

**DISTRICT OF COLUMBIA DEPARTMENT OF HEALTH****GENERAL NOTICE  
to  
EXTEND COMMENT PERIOD**

In the August 8, 2008, *D.C. Register* at 55 DCR 008532, the Director of the Department of Health published for comment proposed rules on civil infractions for assisted living facilities. The August 8, 2008, rulemaking was published for comment for thirty (30) days. The Director of the Department of Health hereby extends the period of comment for an additional thirty (30) days from the date of publication of this notice.

Comments on the proposed rulemaking should be submitted, in writing, to Feseha Woldu, Ph.D., Senior Deputy Director, Health Regulation and Licensing Administration, Department of Health, 717 14th Street, Suite 600, Washington, DC. 20005, within thirty (30) days of the date of publication of this notice in the *D.C. Register*. Additional copies of this rulemaking are available from the above address.

## DEPARTMENT OF HEALTH

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth under § 302 (14) of the District of Columbia Health Occupations Revision Act of 1985 ("Act"), effective March 15, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14)), and Mayor's Order 98-140, dated August 20, 1998, hereby gives notice of his intent to take final rulemaking action to adopt the following amendments to Chapter 67 (Physical Therapy) of Title 17 (Business, Occupations & Professions) 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 purpose of the amendments is to clarify that the District examination is a jurisprudence examination and to specify the applicants that must take this examination.

**Section 6704 of Title 17 (Business, Occupations & Professions) is amended as follows:**

**Sections 6704.2 and 6704.3 are amended to read as follows:**

- 6704.2        An applicant for licensure by examination shall take and pass a Board approved national licensure examination in physical therapy (the national examination and a Board-approved District of Columbia jurisprudence examination (the District examination). The applicant shall have pre-approval from the Board before taking any licensure or jurisprudence examination.
- 6704.3        In addition to applicants identified in § 6704.2, the following applicants shall take and pass the District examination prior to issuance of a license if the District examination has not previously been taken:
- (a) An applicant who is seeking renewal of a license;
  - (b) An applicant who is seeking re-activation of an inactive license; and
  - (c) An applicant who is seeking reinstatement of a license.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not later than thirty days after the date of publication of this notice in the *D.C. Register*. Comments should be sent to the Department of Health, Office of the General Counsel, 825 North Capitol Street, N.E., 4<sup>th</sup> Floor, Washington, D.C. 20002. Copies of the proposed rule may be obtained from the Department at the same address during the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday, excluding holidays.

## DEPARTMENT OF HEALTH

NOTICE OF PROPOSED RULEMAKING

The Director of the Department Health, pursuant to the authority set forth under section 302 (14) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D. C. Law 6-99; D.C. Official Code § 3-1203.02 (14)), and Mayor's Order 98-140, dated August 20, 1998, hereby gives notice of his intent to take final rulemaking action to adopt the following amendments of Chapter 73 of Title 17 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 purpose of the amendments is to add the requirement of passing a jurisprudence examination as a condition for the registration or re-registration of addiction counselors if the examination has not been taken previously.

**Chapter 73 (Addiction Counselor) of Title 17 DCMR (Business, Occupations & Professions) (May 1990) is amended as follows:**

**Section 7303 is amended by adding new subsections 7303.6 through 7303.12 to read as follows:**

- 7303.6 An applicant for registration shall take and pass the District of Columbia jurisprudence examination in addiction counseling. If a registrant has not previously taken the jurisprudence examination, the registrant shall take and pass the examination before he or she can be approved for re-registration.
- 7303.7 The passing score on the jurisprudence examination shall be determined by the Board of Professional Counseling ("Board").
- 7303.8 The jurisprudence examination shall be a written examination, developed and administered by the Board, or a body approved by the Board, on laws and rules pertaining to the practice of addiction counseling in the District of Columbia.
- 7303.9 The jurisprudence examination shall consist of questions on District of Columbia laws pertaining to addiction counseling including the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.01 *et seq.*), this chapter, and chapters 40 and 41 of this title.
- 7303.10 An applicant for registration or re-registration who does not pass the jurisprudence examination must seek and obtain Board approval for any subsequent attempts to retake the examination. Before the Board may approve an applicant for subsequent testing beyond three (3) attempts, an

applicant shall submit proof satisfactory to the Board of having successfully completed any remediation as determined by the Board.

7303.11 If the Board determines that an applicant has engaged in, or has attempted to engage in, conduct that subverts or undermines the integrity of the jurisprudence examination process, the Board may disqualify the applicant from taking the examination. Examples of such conduct may include, but are not limited to the following:

- (a) Utilizing any materials not authorized to be brought into the test center for purposes of the examination;
- (b) Failing to comply with all test center security procedures;
- (c) Attempting to communicate with other examinees during the examination; or
- (d) Copying or sharing examination questions or answers or portions of questions or answers.

7303.12 All occurrences of any violations of § 7303.11 shall be recorded in the official records of the Board. Board action may include, but is not limited to, the following:

- (a) Disqualifying test results of the applicant's examinations;
- (b) Disqualifying the applicant permanently or for a specified period of time from eligibility for the examinations;
- (c) Disqualifying the applicant permanently or for a specified period of time, from registration; or
- (d) Revocation, suspension, or imposition of probationary conditions on a registration issued to the applicant.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not less than thirty (30) days after the date of publication of this notice in the D.C. Register. Comments should be sent to the Department of Health, Office of the General Counsel, 825 North Capitol Street, N.E., 4<sup>th</sup> Floor, Washington, D.C. 20002. Copies of the proposed rulemaking may be obtained from the Department at the same address during the hours of 9:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays.

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 PROPOSED RULEMAKING

FORMAL CASE NO. 945, IN THE MATTER OF THE INVESTIGATION INTO  
ELECTRIC SERVICES 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,<sup>1</sup> of its intent to amend Chapter 29 of Title 15 DCMR, and act upon the proposed Affidavit of Environmental Compliance as well as the proposed Electricity Supplier Annual Compliance Report Form for the District of Columbia’s Renewable Energy Portfolio Standard Program in not less than thirty (30) days from the publication of this Notice of Proposed Rulemaking (“NOPR” or “Notice”) in the *D.C. Register*. Chapter 29, which is entitled “Renewable Energy Portfolio Standard,” contains the Commission’s regulations governing the District of Columbia’s Renewable Energy Portfolio Standard (“RPS”) Act. The proposed revisions will allow an applicant seeking certification as an Eligible District of Columbia Renewable Energy Standards Generating Facility to provide a self-certified Affidavit of Environmental Compliance. In addition, the proposed Electricity Supplier Annual Compliance Report Form replaces the interim form used for the 2007 reporting year by retail electricity suppliers in the District of Columbia.

2. Currently, Section 2902.6 states:

2902.6 In addition to the information required in § 2902.5, an applicant submitting a Regular Application must also attach:

- (a) A current Certificate of Good Standing for the applicant issued by the state in which the business was formed;
- (b) A copy of the U.S. Department of Energy, Energy Information Administration Form EIA 860, if the rated capacity is greater than 1.0 MW;
- (c) A Certificate of Authorization to Conduct Business in the District of Columbia, if applicable;
- (d) An Affidavit of General Compliance;
- (e) Documentation of authority to sign on behalf of the Applicant; and

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<sup>1</sup> D.C. Official Code § 2-505 (2001 Ed.).

- (f) An Affidavit of Environmental Compliance from the state where the facility is located.

The proposed amended Section 2902.6 shall state:

**2902.6 In addition to the information required in § 2902.5, an applicant submitting a Regular Application must also attach:**

- (a) **A current Certificate of Good Standing for the applicant issued by the state in which the business was formed;**
- (b) **A copy of the U.S. Department of Energy, Energy Information Administration Form EIA 860, if the rated capacity is greater than 1.0 MW;**
- (c) **A Certificate of Authorization to Conduct Business in the District of Columbia, if applicable;**
- (d) **An Affidavit of General Compliance;**
- (e) **Documentation of authority to sign on behalf of the Applicant; and**
- (f) **An Affidavit of Environmental Compliance, if the rated capacity is greater than 10 kW.**

3. The proposed amendment to Chapter 29 of the Commission's rules, as previously indicated, will allow applicants to file a self-certified Affidavit of Environmental Compliance, where previously applicants had been required to file an Affidavit of Environmental Compliance from the state where the facility is located. Providing a standard format for self-certification will allow for uniform and complete submissions. Accordingly, the proposed self-certified Affidavit of Environmental Compliance is attached to this Notice.

4. In addition, consistent with Commission Rule 2901, each Electricity Supplier is required to file an annual RPS Compliance Report for the previous calendar year by May 1.<sup>2</sup> By Order issued April 10, 2008, the Commission adopted the Electricity Supplier Compliance Report Form for the District of Columbia's RPS Program for the 2007 reporting year.<sup>3</sup> The Commission also indicated that given the rather detailed Electricity Supplier reporting requirements under the RPS Act, providing a standard reporting format for the RPS Compliance Report should reduce the administrative burden on suppliers.<sup>4</sup>

5. Finally, the Commission indicated that it would provide interested persons with an opportunity to comment on a proposed standard reporting format for the RPS Compliance

<sup>2</sup> Commission Rule 2901, 55 D.C. Register at 562-4 (to be codified at 15 DCMR 2901).

<sup>3</sup> Formal Case No. 945, In the Matter of the Investigation into Electric Services Market Competition and Regulatory Practices, Order No. 14782, rel. April 10, 2008 ("Order No. 14782").

<sup>4</sup> Order No. 14782 at 1.

Reports to be used in future years, starting with the 2008 Compliance Report due May 1, 2009, in a Notice of Proposed Rulemaking to be published at a later date.<sup>5</sup> Consistent with that directive, the proposed Electricity Supplier Compliance Report Form for the District of Columbia's RPS Program is attached to this Notice.<sup>6</sup>

6. Comments on the proposed amendments to Chapter 29, the proposed Affidavit of Environmental Compliance, and the proposed Compliance Form must be made in writing to Dorothy Wideman, Commission Secretary, Public Service Commission of the District of Columbia, 1333 H Street, N.W., Suite 200, West Tower, Washington, DC 20005. Copies of the NOPR may be obtained, at cost, by writing the Commission Secretary at the above address or on the Commission's website at [www.dcpssc.org](http://www.dcpssc.org). 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 after the date of publication of this NOPR in the *D.C. Register*. Once the comment period has expired, the Commission will take final rulemaking action.

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<sup>5</sup> Order No. 14782 at 2.

<sup>6</sup> The attached Electricity Supplier Compliance Report Form is a hardcopy of a Microsoft Excel file.

AFFIDAVIT OF ENVIRONMENTAL COMPLIANCE

Name of Renewable Energy Facility ("Facility"):

\_\_\_\_\_

Facility address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Renewable resource used:

\_\_\_\_\_

Contact person for the facility ("Contact") – include name, address (if different from above), phone number, and e-mail address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Confirmation of Compliance or Non-Compliance with Environmental Requirements  
(Check either (a) or (b)):

(a) \_\_\_ The Facility complies with all applicable state and federal environmental requirements, including obtaining or renewing all applicable state and federal environmental permits. In addition, this Facility has not experienced any major environmental violations during the preceding year.

(b) \_\_\_ The Facility does not comply with all applicable state and federal environmental requirements.

Major environmental violations<sup>1</sup> (Check either (a) or (b)):

(a) \_\_\_ The Facility has not experienced any major environmental violations during the preceding year.

(b) \_\_\_ The Facility has experienced a major environmental violation during the preceding year.<sup>2</sup>

<sup>1</sup> A major environmental violation is one that causes significant harm to the environment or public health and results in a compliance order or penalty.

<sup>2</sup> If a major environmental violation did occur, please provide a detailed explanation of the violation, including the date of the violation and the date it was remedied. Please provide the name of a contact person at the appropriate state or federal environmental agency.

Please list all Federal and State Environmental Permits for the facility, including permit number, date authorized, expiration date, and agency contact.

<u>Permit Type</u>	<u>Permit Number</u>	<u>Date Authorized</u>	<u>Expiration Date</u>	<u>Agency Contact</u>

\_\_\_\_\_, (Name of Officer/Affiant), being duly sworn/affirmed according to law, deposes and says that:

He/she is the \_\_\_\_\_ (Title of Officer/Affiant) of \_\_\_\_\_ (Name of Renewable Energy Facility);

That he/she is authorized to and does make this affidavit for said Facility.

That \_\_\_\_\_ (Name of Officer/Affiant) herein certifies to the Public Service Commission of the District of Columbia under penalty of perjury that:

The Officer/Affiant acknowledges that any change in compliance status constitutes a change of information, notice of which by Officer/Affiant is required to be filed with the Public Service Commission immediately.

The Officer/Affiant further certifies that he/she has personally examined and is familiar with all foregoing information, including any attachments and appendices, and further certifies that information to be true, correct, and complete.

\_\_\_\_\_  
Signature of Officer/Affiant

Sworn and Subscribed Before Me this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
Signature of Official Administering Oath

My Commission Expires: \_\_\_\_\_

**Electricity Supplier Annual Compliance Report - DC RPS Program**

Enter the appropriate figures into the following tables:

	Block 1	Block 2	Block 3	Block 4	Block 5	Block 6	MWh	Percent Required
<b>Total Retail Electricity Sales</b>								-
<b>Total Exempt Electricity Sales</b>								-
<b>Compliance Total</b>			0					-
<b>Solar REC Obligation</b>				#N/A				#N/A
<b>Tier I REC Obligation</b>					#N/A			#N/A
<b>Tier II REC Obligation</b>						#N/A		#N/A

Enter Compliance Year:

- Block 1** Enter total retail electricity sales for the compliance year.
- Block 2** Enter quantity of any exempt retail electricity sales to a customer with a renewable on-site generator.
- Block 3** Compliance total, Block 3 = Block 1 – Block 2.
- Block 4** Tier I Solar REC obligation, Block 4 = Block 3 \* Compliance Year Percentage for Solar Energy.
- Block 5** Tier I REC obligation, Block 5 = Block 3 \* Compliance Year Percentage for Tier I.
- Block 6** Tier II REC obligation, Block 6 = Block 3 \* Compliance Year Percentage for Tier II.

Complete Block 1 and Block 2 and enter the Compliance Year. Blocks 3, 4, 5, and 6 will be calculated based on your entries.