

DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS
OFFICE OF CAMPAIGN FINANCE

NOTICE OF PROPOSED RULEMAKING

The District of Columbia Board of Elections and Ethics (Board) hereby gives notice of its intent to adopt the following amendments to Chapter 30, "Campaign Finance Operations," 3 DCMR §3000, 3001, and 3009; and, Chapter 37, "Investigations," 3 DCMR §3711, in not less than thirty (30) days from the date of publication of this Notice in the D.C. Register. The proposed amendments clarify the regulations as they pertain to exploratory committees in view of the recently enacted "Exploratory Committee Regulation Amendment Act of 2007"; and, to regulate policy of the Office of Campaign Finance (OCF) as explained and detailed in final decisions and interpretative opinions.

The entire division of §3001, "Exploratory, Draft or 'Testing the Waters' Committees," is rewritten to specify that an "exploratory committee" is the only legal vehicle whereby an individual or a group of individuals may examine the feasibility of candidacy in the District of Columbia; and, to establish the concomitant process therefor. A previous section, §3000.9, is amended to delineate that an exploratory committee is not a political committee.

At §3009, "Reports of Initiative, Referendum, Recall and Proposed Charter Amendment Committees," new §3009.4 is added to clarify that if the subject of a committee, which supports or opposes the initiative, referendum, recall, or proposed charter amendment, is not placed on the ballot of the election for which it is scheduled, the committee will be required to submit reports of receipts and expenditures on January 31 and July 31 of each year until the measure is so presented, if at all.

The Schedule of Fines, listed at §3711, is amended to include fines for persons who exceed the expenditure cap of \$40,000 in the constituent services program; who fail to file statements of acceptance of the positions of chairperson and treasurer for committees; and, who violate the prohibitions on the use of District government resources for campaign related activities.

AMEND §3000, "Organization of Political Committees," by deleting current subsection 3000.9, and substituting the following new subsection:

3000.9 Political committees shall not include the following:

- (a) Connected Organization – a corporation, labor or membership organization, cooperative or trade association, or any similar organization which directly or indirectly establishes, administers or financially supports a political committee; and

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- (b) Exploratory Committees – formed solely for the purpose of determining the feasibility of an individual’s candidacy.

AMEND §3001, “Exploratory, Draft or ‘Testing the Waters’ Committees,” by deleting the current section in its entirety, and by substituting the following new section:

3001 EXPLORATORY COMMITTEES

3001.1 Any individual, or group of individuals, who organizes for the purpose of exploring the feasibility of a person’s candidacy for an elective office in the District of Columbia, shall form an exploratory committee.

3001.2 An exploratory committee shall include, but not be limited to, the following:

- (a) Draft Committees; and
(b) “Testing the Waters” Committees.

3001.3 Each exploratory committee shall include the name of the potential candidate in the name of the committee.

3001.4 Exploratory committee activity to determine whether an individual should become a candidate may include, but not be limited to, the following:

- (a) Polling;
(b) Travel;
(c) Telephone calls;
(d) Media expenses;
(e) Office space; and
(f) Administrative costs.

3001.5 Each exploratory committee shall be required to file an informational report, in accordance with §3008.

3001.6 Informational reports shall be filed in accordance with §3017, except that an informational report shall be filed on the following dates:

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- (a) January 31st and July 31st; and
- (b) On the last day of each month within the 12 month period of an election for the office which is under consideration by the exploratory committee.

3001.7 Contributions in support of an exploratory committee shall be received or made in accordance with §3011, except that individual and aggregate contributions shall be limited for the following exploratory committees:

- (a) Mayoral – two thousand dollars (\$2,000) individual and two hundred thousand dollars (\$200,000) aggregate;
- (b) Chairman of the Council – one thousand five hundred dollars (\$1,500) individual and one hundred fifty thousand dollars (\$150,000) aggregate;
- (c) At-large member of the Council – one thousand dollars (\$1,000) individual and one hundred thousand dollars (\$100,000) aggregate;
- (d) Ward Councilmember or President of the Board of Education - five hundred dollars (\$500) individual and fifty thousand dollars (\$50,000) aggregate; and
- (e) Member of the Board of Education two hundred dollars (\$200) individual and twenty thousand dollars (\$20,000) aggregate.

3001.8 The life of an exploratory committee for any office shall not exceed eighteen (18) months.

3001.9 When an exploratory committee reaches eighteen (18) months, one of the following acts shall occur:

- (a) The exploratory committee terminates; or
- (b) The named individual of the exploratory committee becomes a candidate.

3001.10 When the named individual of an exploratory committee becomes a candidate, the individual must perform the following:

- (a) File a declaration of candidacy, pursuant to §3002;
- (b) Form a principal campaign committee, pursuant to §3005; and

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- (c) Apply all contributions received during the life of the exploratory committee to the campaign contribution limitations for the specific candidate, pursuant to §3011.

3001.11 Any remaining funds of an exploratory committee shall be transferred only to the following:

- (a) An established principal campaign or political committee; or
- (b) A charitable, scientific, literary, or educational organization, or organizations, which meet the requirements of tax laws of the District of Columbia.

3001.12 All contributions and fund balances of any exploratory committee shall not be deemed the personal funds of any individual, including the named individual of the exploratory committee.

AMEND §3009, "Reports of Initiative, Referendum, Recall and Proposed Charter Amendment Committees," by adding the following new subsection 3009.4, and renumbering current subsections 3009.4-3009.8 as 3009.5-3009.9:

3009.4 For any period prior to the year in which an election is scheduled to be conducted on an initiative, referendum, recall or proposed charter amendment, each committee organized in support or opposition to the measure shall file reports of receipts and expenditures on January 31 and July 31 of each year until the measure is presented to the electorate.

AMEND §3711, "Schedule of Fines," by adding the following new subsections:

3711.2	(hh) Failure to file Statement of Acceptance of Position of Chairperson	\$30 per day;
	(ii) Failure to file Statement of Acceptance of Position of Treasurer	\$30 per day;
	(jj) Making expenditures in excess of expenditure limitations	\$1000;
	(kk) Using District government resources for campaign related activities	\$2000;
	(ll) Failure to designate an exploratory committee	\$30 per day;
	(mm) Failure to file Informational Report	\$50 per day;
	(nn) Accepting contributions in excess of aggregate limitations	\$2000.

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Members of the public are invited to submit comments, in writing, to the General Counsel, Board of Elections and Ethics, Suite 270, One Judiciary Square, 441 4th Street, N.W., Washington, D.C., 20001. Comments should be received no later than 30 days from the publication of this Notice.

Copies of these rules may be obtained by request from the above address, Monday through Friday, between the hours of 9:00 a.m. and 4:00 p.m.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA
1333 H STREET, N.W., 2nd FLOOR, WEST TOWER
WASHINGTON, D.C. 20005

NOTICE OF PROPOSED RULEMAKING

FORMAL CASE NO. 945, IN THE MATTER OF THE INVESTIGATION INTO
ELECTRIC SERVICE MARKET COMPETITION AND REGULATORY
PRACTICES,

1. The Public Service Commission of the District of Columbia (“Commission”) hereby gives notice, pursuant to Section 2-505 of the District of Columbia Official Code, of its intent to act upon the proposed tariff of the Potomac Electric Power Company (“PEPCO” or “Company”)¹ in not less than 30 days from the date of publication of this Notice of Proposed Rulemaking (“NOPR”) in the *D.C. Register*.

2. In its proposed tariff, PEPCO asserts that, in its February 27, 2006 filing as amended, the Company updated the Rider Generation Procurement Credit (“GPC”) for the third and fourth GPC periods to reflect amounts received from the settlement of the Company’s claim “against the Mirant bankruptcy estate related to the Transition Power Agreements.”² According to the Company, the February 27, 2006 filing as amended completed the GPC calculations for the four GPC periods.³ PEPCO states that, in this filing, “it was noted that the Phase II Settlement Agreement provided for true-ups of any disbursement to a class of customers that differed from the filed amount by over \$100,000 with carrying costs.”⁴ PEPCO indicates that previous filings have provided true-ups, as necessary, of disbursements through October 2005 “based on the first three GPC periods.”⁵ In the current filing, PEPCO proposes to provide “the final true-up for the GPC reflecting the period from November 2005 through February 2008.”⁶

3. The Company states that, for residential customers, the amount due to customers during this period was \$814,531 and customers received \$825,777.⁷

¹ *Formal Case No. 945, In The Matter Of The Investigation Into Electric Service Market Competition And Regulatory Practices*, Letter from Anthony C. Wilson, Associate General Counsel, PEPCO, to Dorothy Wideman, Secretary, Public Service Commission of the District of Columbia (April 25, 2008).

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

According to PEPCO, the over-disbursement for residential customers is \$11,246, which is less than the threshold of \$100,000.⁸ The Company states that for commercial customers the amount due was \$23,553,364 and customers received \$22,959,222.⁹ According to PEPCO, the under-disbursement for commercial customers is \$594,142.¹⁰ To provide a true-up to commercial customers, PEPCO proposes a credit of \$594,142 plus interest in the amount of \$51,425 over the period June 2008 through May 2009.¹¹ Finally, the Company indicates that, after completion of this proposed disbursement, PEPCO “will make a filing to close out the GPC tariff.”¹² Specifically, PEPCO proposes to amend the following six tariff pages:

ELECTRICITY TARIFF, P.S.C.-D.C. No. 1
Thirty-Ninth Revised Page No. R-1
Thirty-Ninth Revised Page No. R-2
Thirty-Second Revised Page No. R-2.1
Eighth Revised Page No. R-2.2
Eighth Revised Page No. R-34
Eighth Revised Page No. R-34.1

4. The filing 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. A copy of the proposed tariff amendment is available upon request, at a per-page reproduction cost from the Office of the Commission Secretary or via the Commission’s website at www.dcpsec.org.

5. Comments on PEPCO’s proposed tariff must be made in writing to Dorothy Wideman, Commission Secretary, at the above address. All comments must be received within thirty (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 forty-five (45) days of the date of publication of the NOPR in the *D.C. Register*. Once the comment period has expired, the Commission will take final rulemaking action on PEPCO’s filing.

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

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

NOTICE OF PROPOSED RULEMAKING

**GAS TARIFF 00-2, IN THE MATTER OF WASHINGTON GAS LIGHT
COMPANY'S RIGHTS-OF-WAY SURCHARGE GENERAL REGULATIONS
TARIFF, P.S.C.-D.C. No. 3**

1. The Public Service Commission of the District of Columbia ("Commission") hereby gives notice, pursuant to Section 2-505 of the District of Columbia Official Code,¹ of its intent to act upon the proposed tariff amendment of Washington Gas Light Company ("WGL")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. The Rights-of-Way ("ROW") Surcharge contains two components, the ROW Current Factor and the ROW Reconciliation Factor. On May 21, 2008, pursuant to D.C. Official Code Section 10-1141.6,³ WGL filed a tariff amendment with the Commission, which proposes to update the ROW Surcharge Reconciliation Factor.⁴ The ROW Reconciliation Factor enables WGL to reconcile any over-collection or under-collection of ROW revenue based on the application of the Current Factor to the customer's bill. In the proposed tariff amendment, WGL shows the process to recover from its customers the under collected revenue related to the District of Columbia ROW fees paid by WGL to the District government. Specifically, WGL proposes to amend the following page:

GENERAL SERVICES TARIFF, P.S.C.-D.C. No. 3
Section 22
3rd Revised Page 56

3. WGL asserts that its ROW Reconciliation Factor will become effective commencing with the June 2008 billing cycle.⁵ WGL's proposed tariff amendment

¹ D. C. Official Code § 2-505 (2001 Ed.).

² *GT00-2, In The Matter of Washington Gas Light Company's Rights-of-Way Surcharge General Regulations Tariff, P.S.C.-D.C. No. 3, ("GT00-2") Tariff Amendment of Washington Gas Light Company, ("Tariff Amendment"), filed May 21, 2008.*

³ D. C. Official Code § 10-1141.06 (2001 Ed.), stating that "[e]ach public utility company regulated by the Public Service Commission shall recover from its utility customers all lease payments which it pays to the District of Columbia pursuant to this title through a surcharge mechanism applied to each unit of sale and the surcharge amount shall be separately stated on each customer's monthly billing statement."

⁴ *GT00-2, Tariff Amendment at 1.*

⁵ *GT00-2, Tariff Amendment at 1.*

shows that the ROW Current Factor is 0.0315 with the ROW Reconciliation Factor of 0.0004 for the prior period, which yields a Net Factor of 0.0319.⁶

4. The complete text of the General Services Tariff is on file with the Commission. A copy of the proposed tariff amendment may be reviewed at the Office of the Commission Secretary, 1333 H Street, N.W., 2nd Floor, West Tower, Washington, D.C. 20005, between the hours of 9:00 a.m. and 5:30 p.m., Monday through Friday as well as on the Commission's website at www.dcpsc.org. Copies of the tariff page are available upon request, at a per-page reproduction cost.

5. Comments on the proposed tariff amendment 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 the NOPR in the *D.C. Register*. Persons wishing to file reply comments may do so no later than 45 days from the date of publication of this NOPR in the *D.C. Register*. Once the comment period expires, the Commission will take final rulemaking action on WGL's filing. The Commission does not intend to prevent WGL from implementing its filed surcharges. However, if the Commission discovers any inaccuracies, WGL may be subject to reconciliation of the surcharges.

⁶ GT00-2, Tariff Amendment at 2.

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

NOTICE OF PROPOSED RULEMAKING

TELEPHONE TARIFF 08-06, IN THE MATTER OF THE APPLICATION OF
VERIZON WASHINGTON DC, INC. FOR AUTHORITY TO AMEND THE
LOCAL EXCHANGE SERVICES TARIFF, P.S.C.-D.C. No. 202

1. The Public Service Commission of the District of Columbia ("Commission") pursuant to its authority under D.C. Official Code § 2-505,¹ hereby gives notice of its intent to act upon the Application of Verizon Washington, DC Inc. ("Verizon" or "Verizon DC")² in the above-captioned matter in not less than thirty (30) days after the date of publication of this Notice of Proposed Rulemaking ("NOPR") in the *D.C. Register*.

2. On May 20, 2008, Verizon DC filed the Application requesting authority to amend the following tariff page:

LOCAL EXCHANGE SERVICES TARIFF, P.S.C.-D.C. No. 202
Section 2, 9th Revised Page 3

3. Verizon DC proposes to increase the monthly Business Message Unit rate from \$0.103 to \$0.112.³ Verizon avers that this service is classified as Basic under Price Cap Plan 2004,⁴ and that the proposed revisions will be included in customers' June 2008 billing cycle. Finally, Verizon requests expedited review of the Application under Chapter 3501 of Title 15 of the District of Columbia Municipal Regulations.⁵

¹ D.C. Official Code § 2-505 (2001 Ed.).

² *TT08-06, In the Matter of the Application of Verizon Washington, DC Inc. for Authority to Amend the Local Exchange Services Tariff, P.S.C.-D.C. No. 202 ("TT 08-06")*, Letter from J. Henry Ambrose of Verizon Washington, DC Inc. to Dorothy Wideman, Commission Secretary, filed May 20, 2008 ("Application").

³ See Verizon DC's Application at 1.

⁴ See *Formal Case No. 1005, In the Matter of Verizon Washington, DC Inc.'s Price Cap Plan 2004 for the Provision of Local Telecommunications Services in the District of Columbia*, Order No. 13370, rel. September 9, 2004.

⁵ See Verizon DC's Application at 3.

4. The complete text of the General Services Tariff is on file with the Commission. The proposed tariff revision 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 or on the Commission's website at www.dcpssc.org. Copies of the tariff are available upon request, at a per-page reproduction cost.

5. All comments on Verizon DC's Application must be filed with Dorothy Wideman, Commission Secretary, at the above address and must be received within thirty (30) days of the date of publication of this NOPR in the *D.C. Register*. Reply comments may be filed within thirty-five (35) days after the date of publication of the NOPR in the *D.C. Register*. After the comment period has expired, the Commission will take final action.