

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. 990, IN THE MATTER OF DEVELOPMENT OF LOCAL
EXCHANGE CARRIER QUALITY OF SERVICE STANDARDS
FOR THE DISTRICT

The Public Service Commission of the District of Columbia ("DCPSC"), pursuant to its authority under D.C. Code, 2001 Ed. § § 34-802 hereby gives notice of its intent to adopt the following amendments to Chapter 27 of Title 15 DCMR. The amendments change rules for competitive local exchange carriers that choose to abandon their certification. The Commission gives notice of its intent to take final rulemaking action not less than thirty (30) days after publication of this notice in the *D.C. Register*.

**CHAPTER 27 REGULATION OF CERTIFIED TELECOMMUNICATIONS
SERVICE PROVIDERS**

2704 ABANDONMENT OF CERTIFICATION

2704.1 Any CLEC certificated by the Commission that proposes to abandon the CLEC certification in the District shall file an abandonment of certification application with the Commission not later than ~~thirty (30)~~ sixty (60) days prior to the proposed date of the abandonment of certification. The application shall contain, in the following order and specifically identified, the following information:

(a) The applicant's name, address, telephone number, fax number, the name under which the applicant is providing service in the District, the date and order number of the Commission order that authorized the applicant to provide telecommunications services in the District, and the proposed abandonment date;

(b) A complete explanation of the reasons for the proposed abandonment of certification;

(c) A description of the arrangements made for payment of any outstanding taxes, fees, or other amounts owed to the Commission or any other agency of the District of Columbia;

(d) A plan for the applicant to remove, maintain, or transfer any facilities in the District that would otherwise be abandoned; and

- (e) An affidavit verifying that all of the information in the application is true and correct.
- 2704.2 If, at the time of the filing of the abandonment of certification application, the CLEC is providing service to customers, the applicant also shall file an abandonment of service application pursuant to 15 DCMR § 2705 or 15 DCMR § 2706, as appropriate.
- 2704.3 The CLEC shall serve a copy of its abandonment of certification application on the Office of the People's Counsel on the same day that the application is filed with the Commission.
- 2704.4 The applicant shall return any customer deposits and satisfy in full any outstanding taxes, fees, or debts owed to the Commission or other District agencies within fifteen (15) days of the abandonment of certification application filing date. Upon full payment of these debts and/or fees, the applicant shall notify the Commission that all debts and/or fees have been paid by filing an affidavit explaining how and when these payments were made.
- 2704.5 Within thirty (30) days after receiving the abandonment of certification application, the Commission shall either approve the application, reject the application, or request supplemental information. If the Commission requests supplemental information, the applicant will be afforded fifteen (15) days to provide the Commission with such supplemental information.
- 2704.6 The Commission shall approve an abandonment of certification application if:
- (a) The CLEC has developed and implemented a comprehensive plan for returning customer deposits and satisfying outstanding debts owed the Commission or other District agencies operating in the District, if any; and
- (b) Approving the abandonment of certification application would serve the public interest.
- 2704.7 No CLEC shall abandon its certification absent Commission approval. Upon receiving Commission approval, the applicant shall void any existing interconnection agreements by notifying the Commission and any telecommunications service provider with which the applicant has signed an interconnection agreement of the abandonment of certification. Upon receiving Commission approval, the applicant shall also withdraw all existing tariffs on file with the Commission.
- 2704.8 Within ninety (90) days after receiving the abandonment application, the Commission shall either approve the application, reject the application, or

request supplemental information. If, within ninety (90) days after receiving the abandonment application, the Commission does not either approve the application, reject the application, or request supplemental information, the application shall be deemed to have been approved. If the Commission requests supplemental information, the applicant has fifteen (15) days to provide the Commission with such supplemental information. If the Commission requests supplemental information and, by the later of thirty (30) days after receiving the supplemental information or ninety (90) days after receiving the abandonment application, the Commission does not either approve the application, reject the application, or request additional supplemental information, the application shall be deemed to have been approved.

All persons interested in commenting on the subject matter of this proposed rulemaking action may submit written comments and reply comments not later than thirty (30) and forty-five (45) days, respectively, after publication of this notice in the *D.C. Register* with Sanford M. Speight, Acting Commission Secretary, Public Service Commission of the District of Columbia, 1333 H Street, N.W., West Tower, Suite 200, Washington, DC 20005. Copies of these proposed rules may be obtained, at cost, by writing the Commission Secretary at the above address.

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

NOTICE OF PROPOSED RULEMAKING

TT04-4, 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. 203

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 Application of Verizon Washington, DC Inc. ("Verizon DC")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. On November 5, 2004, Verizon DC filed an Application³ requesting authority to modify the following tariff page:

LOCAL EXCHANGE SERVICES TARIFF, P.S.C.-D.C. No. 203
Section 31, 2nd Revised Page 4

3. Verizon DC's Application introduces the Verizon Bundle Discount service for residential customers who subscribe to Verizon Regional Package and Verizon Regional Package Extra.⁴ According to the proposed Verizon Bundle Discount service, residential subscribers of the Verizon Regional Package and Verizon Regional Package Extra will receive a \$5.00 credit off their monthly bill when they also subscribe to one or more of the following products: (1) Verizon Online Internet access services, (2) ONE-BILL with Verizon Wireless, or (3) Direct TV purchased through Verizon. Verizon DC asserts that this Application was submitted in compliance with Price Cap Plan 2002.⁵

¹ D. C. Code, 2001 Ed. § 2-505.

² *TT04-4, 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. 203*, Letter to Sanford M. Speight, Acting Commission Secretary, from J. Henry Ambrose, Vice President for Regulatory Matters of Verizon DC, re: TT04-4, filed November 5, 2004 (hereinafter referred to as "Application").

³ Application at 1.

⁴ *Id.*

⁵ *Formal Case No. 1005, In the Matter of Verizon Washington, D.C. Inc.'s Price Cap Plan 2002 for the Provision of Local Telecommunications Services in the District of Columbia*, Order No. 13370, rel. September 9, 2004.

4. This Application 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 tariff pages are available upon request, at a per-page reproduction cost.

5. Comments on the proposed tariff must be made in writing to Sanford M. Speight, Acting Commission Secretary, at the above address. All comments must be received within 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 45 days of the date of publication of this NOPR in the *D.C. Register*. Once the comment and reply comment period has expired, the Commission will take final rulemaking action on Verizon DC's Application.

THE OFFICE OF CONTRACTING AND PROCUREMENT

EMERGENCY AND PROPOSED RULEMAKING

The Chief Procurement Officer of the District of Columbia pursuant to authority granted to the Mayor by section 204 of the District of Columbia Procurement Practices Act of 1985 ("PPA"), effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-302.04 (2001)), and Mayor's Order 2002-207, dated December 27, 2002 (49 DCR 11867), hereby gives notice of the intent to adopt the following amendment to Chapter 16 of Title 27 of the District of Columbia Municipal Regulations (Contracts and Procurement). The rules are intended to implement section 304(e)(1) of the PPA (D.C. Official Code § 2-303.04 (e)(1) (2001)).

Emergency rulemaking action, pursuant to section 6(c) of the District of Columbia Administrative Procedure Act, effective October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c) (2001)), is justified by the existence of the following circumstances:

The rules authorize prices to be set in the solicitation that are to be paid to contractors who provide services under the District of Columbia Temporary Assistance to Needy Families ("TANF") Employment Program ("TEP"). The District is mandated to provide this program by the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, approved August 22, 1996 (110 Stat. 2260; 8 U.S.C. § 8-1601 *et seq.*). Without these emergency rules, the District would be unable to limit the prices in the solicitation to be paid for job placement and retention services to TANF participants, thereby possibly effecting a deficit in capped federal Block Grant funds available for the cost of this program. These rules will ensure that the solicitation and the contracts for mandatory welfare reform services are implemented in a manner that serves fiscally responsible ends both for the District of Columbia and the federal granting agency.

The Administrator of the Income Maintenance Administration, Department of Human Services ("DHS"), wishes to amend the price schedule in the new contracts. To avoid the interruption of services under the program, the new TEP contracts must be awarded not later than July 28, 2005. The existing price schedule in §1614.1(c) of Title 27 of the District of Columbia Municipal Regulations, which was published the *D.C. Register* on April 5, 2002, at 49 DCR 3038, will remain in effect and applicable to the current contracts through July 27, 2005. These rules will ensure that the new solicitation and contracts for mandatory welfare reform services awarded after that date will implement the revised price schedule, and avoid a lapse in fiscally responsible prices caps for the program. Action was therefore taken on October 5, 2004, to adopt the following rules on an emergency basis effective on that date.

These rules will remain in effect for up to one hundred twenty (120) days from the date of adoption, unless earlier suspended by another rulemaking notice or by publication of a Notice of Final Rulemaking in the *D.C. Register*.

To ensure that District agencies will be able to continue to provide services to TANF customers, the Chief Procurement Officer also gives notice of intent to take final rulemaking action in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*. The Chief Procurement Officer will submit the rules through the Mayor to the Council of the District of Columbia for a sixty (60) day period of review pursuant to subsection 205(b) of the PPA (D.C. Official Code § 2-302.05(b) (2001)), and will not take final rulemaking action until completion of the 60-day review or Council approval of the rules by resolution before the end of the review period.

CHAPTER 16

PROCUREMENT BY COMPETITIVE SEALED PROPOSALS

Section 1614 is amended by adding new subparagraph 1614.1(d) to read as follows:

1614 SOURCE SELECTION

1614.1(d) Notwithstanding subparagraphs (a) and (b), above, for services provided under the District of Columbia Temporary Assistance to Needy Families (TANF) Program, implementing the Self-sufficiency Promotion Amendment Act of 1998, effective April 20, 1999 (D.C. Law 12-241; 46 DCR 905), the Chief Procurement Officer sets forth the following prices to be paid to Contractors in the solicitation, and no price evaluation factor will be required for procurement of these services:

Employability Assessment Completed and Individual Responsibility Plan (IRP) Developed and Signed:

Customer referred directly by DHS to the vendor	\$400
Customer who volunteers for services without being referred	\$100

Participation Fee - Customer Participates in Employment-Related Activities (limited to six weeks per calendar year):

More than 4 hours and less than the TANF hourly requirement:	\$15/week
TANF Hourly Requirement or More:	\$50/week

Unsubsidized Employment Placement

Customer is placed in Unsubsidized Employment And is expected to work for the TANF minimum number of Required Hours or more:	\$200
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3 Month Retention Fee

Customer Is Still Employed (in an unsubsidized job for the TANF hourly requirement 3 months after initial placement:	\$1,200
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Customer is a single-parent with a child under age six who works an average of at least 20, but less 30 hours over the

3 month period:	\$800
6 Month Job Retention	
Customer worked the TANF hourly requirement over the 6 month period.	\$1,200
Customer is a single-parent with a child under age six who works an average of at least 20, but fewer than 30, hours over the 6 month period.	\$800
Higher Wage Bonus	
Customer earned \$7.50/hour at a 3 month retention point	\$300
Home Visiting Recruitment	
Contractor conducts a home visit to a customer who has not been participating and the customer subsequently participates in on-site activities with the vendor beyond the orientation and assessment.	\$200
<u>For Contractors That Have Agreed to Provide Optional Services to Sanctioned Customers, as defined and described in the solicitation:</u>	
Employability Assessment Completed and IRP Developed and Signed:	
Customer sanctioned at time of referral by DHS	\$600
Participation Fee for Sanctioned Customers - Customer Participates in Employment-Related Activities (limited to six weeks per calendar year):	
More than 4 hours and less than the TANF hourly requirement:	\$15/week
TANF Hourly Requirement or More:	\$50/week
Initial Placement Fee for Sanctioned Customers	
Sanctioned Customer referred by DHS, placed in Unsubsidized employment and expected to work for The TANF minimum number of hours	\$500
3 Month Retention Fee for Sanctioned Customers	
Customer Is Still Employed (in an unsubsidized job) 3 months after initial placement:	\$2,000

6 Month Job Retention Bonus for Sanctioned Customers

Customer worked the TANF hourly requirement over the 6 month period. \$1,200

Customer is a single-parent with a child under age six who works an average of at least 20, but fewer than 30, hours over the 6 month period. \$800

Higher Wage Bonus for Sanctioned Customers

Customer earned \$7.50/hour at a 3 month retention point \$300

Home Visiting Recruitment

Contractor conducts a home visit to a customer who has not been participating and the customer subsequently participates in on-site activities with the vendor beyond the orientation and assessment. \$200

Subparagraph 1617.5(a) is amended to read as follows:

1617 EVALUATION FACTORS OF PROPOSALS

1617.5 (a) Price or cost to the District shall be included as an evaluation factor in each RFP, except as otherwise provided in 1614.1(c) and (d).

All person desiring to comment on the subject matter of this proposed rulemaking should file written comments no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Hand-delivered comments should be delivered, and mailed comments should be postmarked, no later than thirty (30) days after publication of this notice in the *D.C. Register*. Comments should be delivered or mailed to Herbert R. Tillery, Deputy Mayor for Operations and Interim Chief Procurement Officer, Office of Contracting and Procurement, 441 Fourth Street, N.E., Suite 700 South, Washington, D.C. 20001. Copies of the proposed rules may be obtained from the above address.