

## OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

ERRATA

Two pages were inadvertently omitted from the "Definitions Sections" of the Final Rulemaking published at 51 DCR 8637 (September 3, 2004). These pages were to follow page 8657. The aforementioned rules were issued by the Public Service Commission (F.C. No. 945, Investigation into Electric Service Market Competition and Regulatory Practices and F.C. No. 712, Investigation into the PSC's Rules of Practice and Procedure (Amend 15 DCMR, Chapter 21, Provisions for Construction of Electric Generating Facilities and Transmission Lines).

The following two omitted pages are printed as follows:

(69,000) volts or over, including cogeneration facilities, small power projects, independent power projects and PEPCO-owned electric plants.

**Environmental Impacts** - impacts upon the environment as defined by D.C. Code, 2001 Ed. § 34-2601 *et seq.*

**Externality** - any environmental impact that remains after mitigation.

**Generating Station** - property or facilities constituting an integral plant or unit for the production of electric energy, including any new production unit that would be added to an existing production plant.

**Greenhouse Gas** - any gas commonly deemed to contribute to global warming, including carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), chlorofluorocarbons (CFCs) and nitrous oxide (N<sub>2</sub>O).

**Historical Site** - a site within the District of Columbia duly registered by the: District of Columbia Historical Trust; National Register of Historic Places; National Register of Natural Landmarks; Register of National Historic Landmarks; and National Trust for Historic Preservation or any other agency as may be recognized by the Public Service Commission of the District of Columbia.

**Independent Power Producer** - a non-traditional public utility which produces and sells electricity but has no significant market power; lacks significant market power as a supplier of energy and capacity because it does not have captive customers; and has limited or no control of transmission facilities essential to their customers; or as defined under applicable law(s).

**Pepeco** - the Potomac Electric Power Company or any successor in interest.

**Person** - every individual, corporation, company, association, joint stock company, firm, partnership or other entity.

**Project** - a proposed generating station or overhead transmission line designed to carry voltage of sixty-nine thousand (69,000) volts or over.

**Small Power Producer** - a power producer that qualifies as a small power producer under the public utility regulatory policies act of 1978.

**Smaller-Scale Construction** - any construction project which involves providing electricity to a customer for which a Certificate of Public Convenience and Necessity is not required pursuant to this chapter.

**Socio-economic Impacts** - existing patterns of population concentration, distribution, or growth, and existing community or neighborhood characteristics, including traffic patterns and noise levels.

**Substation** - a plant that is used to alter the voltage of electricity. For the purposes of this chapter, substation must be connected to a transmission line of sixty-nine thousand (69,000) volts or greater.

**Transmission Line** - property or facilities constructed as an overhead transmission line designed to carry a voltage of sixty-nine thousand (69,000) volts or greater, or an underground transmission line designed to carry in excess of sixty-nine thousand (69,000) volts.

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

NOTICE OF FINAL RULEMAKING

TELEPHONE TARIFF 04-3, IN THE MATTER OF THE APPLICATION OF VERIZON-  
WASHINGTON, D.C., 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") hereby gives notice of its final rulemaking action, taken in Order No. 13399 (September 30, 2004), to approve the tariff application of Verizon Washington, D.C. Inc. ("Verizon DC")<sup>1</sup> to amend the following tariff pages:

**GENERAL SERVICES TARIFF, P.S.C.-D.C.-No. 202  
Section 2, 5<sup>th</sup> Revised Page 3**

2. Through this tariff filing Verizon DC sought to increase the current rates for its Residential Message Unit and Business Message Unit services.<sup>2</sup> Verizon DC proposed to increase its Residential Message Unit rate by 9.1 percent, from \$0.055 to \$0.06, and its Business Message Unit rate by 5.9 percent, from \$0.085 to \$0.09.<sup>3</sup> These residential services are classified under Price Cap Plan 2002 as basic, which does not permit Verizon DC to increase rates by more than 10 percent in a given year.<sup>4</sup> Verizon DC asserted that the tariff filing was submitted in compliance with the requirements of Price Cap Plan 2002.<sup>5</sup>

3. A Notice of Proposed Rulemaking inviting public comment was issued on July 23, 2004.<sup>6</sup> Three Verizon DC customers<sup>7</sup> and the Office of the People's Counsel ("OPC") filed

<sup>1</sup> *Telephone Tariff 04-3, 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*, Letter from J. Henry Ambrose, Vice President for Regulatory Matters of Verizon DC to Sanford M. Speight, Acting Commission Secretary, filed July 2, 2004 ("Application").

<sup>2</sup> Application at 1.

<sup>3</sup> *See id.*

<sup>4</sup> *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. 12368 (April 1, 2002).

<sup>5</sup> *See Application at 1.*

<sup>6</sup> 51 D.C. Reg. 7307-7308 (2004).

comments opposing the increase in rates for these services.<sup>8</sup> Each of the customers commenting generally stated that the proposed rate increases were unjustifiable, that Verizon DC's rates were already too high, and that the company was generating excessive profits. OPC argued that the proposed rate increases were not in the public interest because they did not comply with Sections 3(a)(1) and 3(a)(2) of Price Cap Plan 2002, and would ultimately result in increases to residential and business message unit rates by 40 percent over a four-year period.<sup>9</sup> Verizon DC filed reply comments in response to OPC's comments.<sup>10</sup> Verizon DC argued in response that the proposed tariff revision complied with Sections 3(a)(1) and 3(a)(2) of Price Cap Plan 2002.<sup>11</sup> Subsequently, the Commission, in Order No. 13399, approved Verizon DC's tariff application, finding that, because the proposed rate increases were below the 10 percent annual increase allowable for basic residential and business services, the application complied with Price Cap Plan 2002.<sup>12</sup> This tariff revision becomes effective upon the publication date of this Notice of Final Rulemaking in the *D.C. Register*.

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<sup>7</sup> See *Telephone Tariff 04-3*: Comments of Stan Horab, filed August 18, 2004; James C. Warren, Jr., filed August 27, 2004; and Michael A. McIntosh, filed September 17, 2004. Six other citizen comments were docketed in TT04-3, but their comments did not pertain to the proposed increase in rates for Residential and Business Message Unit services.

<sup>8</sup> *Telephone Tariff 04-3, 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*, Comments of the Office of the People's Counsel (August 23, 2004).

<sup>9</sup> OPC Comments at 1-6.

<sup>10</sup> *Telephone Tariff 04-3, 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*, Reply Comments of Verizon Washington, DC Inc. (September 7, 2004).

<sup>11</sup> Verizon DC Reply Comments at 1-7.

<sup>12</sup> Order No. 13399 at 3; see also Price Cap Plan 2002 at §§ 3(a) (1) and 3(a) (2).

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
NOTICE OF FINAL RULEMAKING**

**AND**

**ZONING COMMISSION ORDER NO. 02-22**

**Z.C. Case No. 02-22**

**(Map Amendment – Square 754, Lots 103 to 106 and 109)**

The Zoning Commission for the District of Columbia, pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official code § 6-641.01 (2001 ed.)), having held a public hearing as required by § 3 of the Act (D.C. Official Code § 6-641.03, and having received approval of the proposed amendments from the National Capital Planning Commission pursuant to 11 DCMR § 3025.3, hereby gives notice of the adoption of the following amendment to the Zoning Map of the District of Columbia.

A Notice of Proposed Rulemaking was published in the *D.C. Register* on April 16, 2004, at 51 D.C.R. 3914, for a 30-day notice and comment period. No comments were received. By report dated January 30, 2003, the National Capital Planning Commission found that the proposed map amendment would neither adversely affect federal interests, nor be inconsistent with the Federal Elements of the Comprehensive Plan for the National Capital.

The map amendment applies to property on the east side of 2<sup>nd</sup> Street, N.E. between F and E Streets (Square 754, Lots 103 to 106 and 109). The specific amendment to the Zoning Map of the District of Columbia is: Square 754, Lots 103 through 106 and 109 – rezone from CAP/R-4 to CAP/C-2-A. The purpose of this rezoning is to adopt a zoning designation for the subject property that is more consistent with the Comprehensive Plan Amendments Act of 1994 and with the Capitol Interest Overlay District. The Comprehensive Plan identifies 2<sup>nd</sup> Street as a mixed-use commercial area, and the subject lots are the only lots along the 2<sup>nd</sup> Street, N.E. corridor that are not commercially-zoned between Massachusetts Avenue and K Street.

At its regularly scheduled meeting on January 13, 2003, the Commission took proposed action pursuant to 11 DCMR § 3027, to approve the proposed map amendment. The Applicant testified that the amendment was offered to “zip up a hole” in the commercial fabric of Second Street, and that the Applicant believed rezoning would create a defining edge between the commercial and residential characters of the neighborhood. The Office of Planning offered testimony in support of the application. ANC 6A presented testimony in support of rezoning Lot 109, but did not support rezoning Lots 103 through 106. The Commission left the record open for a 30-day period in order to receive additional evidence into the record.

Z.C. FINAL RULEMAKING &amp; ORDER NO. 02-22

Z.C. CASE NO. 02-22

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Based on the above, the Commission finds that the proposed amendment to the Zoning Map is in the best interests of the District of Columbia, consistent with the intent and purpose of the Zoning Act and Zoning Regulations, and not inconsistent with the Comprehensive Plan for the Nation's Capital.

In consideration of the reasons set forth herein, the Zoning Commission for the District of Columbia hereby **APPROVES** a change of zoning from CAP/R-4 to CAP/C-2-A for the east side of 2<sup>nd</sup> Street, N.E. between F and E Streets (Square 754, Lots 103 through 106 and 109).

Vote of the Zoning Commission taken at its public meeting on January 13, 2003 to **APPROVE** the proposed rulemaking: **4-0-1** (Carol J. Mitten, Anthony J. Hood, Peter G. May, and John G. Parsons to approve, James Hannaham not present, not voting).

This order and final rulemaking was **ADOPTED** by the Zoning Commission at its public meeting on September 13, 2004, by a vote of 4-0-1 (Carol J. Mitten, Kevin L. Hildebrand, Anthony J. Hood, and John G. Parsons to approve; Gregory N. Jeffries, having not participated in the case, not voting).

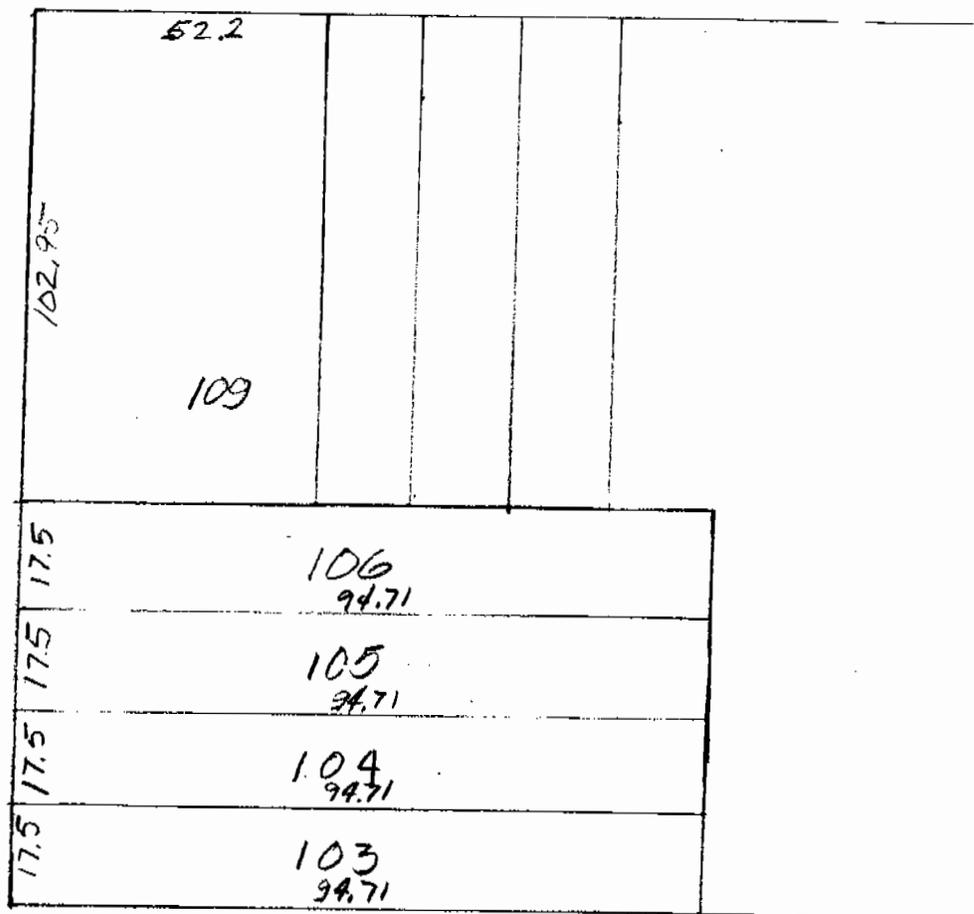
In accordance with the provisions of 11 DCMR § 3028.9, this order shall become effective upon publication in the D.C. Register on \_\_\_\_\_.

MAY 24, 2002  
PLAT FOR SQ. 754 LOTS 103-106 & 109  
SCALE: 1 INCH = 20 FEET

NOTE: THIS PLAT IS NOT CERTIFIED AND HAS BEEN  
PROVIDED AS A COURTESY AS NO PLAT IS NO  
REQUIRED AT THE FILING OF A PETITION.

F STREET, N.E.

2ND STREET, N.E.



CAPITOL COURT, N.E.



Exhibit A

9461