set forth in D.C. Official Code § 25-314(a)(4) (2001), that would negatively impact the Glover Park Moratorium Zone. The Board also noted that there were no parties on record in opposition to the moratorium. The Board decided in favor of a three (3) year moratorium instead of the five (5) year moratorium period sought by the petitioners. Testimony provided by the petitioners and other individuals at the July 7, 2004 public hearing revealed that while problems with criminal activity, litter, noise, and parking still exist in the Glover Park Moratorium Zone to justify the moratorium extension, these problems are beginning to stabilize, if not improve. These are the written reasons for the Board's decision as required by subsection 303.1 of Title 23 DCMR (2004).

Pursuant to D.C. Official Code § 25-211(b)(2) (2001), the proposed rules were transmitted to the Council of the District of Columbia ("Council") for a forty-five (45) day period of review on September 20, 2004, as Proposed Resolution 15-1027, the Glover Park Liquor License Moratorium Approval Resolution of 2004. The forty-five (45) day period of review expired on November 6, 2004 with no action taken which resulted in the rulemaking being deemed approved by the Council. These final rules will become effective five (5) days after being published in the D.C. Register.

Title 23 DCMR, Chapter 3 (Limitations on Licenses), is amended by replacing the existing section 308 to read as follows:

**308 GLOVER PARK MORATORIUM ZONE**

- 308.1 No new Retailer's License Class A, B, CN, CR, CT, CX, DN, DT, or DX shall be issued for a period of three (3) years from the effective date of this section in the area that extends approximately one thousand two hundred feet (1,200 ft.) in all directions from 2436 Wisconsin Avenue, N.W., Washington D.C. This area shall be known as the Glover Park Moratorium Zone.
- 308.2 The Glover Park Moratorium Zone is more specifically described as beginning at Tunlaw Road and Fulton Street; East on Fulton Street to Wisconsin Avenue; South on Wisconsin Avenue to Edmunds Street; East on Edmunds Street to Massachusetts Avenue; Southeast on Massachusetts Avenue to Observatory Circle; Southeast around Observatory Circle to Calvert Street; West on Calvert Street to Wisconsin Avenue; Southeast on both sides of Wisconsin Avenue to 35<sup>th</sup> Street; South on 35<sup>th</sup> Street to Whitehaven Parkway; West on Whitehaven Parkway to 37<sup>th</sup> Street; North on 37<sup>th</sup> Street to U Street; West on U Street to a point of intersection of Huidekoper Place and W Street; West on W Street to 39<sup>th</sup> Street; North on 39<sup>th</sup> Street to Davis Place; East on Davis Place to Tunlaw Road; North and Northwest on Tunlaw Road to Fulton Street.
- 308.3 All hotels, whether present or future, shall be exempt from the Glover Park Moratorium Zone.
- 308.4 Nothing in this section shall prohibit the Board from approving the transfer of ownership of a retailer's license class A, B, CN, CR, CT, CX, DN, DT, and DX within the Glover Park Moratorium Zone that was in effect or for which an application was pending prior to the effective date of this section, subject to the requirements of Title 25 of the D.C. Official Code and this title.
- 308.5 Nothing in this section shall prohibit the Board from approving the transfer of a license from a location within the Glover Park Moratorium Zone to a new location within the Glover Park Moratorium Zone.
- 308.6 A license holder outside the Glover Park Moratorium Zone shall not be permitted to transfer its license to a location within the Glover Park Moratorium Zone.

- 308.7 Nothing in this section shall prohibit a valid protest of any transfer or change of a license class.
- 308.8 The moratorium shall have a prospective effect and shall not apply to any license granted prior to the effective date of this section or to any application for licensure pending on the effective date of this section.
- 308.9 This section shall expire three (3) years after the date of publication of the notice of final rulemaking.

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

NOTICE OF FINAL RULEMAKING

ET 05-1, IN THE MATTER OF THE APPLICATION OF THE POTOMAC ELECTRIC  
POWER COMPANY TO MODIFY SCHEDULE "SSL-UG" SERVICING STREET LIGHTS-  
UNDERGROUND

1. The Public Service Commission of the District of Columbia ("Commission") hereby gives notice of its final rulemaking action taken on April 4, 2005, in Order No. 13549, approving the Application of the Potomac Electric Power Company ("PEPCO") to modify Schedule "SSL-UG" charges for servicing street lights from underground lines filed January 4, 2005.<sup>1</sup> The National Park Service ("NPS") is the only customer receiving service under this schedule.

2. On January 4, 2005, PEPCO filed an Application to revise Schedule SSL-UG. In the January 4, 2005 application, PEPCO petitioned the Commission to approve a reduction in the Schedule SSL-UG rates, resulting from the National Park Service's full and complete reimbursement of PEPCO for the \$4,181,922 the Company spent to upgrade the NPS street light system.<sup>2</sup>

3. A Notice of Proposed Rulemaking inviting comments on PEPCO's Application to Revise Schedule SSL-UG was published in the *D.C. Register* on February 11, 2005.<sup>3</sup> No comments were filed in response to the Notice. The Commission, in Order No. 13549, approved PEPCO's application effective upon publication of this Notice of Final Rulemaking in the *D.C. Register*.

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<sup>1</sup> *Electric Tariff 05-1, In the Matter of the Application of the Potomac Electric Power Company to Modify Schedule "SSL-UG" Service Street Lights-Underground ("ET 05-1")*, Order No. 13549, rel. April 4, 2005.

<sup>2</sup> See *ET 05-1, Application of PEPCO to Revise Schedule Servicing Street Lights-Underground ("SSL-UG")*, filed Jan. 4, 2005, at 2.

<sup>3</sup> 52 *D.C. Register* 1318-1320 (2005).