

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Consumer and Regulatory Affairs (Director), pursuant to the authority set forth in D.C. Official Code § 47-2853.10 (a) (12) and Mayor's Order 2000-70, dated May 2, 2000, hereby gives notice of the intent to adopt, in not less than fifteen (15) calendar days from the date of publication of this notice in the *D.C. Register*, an amendment to Chapter 1 of Title 17 of the District of Columbia Municipal Regulations (DCMR).

The proposed rules would specify criteria for the determination of fitness for licensure, based on a specific criminal offense committed by an applicant or licensee, by the District's non-health related occupations and professions boards and commissions. Pursuant to section 202 of the Trade Occupations Exemption from Conviction Restriction on Licensure Act of 2004 (Act), signed by the Mayor on January 19, 2005 (D.C. Act 15-744; 52 DCR 1999), the ability of non-health related occupations and professions the boards and commissions to deny, suspend or revoke a license, based upon a criminal conviction of the applicant or licensee, will lapse unless the criteria proposed by these rules are promulgated before the Act's effective date. An expedited promulgation of these rules, using a 15-day comment period, will assure that the ability to protect the District's residents from the issuance of licenses to individuals, whose prior criminal convictions put the District's residents or their property in danger, will not lapse

17 DCMR Chapter 1 is amended by inserting a new section 114 as follows:

**114 STANDARD OF REVIEW FOR EVALUATING THE CRIMINAL
HISTORY OF AN APPLICANT FOR LICENSURE OR CANDIDATE FOR
SUSPENSION OR REVOCATION OF A LICENSE**

114.1 For the purposes of this section, the following words shall have the meaning ascribed:

Applicant – a person applying for a license.

License - a license, certification, or registration issued and regulated under the authority of D.C. Code § 47-2853.01 *et seq.* (2001).

Licensee – a person who possesses an active license.

114.2 No application for any license shall be denied and no licensee shall have his or her license suspended or revoked, for any license listed in subsection 114.7, by reason of the applicant or licensee having been convicted of one or more criminal offenses in the District of Columbia or another jurisdiction, or by reason of a finding of lack of "good moral character," when such finding is based upon the fact that the applicant or licensee has been convicted of one or more criminal offenses in any jurisdiction, unless the board with jurisdiction over the matter first shows that:

- (a) There is a potential direct relationship between the nature of one or more of the criminal offenses and the specific license sought or held; or
 - (b) The issuance or retention of the license could involve an unreasonable risk to property, safety, or welfare of specific individuals or the general public.
- 114.3 When a board bases a decision to deny, suspend, or revoke licensure for a license listed in subsection 114.7 upon the criteria set forth in paragraph (a) or (b) of subsection 114.2, the board shall, in writing, set forth the explanation as to how paragraph (a) or (b) of subsection 114.2 applies and then the board shall apply the additional criteria set forth in section 114.5 prior to denying, suspending, or revoking the license.
- 114.4 When a board seeks to deny, revoke, or suspend a license that is not listed in subsection 114.7, the board shall only be required to apply the criteria set forth in subsection 114.5.
- 114.5 In making a determination pursuant to subsection 114.2, or subsection 114.4 the board or commission shall consider the following factors:
- (a) The specific duties and responsibilities necessarily related to the license;
 - (b) The bearing, if any, the criminal offense or offenses for which the person was convicted will have on his fitness or ability to perform one or more such duties or responsibilities under the license;
 - (c) The time that has elapsed since the occurrence of the criminal offense or offenses;
 - (d) The age of the person at the time of occurrence of the criminal offense or offenses;
 - (e) The nature and seriousness of the offense or offenses;
 - (f) Any information produced by the person, or produced on his behalf, concerning his or her rehabilitation and good conduct; and
 - (g) The legitimate interest of the public agency in protecting property, the safety, or welfare of specific individuals or the general public.
- 114.6 In making a determination pursuant to section 114.5, the board or commission shall also consider a certificate of relief from disabilities or a certificate of good conduct issued to the applicant. Only a certificate issued by the District of Columbia shall create a presumption of rehabilitation. Certificates that have been issued by other jurisdictions may be provided as evidence of rehabilitation.
- 114.7 The following licenses require evaluation under both subsections 114.2 and 114.5:

- (A) Asbestos worker;
- (B) Barber;
- (C) Cosmetologist;
- (D) Commercial bicycle operator;
- (E) Electrician;
- (F) Funeral director;
- (G) Operating engineer;
- (H) Plumber/gasfitter;
- (I) Refrigeration and air conditioning mechanic; and
- (J) Steam engineer.

114.8 If a conviction of a criminal offense, which bears directly on the fitness of the person to be licensed, forms the basis of a board's decision to deny, suspend or revoke a license under this section, the board's decision shall be made in writing and specifically state the evidence presented and reasons for the decision. The board shall provide the affected person with a written copy of its decision.

All persons desiring to comment on the subject matter of this proposed rulemaking should submit comments in writing to the Office of the General Counsel, Department of Consumer and Regulatory Affairs, Suite 9400, 941 North Capitol Street, N.E., Washington, D.C. 20002, not later than fifteen (15) days after the date of publication of this notice in the D.C. Register. Copies of the proposed rules can be obtained from the Department at the address listed above. A copying fee of one dollar (\$1) will be charged for each requested copy of the proposed rulemaking requested.

DISTRICT OF COLUMBIA
DEPARTMENT OF EMPLOYMENT SERVICESNOTICE OF PROPOSED RULEMAKING

The Director of the Department of Employment Services, pursuant to the authority set forth in Mayor's Order 2005-43, February 25, 2005, hereby gives notice of an intent to adopt the following new Chapter 73 of Title 1 of the District of Columbia Municipal Regulations, entitled "Grant Management". The proposed rules are being made to effectuate the "District of Columbia Excel Institute Grant Authority Emergency Act of 2005" (D.C. Act 16-13; effective February 2, 2005) to provide a method for the distribution and monitoring of grant proceeds distributed to the Excel Institute.

Final rulemaking action shall be taken in not less than thirty (30) days after the publication of this Notice in the D.C. Register.

GRANT MANAGEMENT**7300 GENERAL PROVISIONS**

The provisions of this chapter are promulgated to implement the District of Columbia Excel Institute Grant Authority Emergency Act of 2005 (D.C. Act 16-13; effective February 2, 2005) under the authority delegated to the Director of the Department of Employment Services Director) by Mayor's Order 2005-43, February 25, 2005.

7301 DISBURSEMENT

7301.1 The Director shall ensure that the appropriate financial documents are prepared and submitted to the District of Columbia Office of the Chief Financial Officer to promptly effect the distribution of the entire corpus of the grant funds provided in any fiscal year to The Excel Institute (grantee).

7301.2 The Director shall obtain from the President of the grantee a signed and witnessed receipt denoting acceptance of the grant funds and a covenant to expend the funds in accordance with the terms and conditions specified by these rules.

7302 OVERSIGHT

7300.1 The Director has primary responsibility for ensuring full compliance by the grantee with the provisions of any federal and District laws and rules governing the expenditure of grant funds by the grantee. As such, the Director is authorized to employ the full range of monitoring options, including, but not limited to, site visits, periodic record inspections, establishing and modifying performance standards, requiring the submission of regular financial reports and arranging for or requesting a full audit by a certified public accountant, at the grantee's expense.

7300.2 At a minimum, the Director shall require the grantee to maintain and submit to the Director for review, within 60 days of the end of each fiscal year in which grant proceeds have been distributed, receipts and such other documents as will persuasively demonstrate at the end of the fiscal year that grant funds were expended in accordance with the purposes for which the money was conferred.

7303 RECORDS

7303.1 The grantee will be required to maintain an accurate accounting of all expenditures of grant funds. The grant expenditures shall be based on actual costs incurred by the grantee, including expenditures from petty cash and for miscellaneous expenditures. All expenditures must be supported by bills, invoices and /or receipts.

7303.2 All disbursement of grant funds shall be supported by an invoice signed by an authorized representative of the grantee to document the specific use of the proceeds disbursed. All

invoices shall contain supporting documentation of the units of goods and/or services purchased.

7303.3 The grantee shall maintain, and submit as requested by the Director, such reports and accounts, including but not limited to, property, personnel (both enrollee and staff), financial and payroll records, as are deemed necessary by the Director to assure a proper accounting for all grant funds received and disbursed.

7303.4 The grantee shall maintain standardized records for all individual participants.

7303.5 The grantee shall be responsible for closing out the grant accounting records and shall submit a closeout package to include final invoices within thirty (30) days after the expiration date of the each fiscal year in which grant was distributed to the grantee.

7303.6 The grantee shall refund to the Director any unused grant funds that may have been advanced, forty five (45) days after the termination of each fiscal year in which a grant was distributed to the grantee.

7304 REPORTS

At the conclusion of each fiscal year, the Director shall submit to the Mayor a report detailing a final accounting of all expenditures made of a grant during the fiscal year. Every effort should be made to reconcile any discrepancies prior to submission to the Mayor. The report will be due no later than sixty (60) days following the end of the fiscal year. The Director may request an extension of the deadline from the Mayor upon a showing of good cause.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing no later than thirty (30) days after the date of publication of this notice in the D.C. Register. Comments should be filed with Eugene E. Irvin, Counsel to

the Department of Employment Services, Suite 3130, 64 New York Avenue, N.E., Washington, D.C. 20002. Copies of this proposed rulemaking may be obtained at cost by writing to the above address.

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

AMENDED NOTICE OF PROPOSED RULEMAKING

GAS TARIFF 04-1, CORRECTED REVISED APPLICATION OF
WASHINGTON GAS LIGHT COMPANY TO AMEND ITS GENERAL SERVICE
PROVISION NOS. 13 AND 14

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 Corrected Revised Application of Washington Gas Light Company ("WGL" or the "Company")² in not less than 30 days from the date of publication of this Amended Notice of Proposed Rulemaking ("NOPR") in the *D.C. Register*. This Amended NOPR supersedes the NOPR published on March 25, 2005 in 52 *D.C. Reg.* 3136-3137.

2. On June 14, 2004, WGL filed an application requesting authority to amend General Service Provision No. 13 (Installation of Service Pipes and Connections) and General Service Provision No. 14 (Extension of Mains).³ WGL's proposed tariff provisions would allow it to use a net present value ("NPV") test instead of the existing two-year revenue test to determine whether a contribution must be provided by the customer for service main extensions in the District of Columbia.⁴ WGL stated that the proposed tariff revisions will be a benefit to customers in the District because they will be charged the most appropriate price for the costs of extending services and the changes will enable District ratepayers to be charged in the same manner as similarly situated customers in Maryland and Virginia.⁵

3. On December 6, 2004, in Order No. 13442, the Commission denied the Company's June 14, 2004 Application and invited the Company to file revised tariffs

¹ D. C. Code, 2001 Ed. § 2-505.

² *Gas Tariff 04-01 ("GT04-01"), Revised General Service Provisions 13 and 14, WGL Correction to February 18, 2005 Filing*, Letter to Dr. Christine D. Brooks, Commission Secretary, from Bernice K. McIntyre, Office of General Counsel for Washington Gas Light Company, re: Gas Tariff 04-1, filed March 23, 2005 ("WGL's Corrected Revised Application").

³ *GT04-01, In the Matter of the Application of Washington Gas Light Company for Authority to Amend its General Service Provisions*, Letter to Sanford M. Speight, Acting Commission Secretary, from Bernice K. McIntyre, Senior Counsel for Washington Gas Light Company, re: Gas Tariff 04-1, filed June 14, 2004 ("Application").

⁴ *GT04-01*, Application at 1.

⁵ *Id.* at 3-11.

addressing the issues discussed in the Order.⁶ In Order No. 13442, among other things, the Commission stated that WGL should include in a revised tariff an explanation of WGL's methodology used to calculate estimated revenues.⁷ The Commission also requested that WGL explain the factors determining the discount rate to be used in the NPV.⁸ In addition, the Commission requested that the revised tariff provisions not differ in specifics or detail from what is already contained in the Maryland and Virginia tariffs.⁹

4. On February 18, 2005, WGL submitted Revised Tariff Sheets to amend its General Service Provision No. 13 (Installation of Service Pipes and Connections) and General Service Provision No. 14 (Extension of Mains).¹⁰ WGL stated that its Revised Application addresses the issues discussed in Order No. 13442.¹¹ Consequently, the Company requested authority to revise the following tariff pages:

GENERAL SERVICES PROVISION, P.S.C. of D.C. No. 3
Installation of Service Pipes and Connections No. 13
Extension of Mains No. 14
2nd Revised Page No. 42
2nd Revised Page No. 43
2nd Revised Page No. 44
6th Revised Page No. 44
6th Revised Page No. 44a

5. On March 23, 2005, WGL filed a correction to its Revised Application.¹² In its Correction, WGL states as a result of responding to an Office of the People's Counsel's Data Request, WGL discovered an error in the wording of the original proposed tariff revisions.¹³ Specifically, in Revised General Service Provision 13c, line one, the phrase "cost of installing the facilities does" should be replaced by the phrase "revenues for such installation will".¹⁴

⁶ See *GT04-1*, Order No. 13442 rel. December 6, 2004 at 1, 4-5.

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ See *GT04-1*, WGL's Revised Application.

¹¹ *Id.* at 1.

¹² *GT04-1*, WGL's Corrected Revised Application at 1.

¹³ *Id.*

¹⁴ *Id.*

6. This Corrected Revised Application is on file with the Commission and may be reviewed at the Office of the Commission Secretary, 1333 H Street, N.W., Second Floor, West Tower, Washington, D.C. 20005, between the hours of 9:00 a.m. and 5:30 p.m., Monday through Friday. Copies of the revised tariff pages are available upon request, at a per-page reproduction cost.

7. Comments on the proposed revised tariff pages must be made in writing to Christine D. Brooks, Commission Secretary, at the above address. All comments must be received within 30 days of the date of publication of this Amended 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 Amended NOPR in the *D.C. Register*. Once the comment period has expired, the Commission will take final action on WGL's Corrected Revised Application.