

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF FINAL RULEMAKINGFORMAL CASE NO. 1018, IN THE MATTER OF THE APPLICATION OF POTOMAC ELECTRIC POWER COMPANY FOR A CERTIFICATE OF AUTHORITY AUTHORIZING IT TO ISSUE DEBT SECURITIES, HYBRID SECURITIES, AND PREFERRED OR PREFERENCE STOCK

1. The Public Service Commission of the District of Columbia (Commission) hereby gives notice, of its final rulemaking action, taken in Order No. 12713, dated April 23, 2003, to Approve the Application¹ of Potomac Electric Power Company (PEPCO or Company) for a certificate of authority to issue and sell through public sale or private placement in domestic or foreign markets (1) Debt Securities including, but not limited to, one or more series of First Mortgage Bonds and/or one or more series of Debentures and/or one or more series of Notes; (2) one or more series of Hybrid Securities issued by a special purpose entity or trust established by the Company, which would use the proceeds from the sale to acquire and hold (either directly or through an intermediate entity) Debentures issued by the Company, and (3) one or more series of Serial Preferred or Preference Stock (including newly created classes of preferred or preference stock and Serial Preferred) with an aggregate principal amount or stated par value, as applicable, not to exceed \$1,100,000,000.²

2. In its application, PEPCO sought authority to apply the proceeds from the financing contemplated in its Application for five primary purposes: (1) to refund maturing debt instruments; (2) to refund short-term debt incurred to finance utility construction and operations on a temporary basis; (3) to fund ongoing capital requirements of the Company, including redemption and sinking fund requirements; (4) to refund outstanding securities of the Company, should market conditions make refinancing feasible; and (5) for other general corporate purposes. PEPCO states that the precise timing and types of financing selected would depend on prevailing and anticipated market conditions in relation to the costs and volume of the Company's short-term debt and in relation to the costs of the Company's outstanding senior securities, and upon capital structure considerations.

3. Under Chapter 35 of Title 15 of the D.C.M.R., PEPCO requested expedited review of its Application. Notice of Proposed Rulemaking was given to the public on March 21, 2003, at 50 *D.C. Register* 2368-2369. No objections were filed. The Commission in Order No. 12713 approved the Application effective upon publication of this Notice of Final Rulemaking in the *D.C. Register*.

¹ *Formal Case No. 1018, In the Matter of the Application of Potomac electric Power Company for a Certificate of Authority Authorizing it to Issue Debt Securities, Hybrid Securities, and Preferred or Preference Stock*, filed. March 3, 2003 ("Application").

² Application at 1-2.

DISTRICT OF COLUMBIA DEPARTMENT OF TRANSPORTATION

NOTICE OF FINAL RULEMAKING

DOCKET NUMBER 02-37-TS

The Director of the Department of Transportation, pursuant to the authority in sections 3, 5(3), and 6 of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code §§ 50-921.02, 50-921.04(3) and 50-921.05), and sections 6(a)(1), 6(a)(6) and 6(b) of the District of Columbia Traffic Act, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code § 50-2201.03(a)(1), (a)(6) and (b)), hereby gives notice of the adoption of the following rulemaking which amends the Vehicle and Traffic Regulations (18 DCMR). Final action to adopt this rulemaking was taken on May 5, 2003. No comments have been received and no changes have been made to the text of the proposal as published on December 13, 2002 at 49 DCR11307. This final rulemaking will be effective when published in the D.C. Register.

Title 18 DCMR, Section 4002, TRUCK RESTRICTIONS, Subsection 4002.1, (b) Northeast Section, is amended by adding the following to the list of locations where TRUCK RESTRICTIONS are installed:

“On T Street , N.E., from 4th to North Capitol Streets”.

WASHINGTON CONVENTION CENTER AUTHORITY

NOTICE OF FINAL RULEMAKING

The Board of Directors of the Washington Convention Center Authority, pursuant to section 203 of the Washington Convention Center Authority Act of 1994, D.C. Law 10-188, D.C. Code § 10-1202.03, hereby gives notice of its adoption on April 24, 2003, of the following amendment to chapter 3 ("Procurement") of Title 19 DCMR.

No comments were received on the notice of proposed rulemaking published in the District of Columbia Register at 50 DCR 2052 on March 7, 2003. No changes have been made to the text of the proposed rulemaking.

This rulemaking shall take effect immediately upon publication in the District of Columbia Register.

Section 303 ("General Requirements: Economic Opportunity") is hereby amended by amending subsection 303.4 to read:

303.4 The CCO shall provide in the Authority's procurements that offerors and subcontractors submitting evidence that they are certified by the Local Business Development Commission shall be awarded a reduction in price (in the case of bids and quotations) or preference points (in the case of proposals), pursuant to the Equal Opportunity for Local, Small, and Disadvantaged Business Enterprises Act of 1992, as amended (D.C. Law 9-217; D.C. Code § 2-217.01 et seq.).

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Consumer and Regulatory Affairs, pursuant to the authority set forth in section 10 of the Construction Codes Approval and Amendments Act of 1986 ("Act"), effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code § 6-1409), section 105 of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.05), Mayor's Order 87-259, dated November 13, 1987, and Mayor's Order 86-38, dated March 4, 1986, hereby gives notice of the intent to take final rulemaking action to adopt the following amendments to Chapter 1 of Title 12A, Chapter 1 of Title 12D, and Chapter 1 of Title 14 of the District of Columbia Municipal Regulations (DCMR) in not less than thirty (30) days from the date of publication of this notice in the D.C. Register.

The proposed rules would amend Chapter 1 of Title 12A, the District of Columbia Building Code Supplement of 1999 by amending section 116.0 to allow DCRA to refer cases for criminal prosecution in the absence of notice of infractions or violations, and adding a new subsection 119.1.1 to prohibit entry to vacant buildings and structures deemed to be unsafe. The rules would also amend Chapter 1 of Title 12D, the District of Columbia Fire Prevention Code Supplement of 1999 by amending subsections F-112.2 and F-112.3, renumbering subsections F-112.4 and F-112.5 to subsections F-112.6 and F-112.7, respectively, and adding new subsections F-112.4 and F-112.5 to clarify the violation provisions of the chapter. Finally, the rules would amend subsection 102.4 of Chapter 1 of Title 14 to clarify the violation provisions of the chapter. The new rules are needed because homeowners who failed to abate nuisances attempted to evade prosecution because DCRA failed to provide warnings to homeowners of possible prosecution, opportunities to abate nuisances or impose fines.

Pursuant to section 10 of the Act, these rules are being transmitted to the Council of the District of Columbia for a forty-five (45) day period of review. The proposed rules will become effective in not less than thirty (30) days from the date of publication of this notice in the D.C. Register, or upon approval by the Council by resolution, whichever occurs later. If the Council does not approve or disapprove the proposed rules within the forty-five (45) day review period, the proposed rules shall be deemed approved.

Chapter 1 (Administration and Enforcement) of Title 12A DCMR, the District of Columbia Building Code Supplement of 1999) (November, 1999) is amended as follows:

Subsection 116.2 is amended to read as follows:

116.2 Notice of Violation, Infraction, or Order: The code official is authorized to serve a notice of violation, notice of infraction, or order on the person responsible for the erection, construction, alteration, extension, repair, razing, demolition, use, or occupancy of a building or structure in violation of the provisions of the Construction Codes, or in violation of a plan approved thereunder, or in violation of a permit or certificate issued under the provisions of the Construction Codes.

116.2.1 Requirement to Abate Nuisance: Such notice or order shall direct the discontinuance of the illegal action or condition and/or the abatement of the violation.

116.2.2 Failure to Provide a Notice: Issuance of a notice of violation pursuant to this subsection is at the discretion of the code official. Failure to give a notice of violation shall not be a bar to any criminal prosecution, civil action, or civil infraction proceeding brought under this code.

Section 116.3 is amended by striking the word "the" the first time that it appears in the first sentence and inserting the word "a" in its place.

Section 116.6 is amended by inserting the phrase, "to criminal prosecution" after the words "alternative sanctions".

A new subsection 119.1.1 is added to read as follows:

119.1.1 Prohibited Entry: When a vacant building or structure is deemed to be unsafe, pursuant to Section 119.1, the code official may cause to be posted at each entrance to such building or structure a notice that the structure is unsafe and that its use or occupancy has been prohibited. It shall be unlawful for any person to enter such building or structure except for the purpose of making the required repairs or of demolishing it.

Section F-112.0 of Title 12D DCMR the District of Columbia Fire Prevention Code Supplement of 1999, (November 1999) is amended to read as follows:

SECTION F-112.0. VIOLATIONS

F-112.1 Notice of Violation: Whenever the code official observes an apparent or actual violation of a provision of this code or other codes or ordinances under the code official's jurisdiction, the code official may prepare a written notice of violation citing the relevant code section, describing the conditions deemed unsafe and specifying time limits for the reinspection of same to insure that the required repairs or improvements have been made to render the structures or premises safe and secure.

F-112.1.1 Revocation of Notice: If the owner, tenant or occupant of a building, or any person chargeable hereunder, shall deem himself or herself aggrieved by an order issued under the authority of subsection F-110.0, and undue hardship would result from following the appeals process of Section F-113.0, he or she may, within seventy-two (72) hours from the time such order is issued (excluding Saturdays, Sundays, and legal holidays), appeal from such order to the Mayor. Unless said order is revoked or suspended by the Mayor, it shall remain in force and be forthwith complied with.

F-112.1.2 Notification of Residential Tenants: The code official shall notify the occupants of dwelling units, in buildings where a written notice is issued, by affixing two (2) copies thereof in a conspicuous place at the principal entrance of the building, as well as, one (1) copy in a conspicuous place in the area where tenant mail boxes are located.

F-112.1.3 Failure to Issue a Notice: Issuance of a notice of violation pursuant to this subsection is at the discretion of the code official. Failure to give a notice of violation shall not be a bar to any criminal prosecution, civil action, or civil infraction proceeding brought under this code.

F-112.2 Failure to Correct Violations: If a notice of violation is not complied with as specified by the code official, the code official shall, first, issue a collateral citation, then if violations are not corrected as specified, request the Corporation Counsel to institute the appropriate legal proceedings to restrain, correct or abate such violation or to require removal or termination of the unlawful use of the building or structure in violation of the provisions of this code or of any order or direction made pursuant thereto. The police department shall be requested by the code official to make arrests for any offense against this code or orders of the code official affecting the immediate safety of the public.

F-112.3 Penalty for Violations: Any person, firm or corporation violating any of the provisions of this code or failing to comply with any order issued pursuant to any section thereof, upon conviction thereof shall be punished by a fine of not more than three hundred dollars (\$ 300) or imprisonment for not more than ninety (90) days, or both. Each day that a violation continues, after a service of notice as provided in this code, shall be deemed a separate offense.

F-112.4 Civil Infractions: Civil fines, penalties and fees may be imposed as alternative sanctions to criminal prosecution for any infraction of the provisions of this code or any rules or regulations issued under the authority of this code or pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, D.C. Law 6-42, D.C. Official Code, § 2-1801.01 et seq (2001).

F-112.5 Unsafe Conditions: When any owner or occupant fails or refuses to comply with an order issued under subsection F-110.0, and when in the opinion of the code official, there exists an actual or potential danger to life, the code official may order the immediate evacuation of such building or part thereof until such condition is remedied.

F-112.6 Abatement of Violation: The imposition of the penalties herein described shall not prevent the Corporation Counsel from instituting appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, illegal conduct of business or illegal occupancy of a structure on or about any premises.

F-112.7 Obstruction or Interference: Any owner, tenant or occupant of any building or premises, or any other person chargeable under the authority of this code, who is convicted of willfully obstructing or interfering with the code official in the performance of the code

official's duties, shall be punished by a fine of not more than \$ 300, or imprisonment for not more than ninety (90) days or both.

Subsection 102.4 of Title 14 DCMR (Housing) (July 1991) is amended to read as follows:

102.4 Notwithstanding the issuance or non-issuance of a Notice of Violation, civil fines, penalties, and fees may be imposed as alternative sanctions to criminal prosecution for any infraction of the provisions of this chapter, or any rules or regulations issued under authority of this subtitle pursuant to Titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985. Adjudication of any infraction of this chapter shall be pursuant to Titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985.

Copies of the proposed rulemaking may be obtained by contacting Denzil Noble, Deputy Administrator, Building and Land Regulation Administration, Department of Consumer and Regulatory Affairs, 941 North Capitol Street, Room 2000, Washington, D.C. 20002, Monday through Friday, 8:00 a.m. to 4:30 p.m. All persons desiring to comment on the proposed rulemaking must submit their written comments, not later than thirty (30) days after the date of publication of this notice in the D.C. Register, to Karen Edwards, General Counsel, Department of Consumer and Regulatory Affairs, Suite 9400, at the above address.