

OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

NOTICE OF PROPOSED RULEMAKING

The Administrator of the Office of Documents and Administrative Issuances (ODAI), pursuant to the authority set forth in the District of Columbia Documents Act, effective March 6, 1979 (D.C. Law 2-153), hereby gives notice of her intent to adopt the following amendment to Chapter 3 of Title 1 of the *District of Columbia Municipal Regulations* in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*. The purpose of the rulemaking is to amend the procedures for submitting documents to ODAI for publication in the *D.C. Register*. Once adopted, this proposed amendment will require that all documents that are submitted for publication in the *D.C. Register* are electronically submitted, in addition to the hard copies that are currently required.

1 DCMR Chapter 3, RULES OF THE OFFICE OF DOCUMENTS, is amended as follows:

Section 307.1 is amended to read as follows:

307.1 Except as provided in § 307.2, three (3) copies of each document submitted for publication in the *D.C. Register* shall be filed with the Office of Documents as:

- (a) A hardcopy original;
- (b) A hardcopy duplicate original or a certified copy of the original; and
- (c) An electronic copy submitted to www.dcdocuments@dc.gov.

Comments on this proposed regulation should be submitted, in writing, to Mr. Gregory Fields, Staff Attorney, Office of Documents and Administrative Issuances, 441 4th Street, N.W., Suite 520 South, Washington, D.C. 20001, within thirty (30) days of the publication of this notice in the *D.C. Register*. Additional copies of this proposed regulation are available at the above address.

DEPARTMENT OF HEALTH**NOTICE OF PROPOSED RULEMAKING**

The Director of the Department of Health, pursuant to the authority set forth in section 3(a) of the Preventive Health Services Amendments Act of 1985 ("Act"), effective February 21, 1986, D.C. Law 6-83, D.C. Official Code § 7-131(a) (2001) and Mayor's Order 98-141, dated August 20, 1998, section 5 of the Health-Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983 (the "Act") effective February 24, 1984 (D.C. Law 5-48, D.C. Official Code § 44-501 (b) and 44-504), and Mayor's Order 98-137, dated August 20, 1998, hereby gives notice of his intent to adopt the following amendments to Chapters 2, 20, and 32 of Title 22 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 rules would add reporting requirements and procedures for minimizing patient infection by methicillin-resistant staphylococcus aureus (MRSA). The final rules will become effective upon publication of this notice in the *D.C. Register*.

Title 22 DCMR (Public Health & Medicine) (August 1986) is amended as follows:

Chapter 2 is amended as follows:

Amend the table of contents by adding the following after the description for section 206

207 MRSA Infection

Section 201.3 is amended as follows:

Amend paragraphs (g) and (h) to read as follows:

(g) Relapsing fever, louse borne;

(h) Salmonella infections, including typhoid fever and paratyphoids;

Add new paragraphs (i) and (j) to read as follows:

(i) VISA; and

(j) VRSA.

Add a new section 207 to read as follows:

207 MRSA Infection.

207.1 Each healthcare facility shall report MRSA bloodstream infections, including relevant denominator date, categorized as healthcare acquired, community acquired, or transferred from another facility.

- 207.2 Each healthcare facility shall report an outbreak of MRSA. For the purposes of this section, an outbreak is three (3) or more nosocomially-acquired cases that are epidemiologically linked by person, place or time, or a substantial increase in the number of cases in a facility with endemic MRSA.
- 207.3 Each healthcare facility shall conduct active surveillance testing and report the percentage of MRSA isolates in relation to all Staphylococcus aureus isolates for areas identified as at-risk for MRSA. Targeted high risk populations may vary by institution, but may include intensive care units, surgical patients, dialysis patients, patients with prolonged duration of stay, patients with a recent hospitalization or nursing home stay, patients with history of MRSA infection or colonization, and patients transferred from another facility.

Amend section 299.1 by adding the following new definitions to read as follows:

Methicillin-resistant staphylococcus aureus (MRSA)—a bacterium that is resistant to antibiotics known as beta-lactams. These antibiotics include methicillin, amoxicillin, and penicillin.

VISA—a bacterium that is resistant to antimicrobial agents with a minimum inhibitory concentration of vancomycin of between four (4) and eight (8) micrograms per milliliter ($\mu\text{g/ml}$).

VRSA—a bacterium that is resistant to antimicrobial agents with a minimum inhibitory concentration of vancomycin of greater than sixteen (16) micrograms per milliliter ($\mu\text{g/ml}$).

Chapter 20 is amended as follows:

Amend the table of contents for Chapter 20 by adding the following after the heading for section 2037 Housekeeping and Maintenance:

2038 MRSA Infection Prevention

Add a new section 2038 to read as follows:

2038 MRSA Infection Prevention

2038.1 Each hospital shall have written infection prevention and control policies and procedures.

2038.2 Each hospital shall identify MRSA colonized patients in an intensive care unit or other at-risk unit.

2038.3 Each patient colonized or infected with MRSA shall be isolated in an appropriate manner consistent with guidelines for best practices. A patient requiring "Contact

Precautions” shall be placed in either a private room or in a semi-private room with another patient infected or colonized with MRSA (cohorting). A patient in a long-term care facility who is infected or colonized shall be permitted to participate in group activities provided that any draining wounds are covered, bodily fluids are contained, and the patient is observed to have proper hygiene practices.

- 2038.4 Each hospital shall adhere to hand hygiene best practices to ensure, through education and monitoring, that healthcare personnel properly cleanse hands between patient care activities.
- 2038.5 Each hospital shall monitor trends in the incidence of MRSA in the hospital over time and enhance infection control interventions if rates do not decrease.
- 2038.6 Each hospital shall maintain a mechanism for identifying a MRSA patient who is readmitted to the hospital (i.e. flagging). This practice will expedite the use of proper precautions and reduce possible spread.
- 2038.7 Each hospital shall have a worker education requirement regarding modes of transmission, use of personal protective equipment, disinfection policies and procedures, and other preventive measures in accordance with CDC guidelines on the use of “Standard Precautions” and “Contact Precautions”.
- 2038.99 When used in this section, the following terms shall have the meanings ascribed:

Colonized—having a bacterial organism present on or in the body that is not causing illness.

Long-term care facility—a component of a hospital intended for the treatment of patients who require extended stays in a hospital setting to complete their treatment.

Methicillin-resistant staphylococcus aureus (MRSA)—a bacterium that is resistant to antibiotics known as beta-lactams. These antibiotics include methicillin, amoxicillin, and penicillin.

Chapter 32 is amended as follows:

Amend the table of contents by adding after the heading for section 3266 the following:

3267 MRSA Infection Prevention

Add a new section 3267 to read as follows:

3267 MRSA Infection Prevention

- 3267.1 Each nursing facility shall have written infection prevention and control policies and procedures.
- 3267.2 Each nursing facility shall identify MRSA colonized patients in an intensive care unit or other at-risk unit.
- 3267.3 Each patient colonized or infected with MRSA shall be isolated in an appropriate manner consistent with guidelines for best practices. A patient requiring "Contact Precautions" shall be placed in either a private room or in a semi-private room with another patient infected or colonized with MRSA (cohorting). A patient who is infected or colonized shall be permitted to participate in group activities provided that any draining wounds are covered, bodily fluids are contained, and the patient is observed to have proper hygiene practices.
- 3267.4 Each nursing facility shall adhere to hand hygiene best practices to ensure, through education and monitoring, that healthcare personnel properly cleanse hands between patient care activities.
- 3267.5 Each nursing facility shall monitor trends in the incidence of MRSA in the nursing facility over time and enhance infection control interventions if rates do not decrease.
- 3267.6 Each nursing facility shall maintain a mechanism for identifying a MRSA patient who is readmitted to the nursing facility (i.e. flagging). This practice will expedite the use of proper precautions and reduce possible spread.
- 3267.7 Each nursing facility shall have a worker education requirement regarding modes of transmission, use of personal protective equipment, disinfection policies and procedures, and other preventive measures in accordance with CDC guidelines on the use of "Standard Precautions" and "Contact Precautions".

Amend section 3299.1 by adding the following terms with the meanings ascribed:

Colonized—having a bacterial organism present on or in the body that is not causing illness.

Methicillin-resistant staphylococcus aureus (MRSA)—a bacterium that is resistant to antibiotics known as beta-lactams. These antibiotics include methicillin, amoxicillin, and penicillin.

Persons desiring to comment on these proposed rules should submit comments in writing to the Department of Health, Office of the General Counsel, 825 North Capitol Street, N.E., 4th Floor, Washington, D.C. 20002, no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Copies of these proposed rules and related information may be obtained between 8:30 A.M. and 5:00 P.M. Monday through Friday, excluding holidays, at the address stated above.

**D.C. DEPARTMENT OF HUMAN RESOURCES
METROPOLITAN POLICE DEPARTMENT**

NOTICE OF PROPOSED RULEMAKING

The Director, D.C. Department of Human Resources, and the Chief, Metropolitan Police Department, with the concurrence of the City Administrator, pursuant to Mayor's Order 2000-83, dated May 30, 2000, and in accordance with Title XII of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (CMPA), effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-612.01 *et seq.*) (2006 Repl.), hereby give notice of the intent to adopt the following proposed rules in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*. These rules would amend Chapter 12, Hours of Work, Legal Holidays, and Leave, of Title 6 of the District of Columbia Municipal Regulations (DCMR), to add the definition for the term "*immediate relative*" to section 1299 of the chapter. Upon adoption, these rules would amend Chapter 12, Hours of Work, Legal Holidays, and Leave, of Title 6 of the DCMR, published at 40 DCR 1292 (February 12, 1993), and amended at 49 DCR 9056 (October 4, 2002) and 54 DCR 11538 (November 30, 2007).

CHAPTER 12

HOURS OF WORK, LEGAL HOLIDAYS, AND LEAVE

Section 1299 of Chapter 12 of the D.C. Personnel Regulations, Definitions, is amended to add the definition for the term "immediate relative:"

Immediate relative – an individual who is related by blood or marriage to an employee covered by this chapter as father, mother, child, husband, or wife; an individual for whom an employee covered by this chapter is the legal guardian; or the domestic partner of an employee covered by this chapter.

Comments on these proposed regulations should be submitted, in writing, to Ms. Brender L. Gregory, Director, D.C. Department of Human Resources, 441 4th Street, NW, Suite 300 South, Washington, D.C. 20001, within thirty (30) days of the date of the publication of this notice. Additional copies of these proposed rules are available from the above address.

D.C. DEPARTMENT OF HUMAN RESOURCES**NOTICE OF PROPOSED RULEMAKING**

The Director, D.C. Department of Human Resources, with the concurrence of the City Administrator, pursuant to Mayor's Order 2000-83, dated May 30, 2000; and Mayor's Order 2002-56, dated March 4, 2002, and in accordance with the provisions of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701 *et seq.*) (2001), as amended by the Health Care Benefits Expansion Amendment Act of 2006 (Act), effective April 4, 2006 (D.C. Law 16-82; D.C. Official Code § 32-706) (2007 Supp.), hereby gives notice of the intent to adopt the following rules upon their approval by the Council of the District of Columbia (Council), as required by D.C. Official Code § 32-709 (2001), and in not less than thirty (30) days from the publication of this notice in the *D.C. Register*. The Act amended D.C. Official Code § 32-706, which provides that persons first employed by the District government on or after October 1, 1987 who are eligible for health benefits coverage under the District of Columbia Employees Health Benefits Program (Program) may elect to enroll their domestic partners and the dependent children of the domestic partner in the Program. The amendment, applicable as of the later of January 1, 2007 or its inclusion in an approved budget and financial plan, provides that, instead of eligible employees assuming the total additional cost of the family health insurance coverage for the domestic partner or family members they shall pay twenty five percent (25%) of the cost of family health insurance coverage and the District government shall pay the remaining seventy five percent (75%). The main purpose of this Notice of Proposed Rulemaking is to implement the provisions of the Act (section 2129.6). Additionally, the following changes to section 2129 of the chapter are being proposed: the heading of section 2129 was changed from "*Optional Self-Financed Health Benefits Coverage for Domestic Partners*;" sections 2129.2 and 2129.3 were amended; section 2129.3 was deleted; section 2129.4 was renumbered as 2129.3 3 and amended; a new section 2129.4 was added; and sections 2129.5 through 2129.12 were added, including the amendment to 2129.7 to provide that any health insurance premiums pursuant to section 2129 shall be deducted on an "*after-tax*" basis; and sections 2129.8 through 2129.12 were amended. Because Council approval of these rules is required, a rulemaking approval resolution has been submitted to the Council for that purpose along with this Notice of Proposed Rulemaking. Upon adoption, these rules would amend section 2129 of Chapter 21, Health Benefits, of Title 6 of the DCMR, published at 39 DCR 6172 (August 21, 1992) and amended at 50 DCR 3027 (April 18, 2003).

CHAPTER 21**HEALTH BENEFITS**

Section 2129 of Chapter 21 of the D.C. Personnel Regulations is amended as follows:

The heading of section 2129 is changed from "Optional Self-Financed Health Benefits Coverage for Domestic Partners:"

2129 OPTIONAL HEALTH BENEFITS COVERAGE FOR DOMESTIC PARTNERS

Sections 2129.1 and 2129.2 are amended to read as follows:

2129.1 The provisions of this section shall be applicable to persons first employed by the District government on or after October 1, 1987 who are eligible for health benefits coverage under the District of Columbia Employees Health Benefits (DCEHB) Program established pursuant to D.C. Official Code § 1-621.02 *et seq.* (2006 Repl.). Persons first employed before October 1, 1987 who are eligible for federal health benefits coverage pursuant to D.C. Official Code § 1-621.01 (2006 Repl.) are excluded from the provisions of this section.

2129.2 A person who is eligible for health benefits coverage as specified in section 2129.1 of this section and who meets the criteria specified in section 2129.3 of this section may enroll his or her domestic partner and dependent children of the domestic partner for health benefits coverage under the DCEHB Program. Enrollment may occur upon employment or once annually during the DCEHB Program open enrollment period, as applicable.

Section 2129.3 is deleted.

Section 2129.4 is renumbered as 2129.3 and amended to read as follows:

- 2129.3 In order to enroll a domestic partner and any dependent children of the domestic partner in the DCEHB Program, an eligible employee shall:
- (a) Have a valid certificate of domestic partnership issued by the D.C. Department of Health; and
 - (b) Present the certificate of domestic partnership to the personnel authority.

A new section 2129.4 is added to read as follows:

- 2129.4
- (a) An employee newly registered in a domestic partnership is eligible to enroll his or her domestic partner and any eligible dependents in the DCEHB Program within thirty-one (31) days of the date the domestic partnership registration is issued by the D.C. Department of Health.
 - (b) An eligible employee in a domestic partnership registered in a jurisdiction other than the District of Columbia shall register the domestic partnership with the D.C. Department of Health prior to enrolling his or her domestic partner and any dependents for health benefits coverage pursuant to this section.

Sections 2129.5 through 2129.12 are amended to read as follows:

- 2129.5 As applicable, an eligible employee shall provide proof of the dependency of a child of a domestic partner by presenting to the personnel authority the birth certificate or other legal document demonstrating legal custodial care.
- 2129.6 The eligible employee shall assume twenty five percent (25%) of the cost of the health insurance premium for his or her domestic partner and any eligible dependent children, and the District government shall assume the remaining seventy five percent (75%).
- 2129.7 Any health insurance premiums pursuant to this section shall be deducted on a pre-tax basis directly from the employee's paycheck, unless the employee submits a statement to the personnel authority, in writing and signed by the employee, waiving the pre-tax deduction.
- 2129.8 Health benefits for a domestic partner and eligible dependents shall be terminated upon the death of the employee. A surviving domestic partner enrolled as a dependent may convert to an individual health insurance policy directly through the health insurance provider.
- 2129.9 Upon termination of District government service, the eligible employee may elect to continue health benefits coverage as specified in section 2130 of this chapter, and may include continued health benefits coverage for his or her domestic partner and eligible dependents of the domestic partner.
- 2129.10 An eligible employee shall inform his or her personnel authority, in writing, of any change in the circumstances attested to in the Affidavit of Domestic Partnership for Health Insurance Benefits referenced in section 2129.4 of this section.
- 2129.11 A domestic partnership may be terminated, with or without the consent of both partners, by filing a termination of domestic partnership statement with the D.C. Department of Health. The termination of the domestic partnership shall become effective six (6) months after the date it is filed with the D.C. Department of Health.
- 2129.12 An employee who terminates a domestic partnership as specified in section 2129.11 of this section shall notify his or her personnel authority within thirty (30) days of the filing of the termination of domestic partnership statement. Health benefits enrollment of the domestic partner and his or her dependents shall continue, at the cost specified in section 2129.6 of this section, during the six (6) months that the termination of the domestic partnership is pending, provided District government employment is maintained.

Comments on these proposed regulations should be submitted, in writing, to Brender L. Gregory, Director, D.C. Department of Human Resources, 441 4th Street, N.W., Suite 300S, Washington, D.C. 20001, within thirty (30) days of the date of publication of this notice in the *D.C. Register*. Additional copies of these proposed regulations are available from the above address.

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

FORMAL CASE NO. 1017, IN THE MATTER OF THE DEVELOPMENT AND DESIGNATION OF STANDARD OFFER SERVICE IN THE DISTRICT OF COLUMBIA

1. The Public Service Commission of the District of Columbia (“Commission”), pursuant to its authority under D.C. Official Code § 34-1439(c) (2008 Supp.), hereby gives notice of its intent to adopt Chapter 41, the District of Columbia Standard Offer Service (“SOS Rules”), of Title 15 of the District of Columbia Municipal Regulations (“DCMR”) in not less than thirty (30) days after publication of this Notice of Proposed Rulemaking (“Notice” or “NOPR”) in the *D.C. Register*.

2. The Commission issued SOS Rules and adopted the wholesale SOS model to govern the provision of Standard Offer Service (“SOS”) in the District of Columbia by adjudication in 2003 and 2004,¹ and last revised them on July 30, 2004, in Order No. 13241, as set forth in Attachment B to that Order.²

3. The Commission now proposes to revise the SOS Rules, as may be appropriate, and make them a permanent part of the Commission’s regulations. These proposed SOS Rules are not identical in every respect to those adopted in Order Nos. 13118 and 13241. Additionally, some revisions are based on comments the Commission received from the parties responding to a Working Group Report and designated issues concerning the SOS procurement process in Formal Case No. 1047, a companion proceeding to Formal Case No. 1017 initiated by the Commission to review the SOS process and consider the benefits of a portfolio management approach.³

¹ See *Formal Case No. 1017, In the matter of the Development and Designation of Standard Offer Service in the District of Columbia* (“Formal Case No. 1017”), Order No. 13118 (March 1, 2004).

² Formal Case No. 1017, Order No. 13241 (July 30, 2004).

³ See *Formal Case No. 1047, In the Matter of the Petition of the Office of People’s Counsel for the District of Columbia for an Investigation into the Structure of the Procurement Process for Standard Office Service* (“Formal Case No. 1047”), Order No. 14612 (October 29, 2007). The adoption in this NOPR of some of the proposed SOS Rule changes recommended in Formal Case No. 1047 does not conclude the Commission’s investigation into the SOS procurement process in that proceeding. Formal Case No. 1047 will proceed as appropriate.

CHAPTER 41 THE DISTRICT OF COLUMBIA STANDARD OFFER SERVICE RULES

4100	GENERAL PROVISIONS; SCOPE, APPLICABILITY AND AVAILABILITY OF STANDARD OFFER SERVICE; ELIGIBILITY FOR STANDARD OFFER SERVICE
4101	SELECTION OF WHOLESALE SOS PROVIDERS
4102	COMPETITIVE WHOLESALE BID STRUCTURE
4103	STANDARD OFFER SERVICE RETAIL RATES
4104	COMPETITIVE WHOLESALE BIDDING AND CONTRACTING PROCESS
4105	ESTABLISHMENT AND RE-ESTABLISHMENT OF STANDARD OFFER SERVICE: CUSTOMER SWITCHING RESTRICTIONS
4106	FINANCIAL CAPABILITY REQUIREMENTS
4107	REPORTING REQUIREMENTS AND TRUE UP PROVISIONS
4108	BID DOCUMENTS AND INFORMATION PROVIDED BY THE ELECTRIC COMPANY TO POTENTIAL BIDDERS
4109	MARKET MONITOR CONSULTANT
4110	MISCELLANEOUS PROVISIONS
4111-4197	[RESERVED]
4198	WAIVER OR EXEMPTION
4199	DEFINITIONS

4100 GENERAL PROVISIONS; SCOPE AND APPLICABILITY; AVAILABILITY OF STANDARD OFFER SERVICE; ELIGIBILITY FOR STANDARD OFFER SERVICE

- 4100.1 The purpose of this chapter is to set forth the policies and procedures for the implementation of the "Retail Electric Competition and Consumer Protection Act of 1999," as amended.
- 4100.2 This chapter establishes the Public Service Commission of the District of Columbia ("Commission") Rules and Regulations Governing the Provision of Standard Offer Service ("SOS"), the terms and conditions for wholesale electric power supply procurement for SOS, reporting and monitoring procedures, pricing and true-up procedures, other services, and miscellaneous provisions and reservations. The procurement process is for full-requirements wholesale electric supply service to meet the SOS retail load. This chapter shall be cited as the "District of Columbia Standard Offer Service Rules."
- 4100.3 This chapter shall be applicable to the Electric Company designated by the Commission as the SOS provider to retail customers in the Electric Company's distribution service territory. This chapter also establishes the rules by which the Electric Company shall obtain electric supply for SOS pursuant to a competitive wholesale procurement process and will apply to wholesale bidders who compete for the provision of wholesale full

requirements services to the Electric Company. The provisions of this chapter are promulgated pursuant to authority set forth in Sections 34-1509(c) and 34-1504(c)(7) of the D.C. Code.

4100.4 All Electric Company retail distribution customers (“SOS Customers”) are eligible for SOS, subject to the general terms and conditions of the Electric Company’s tariffs and the Commission’s regulations, as they may change from time to time subject to Commission approval.

4100.5 SOS shall be available to: (1) customers who contract for electricity with an electricity supplier, but who fail to receive delivery of electricity under such contracts; (2) customers who cannot arrange to purchase electricity from an electricity supplier; and (3) customers who do not choose an electricity supplier.

4101 SELECTION OF WHOLESALE SOS PROVIDERS

4101.1 The Electric Company shall continue as the SOS provider for retail customers in its distribution service territory until such time as the Commission directs otherwise.

4101.2 The Electric Company shall obtain electric supply for SOS pursuant to a competitive wholesale procurement process.

4101.3 The specific procurement format, form of request, process, timeline, and evaluation process, evaluation criteria and process and model contract for electricity supply shall be submitted for Commission approval by the Electric Company by August 1 of the previous year. The Electric Company shall coordinate with other jurisdictions to ensure that bidding days do not coincide for multiple jurisdictions in the Mid-Atlantic area.

4101.4 Subject to the review and approval of the Commission, the Electric Company shall solicit for wholesale full requirements service pursuant to a Wholesale Full Requirements Service Agreement (“WFRSA”) with the wholesale suppliers of SOS, which shall include the provision of electric energy, energy losses, generation capacity, ancillary services and any other PJM- or FERC-approved services associated with the Electric Company’s load obligation, except for network integration transmission service, which will be obtained by the Electric Company. The wholesale supplier shall be responsible for all congestion costs up to the delivery point at which the Electric Company takes the power to serve its SOS load.

4101.5 The Electric Company shall solicit seasonally differentiated summer and winter prices.

4101.6 Contracts for electricity supply may be of varied duration, as approved by the Commission, to stabilize prices for customers.

- 4102 COMPETITIVE WHOLESALE BID STRUCTURE**
- 4102.1 The Electric Company shall procure full requirements service to meet its SOS obligations using a competitive wholesale procurement process described in this chapter, as amended from time to time, for each SOS Customer Group (as those SOS Customer Groups are defined in Section 4102.3), until the Commission orders, following the major policy review outlined in Section 4102.2 below, that an alternative SOS procurement process shall be implemented.
- 4102.2 The Commission will conduct a review of the Electric Company's SOS program every other year, beginning in 2010, to make any appropriate adjustments to SOS as competitive developments in the District of Columbia change. All adjustments shall be prospective and all contracts entered into prior to these changes shall remain in full force and effect pursuant to the contract terms.
- 4102.3 The Electric Company shall establish three (3) groups of customers ("SOS Customer Groups"):
- (a) Residential Customers shall include customers served under Electric Company Rate Schedules: R, AE, R-TM, R-TM-EX, RAD, and Master Metered Apartment customers, subject to any revisions made to those tariff sheets made by the Commission;
 - (b) Small Commercial Customers shall include the customers served under Electric Company Rate Schedules: GS-LV non-demand, GS-3A non-demand, T, SL, TS, TN and SL-TN, subject to any revisions made to those tariff sheets made by the Commission; and
 - (c) Large Commercial Customers shall include all commercial customers except those defined as Small Commercial customers.
- 4102.4 The Electric Company shall issue Requests For Proposals ("RFPs") to competitive wholesale bidders for contracts for the supply of SOS in order to maintain the following contract term balances for the various customer portfolios:
- (a) Residential Customers: The Electric Company shall solicit fixed-price offers for terms of one year, two years, or three or more years. The Electric Company's portfolio shall contain contracts such that three or more year offers comprise at least forty percent (40%) of each year's portfolio, unless the Commission has directed the Electric Company to solicit fixed-price offers based on a different mix of terms. The Electric Company and other parties may propose alternative portfolios of supply options for consideration by the Commission. The Electric Company shall compile a portfolio of conforming offers consistent with the mix of terms determined by the Commission. The Electric Company shall select conforming offers to meet the Commission's

percentage target(s) in accordance with the evaluation provision included in the RFP. The final contract mix should include contracts of at least three years for no less than forty percent (40%) of the total load.

- (b) **Small Commercial Customers:** The Electric Company shall solicit fixed price offers for Wholesale Full Requirements Service for some combination of one, two, and three or more year terms. The Electric Company shall compile a portfolio of one, two, and three or more year terms conforming offers such that at least forty percent (40%) of the load will be served under contracts of three or more year terms. The Electric Company shall select one, two, and three or more year conforming offers to meet this percentage target in accordance with the evaluation provision included in the RFP. The Electric Company and other parties may propose an alternative portfolio of supply options for consideration by the Commission; and
- (c) **Large Commercial Customers:** The Electric Company shall solicit fixed price offers for Wholesale Full Requirements Service for one and/or two year terms.

4102.5 The Electric Company shall continue to solicit offers for Wholesale Full-Requirements Service for each SOS Customer Group until the Commission orders otherwise, subsequent to Commission review of the SOS procurement process.

4102.6 The Electric Company shall solicit wholesale bids for SOS supply using the existing rate structures of its existing rate classes. Nothing herein, however, precludes the Electric Company from filing for a different rate structure for any rate schedule or SOS Customer Group, subject to Commission review and approval, and provided that any such changes, adjustments, alterations, or modifications do not change or impact existing WFRSAs.

4103 STANDARD OFFER SERVICE RETAIL RATES

4103.1 The retail rates to SOS customers of the Electric Company will consist of the sum of the following components:

- (a) The seasonally-differentiated and, if applicable, time-of-use differentiated load weighted average price of all awarded contracts for Wholesale Full Requirements Service for each SOS Customer Group;
- (b) Retail charges designed to recover, on an aggregate basis, FERC-approved Network Integrated Transmission Service charges ("NITS") and related charges and any other PJM charges and costs incurred by the Electric Company directly related to the Electric Company's SOS load obligation for each SOS Customer Group. According to Commission Order No. 12395 and the PEPSCO/Conectiv merger

Settlement Agreement, the Electric Company has agreed to accept a "transmission deadband" which would adjust transmission and distribution rates so that the overall rates remain constant, unless transmission rates increase or decrease more than ten (10) percent. Any future increase in transmission rates will be constrained by the "transmission deadband" provision approved in Order No. 12395;

(c) An administrative charge; and

(d) Applicable taxes.

4103.2 When the winning wholesale bidder(s) are selected, the Electric Company shall submit to the Commission (1) the names of the winning bidders, which shall remain confidential subject to Section 4110.5 of this chapter, and (2) the retail rates for all the customer classes according to the Commission pre-approved time schedule. Such rates shall consist of all the components included in Section 4103.1. The filing required herein shall also include (1) a detailed calculation and explanation of an administrative charge and (2) administrative charge true-up provisions.

4103.3 Parties to the proceedings can file comments within seven (7) days calendar days and reply comments within 12 calendar days of the Electric Company's submission of the retail rates and administrative charge pursuant to Section 4103.2. The Commission shall thereafter issue an Order approving or rejecting the retail rates and/or administrative charge. The Electric Company shall file a revised tariff setting forth the new retail rates and/or administrative charges within seven (7) calendar days of the Commission's Order approving those rates and charge.

4103.4 The Administrative Charge will be designed to recover the Electric Company's incremental costs for procuring and providing the service. Actual incremental costs shall include, but not be limited to, a proportionate share of SOS customer uncollectibles for each SOS Customer Group, Commission Consultant expenses (as described in Section 4108.2), wholesale bidding expenses, working capital expenses related to SOS for each SOS Customer Group, wholesale supply transaction costs related to wholesale supplier administration and transmission service administration, wholesale payment and invoice processing, incremental billing process expenses, customer education costs, incremental system costs, and legal and regulatory filing expenses related to SOS requirements.

4103.5 Prior to the submission of bids, the Electric Company shall file a request with the Commission (with notice to all the Parties) for determination of the appropriate amount of its Administrative Charge to be included in the retail rates to SOS customers. In calculating the Administrative Charge, any return component on the Administrative Charge, if the inclusion of a return component is approved by the Commission, shall not be reflected

for ratemaking purposes in the establishment of the Electric Company's distribution rates, including the determination of the Electric Company's return for providing distribution service.

- 4103.6 All customers eligible for SOS will be informed of the applicable SOS retail rates, to the extent practical, for the service at least two (2) months prior to the beginning of each service year. If it is not practicable to provide such notice, the Electric Company shall file with the Commission and serve upon the Parties notice of that fact, the reasons for the delay, and the expected date for the provision of such information.
- 4103.7 Retail prices to customers shall be adjusted at least twice a year to reflect seasonal pricing and other appropriate price changes. Prior to each year of SOS, the Electric Company shall file with the Commission, estimates of actual incremental costs for the upcoming year. Such costs will be collected from customers, on a load weighted average, subject to an annual adjustment to reflect actual costs.
- 4103.8 All customers eligible for SOS from the Electric Company are subject to the general terms and conditions of the Electric Company's tariffs and the Commission's regulations, as they may change from time to time subject to the Commission's approval or adoption of new regulations.
- 4103.9 All investment, revenue and expenses associated with the provision of SOS by the Electric Company shall be separate from investment, revenues and expenses associated with the Electric Company's distribution service so that there will be no subsidization of the Electric Company's distribution rates.

4104 COMPETITIVE WHOLESALE BIDDING AND CONTRACTING PROCESS

- 4104.1 The Electric Company shall solicit offers for Wholesale Full-Requirements Service via the RFP approved by the Commission. The Electric Company shall remain the NITS provider and shall be the designated PJM Load Serving Entity ("LSE") for all SOS. The Electric Company, as the PJM LSE, shall provide the rights to nomination and make available to the wholesale suppliers all Firm Transmission Rights/Auction Revenue Rights ("FTR/ARRs") to which it has rights pursuant to the PJM procedures applicable to FTR and ARR.
- 4104.2 The Electric Company shall solicit seasonally differentiated and, if applicable, time-of-use differentiated prices. In the case of multi-year-term contracts, prices shall, in addition, be annually specified. The solicitation shall be conducted through as many as four bidding rounds, as specified in the RFP.
- 4104.3 The total load associated with each SOS Customer Group shall be divided into bid blocks of approximately 50 MW to promote diversity of supply

and reliable supply contract performance. Each bid block shall represent a percentage of the total SOS load that each supplier will be obligated to supply for the term of the contract regardless of changes in the magnitude of the total load for that SOS Customer Group. The size of the total load may vary from the 50 MW guideline for a particular group if the total load associated with a specific SOS Customer Group indicates that such variation is warranted. The Electric Company may alter the target size of the bid blocks by requesting permission to do so at the same time as it informs the Commission of its procurement plan, but only if it has reason to believe that the change would lead to more competitive offers.

4104.4 SOS service years shall continue annually beginning on June 1 of each year and ending on May 31 of the following year, consistent with PJM planning periods, until modified by Commission Order.

4104.5 Potential wholesale suppliers must demonstrate their qualifications to provide Wholesale Full Requirements Service by providing proof that they are qualified to participate in the PJM Markets and have all the necessary FERC authorizations to enter into wholesale energy contracts. Furthermore, the RFP and WFRSA shall specify the financial credit requirements that potential or actual wholesale SOS suppliers must demonstrate.

4104.6 The Electric Company's RFP will include specific forms of bid request, evaluation plan, and the WFRSA. The evaluation plan contained in the RFP will specify that all bids to serve the load associated with a specific SOS Customer Group and for a specific contract length will be compared on a discounted price basis to select the lowest cost winning bids.

4104.7 Upon completion of the bid evaluation process, the Electric Company will notify the winning bidders and execute a WFRSA with each winning bidder. Such contract execution will be contingent, however, on Commission approval of the bid awards, contracts and credit support provisions therein. The contract(s) will be deemed approved by the Commission unless the Commission orders otherwise within two (2) business days following their submission. Winning bidders will receive the actual prices in their offers for each year of the term of their supply contract. Winning bidders will not be permitted to revise prices or any other terms and conditions of the WFRSA, except as provided for in the WFRSA.

4105 ESTABLISHMENT AND RE-ESTABLISHMENT OF STANDARD OFFER SERVICE; CUSTOMER SWITCHING RESTRICTIONS

4105.1 SOS shall be provided to any customer who purchases a new service within the District of Columbia and who does not obtain electric generation service from an alternative retail electricity supplier at that time. There shall be no fee for a customer to establish SOS in this manner.

- 4105.2 Any customer taking service from a competitive retail electricity supplier may terminate service with the electricity supplier and elect SOS upon notice to the Electric Company as required by Section 4105.9.
- 4105.3 Any customer taking service from a retail electricity supplier who defaults may terminate service with the defaulting electricity supplier upon notice to the Electric Company as required by Section 4105.9.
- 4105.4 Any customer who is slammed or switched to a competitive supplier by mistake can terminate service with the competitive supplier upon notice to the Electric Company as required by Section 4105.9, and such customer shall be returned to the service that the customer was receiving prior to being slammed or the mistake occurring as if the slamming or the mistake had not occurred.
- 4105.5 All residential customers shall be eligible to switch from SOS to competitive suppliers and return to SOS without restrictions.
- 4105.6 If a non-residential customer who has elected to purchase generation services from an alternative supplier subsequently returns to SOS, such non-residential customer shall be obligated to remain on SOS for a minimum term of 12 months, provided, that in the case of a non-residential customer who returns to SOS as a result of a default by that non-residential customer's alternative supplier, such non-residential customer may within a grace period of three full billing cycles thereafter elect to purchase or contract for generation services from another alternative supplier or elect to receive service from the Electric Company at Market Price Service rates. A supplier default occurs when the PJM Interconnection L.L.C. has notified PJM members that the supplier is in default.
- 4105.7 An Electric Company customer who ceases to receive generation services from an alternative supplier may elect to receive service from the Electric Company at Market Price Service rates rather than Standard Offer Service rates. The minimum stay provisions stated in Section 4105.6 shall not apply to customers receiving service under Market Price Service rates. The Market Price Service rates shall be set in accordance with a tariff previously filed and approved by the Commission. The tariff shall contain a formula that reflects only the following components, or their functional equivalents in the future: the PJM locational marginal price for energy for the Electric Company zone, the PJM posted and verifiable market capacity price, transmission, ancillary services, line losses, appropriate taxes and a fixed retail adder of x mills per kWh. (The amount of the retail adder will be determined in the administrative cost proceeding.) The Market Price Service rates may vary by customer class and reflect actual costs. The floor price for Market Price Service rates will be the applicable Standard Offer Service rates.

- 4105.8 The contract provisions and exit fees of the competitive electricity suppliers remain valid and shall be enforced before a customer will be permitted to switch to the SOS supplier or another competitive electricity supplier.
- 4105.9 Notice of Transfers; Transfer of Service; Bill Calculation:
- (a) Notice of Transfer into SOS: A customer who intends to transfer into SOS shall do so by notifying the Electric Company or by canceling service with its competitive electricity supplier.
 - (b) Transfer into SOS: If the customer notifies the Electric Company no less than 17 days before the customer's next normally scheduled meter read date, the Electric Company shall transfer the customer on the customer's next meter read date. Otherwise, transfer will occur on the following meter read date. The Electric Company shall accommodate the request to the greatest extent practicable.
 - (c) Notice of Transfer out of SOS: Notice that a SOS customer will terminate SOS and obtain service from a competitive electricity supplier shall be provided to the Electric Company by the customer's competitive electricity retail supplier pursuant to provisions in the Interim Consumer Protection Standards adopted by the Commission by Order No. 11796; and
 - (d) Transfer out of SOS: If the alternative electricity supplier notifies the Electric Company no less than 17 days before the customer's next meter read date, the Electric Company shall transfer the customer on the customer's next meter read date. Otherwise, transfer will occur on the subsequent meter read date.

4106 FINANCIAL CAPABILITY REQUIREMENTS

- 4106.1 Financial capability requirements shall be imposed on wholesale suppliers of SOS and shall be consistent with provisions established herein.
- 4106.2 Each wholesale SOS provider shall obtain and file with the Commission a bond, a letter of credit, or a corporate guarantee that will provide assurances of financial integrity and funding for replacement service in the event that the wholesale provider fails to provide for uninterrupted service. If a corporate guarantee is obtained, it must conform to the Commission-approved form.
- 4106.3 The amount of the financial capability requirement for the wholesale SOS provider in the Electric Company's service territory shall be equal to fifteen (15) percent of the wholesale SOS provider's bid obligation for the SOS class(es) the provider is awarded, and expected to serve, in the Electric Company's service territory.

- 4106.4 The amount of the financial capability requirement shall be commensurate with the remaining outstanding bid obligation of the wholesale SOS provider throughout the term of the SOS provider's awarded contract period, and reduced annually from the initial amount determined at the beginning of the term of the wholesale SOS's provider's service.
- 4106.5 The proceeds of the bond, or letter of credit, or corporate guarantee, as necessary, shall be payable to the Electric Company to whom the wholesale bidder is obligated to provide service. The proceeds of the bond, letter of credit, or corporate guarantee shall be used only to defray the additional costs of replacement SOS in the event of interrupted service. For purposes of this provision, additional costs are all costs that are incurred or will be incurred to acquire replacement SOS, including supply and administrative costs, through the remaining SOS term that exceed the amounts paid or to be paid by SOS customers at the SOS rates in effect at the time of the Commission's declaration of a wholesale provider's default.
- 4106.6 A corporate guarantee permitted by Sections 4106.2, 4106.3, and 4106.4, may be issued by an affiliate of the wholesale SOS provider or a third party that meets the financial credit requirements set forth in Sections 4106.2, 4106.3, and 4106.4.
- (a) The corporate guarantee must meet all of the requirements of Sections 4106.2, 4106.3, and 4106.4, and shall be unconditional and irrevocable and provide for payment within five (5) business days for the period of the standard offer term.
- (b) A corporate guarantee may be used to satisfy the requirement of Sections 4106.2, 4106.3, and 4106.4, if the corporate guarantor meets the following financial qualifications and capabilities:
- (1) The senior unsecured debt obligations of the guarantor are publicly rated, at a minimum, "BBB-" from S&P or Fitch, or "Baa3" from Moody's;
- (2) The total assets of the guarantor are at least 5.0 times the amount of the corporate guarantee amount required by Sections 4106.2, 4106.3, and 4106.4; and
- (3) The total common equity of the guarantor is at least 2.5 times the amount of the corporate guarantee amount required by Sections 4106.2, 4106.3, and 4106.4.
- (c) If a corporate guarantor's senior unsecured debt obligations are rated by: (i) two of the agencies listed in Section 4106.6(b)(1), the guarantor's rating will be determined by the lower assigned rating; or (ii) all three of the agencies listed in Section 4106.6(b)(1), two of those agencies must have assigned ratings equal to or higher than the

required ratings described above.

(d) If, at any time, the senior unsecured debt obligations of the corporate guarantor fail to meet the requirements of Section 4106.6(b), the corporate guarantor or the SOS wholesale provider shall immediately notify the Commission in writing.

(e) If the corporate guarantor fails to meet any of the financial capability requirements, the Commission may, at its option, require the SOS provider to post a bond or file a letter of credit as described in Sections 4106.2, 4106.3, and 4106.4.

4106.7 If at any time during the term of the supplier agreement between the Wholesale SOS Provider and the Electric Company, the Electric Company's credit rating is downgraded below investment grade, as defined in Section 4199, the Wholesale SOS Provider has the right to require the Electric Company to make payments to the Wholesale SOS Provider on an accelerated basis during the downgrade period. Payments made under the acceleration clause may be made on a weekly basis.

4107 REPORTING REQUIREMENTS AND TRUE UP PROVISIONS

4107.1 Within ninety (90) days of the conclusion of each year of SOS bidding, the Electric Company shall submit a report to the Commission on its wholesale electric supply procurement process and results, SOS retail prices produced, and on the aggregated SOS enrollment activity for each service class (including the number of customers, megawatt peak load, megawatt hour energy and switching to and from the service) and a report of all true-ups conducted for that year. This requirement is not intended to replace or supersede any other reporting requirements imposed by the Commission on the Electric Company.

4107.2 If the Electric Company conducts wholesale bidding for a type of service on the basis of aggregated rate classes, the Electric Company shall make any needed true-ups on an aggregated basis.

4107.3 In addition to the other true-ups described herein, the Electric Company shall true-up its total costs for providing each type of service (Residential, Small Commercial, and Large Commercial) with its total billed revenues for that service. If the service type is still being provided when the true-up is completed, rates will be adjusted to reflect any over- or under-recoveries established in the true-up. In the event that there is any net over- or under-collection at the end of any type of service (Residential, Small Commercial, Large Commercial), the balance will be paid or collected through a mechanism to be determined in accordance with the procedures set forth in Section 4107.13. All retail price changes resulting from the true-up filings shall be reviewed annually by the Commission.

- 4107.4 The Electric Company will conduct the true-ups described herein to reflect the start of summer rates and concurrent with the start of non-summer rates. The Electric Company may conduct more frequent true-ups if it so chooses. Any revisions to retail electric rates resulting from the application of the true-up provisions shall be reflected in the prices posted on the Electric Company's web page. The true-ups are subject to audit by the Commission.
- 4107.5 The Electric Company shall true-up its billings to retail customers for services provided pursuant to Section 4103.1(a) against its payments to wholesale suppliers. The Electric Company shall also true-up its billings to retail customers to reflect any net damages recovered by the Electric Company from a defaulting supplier in accordance with Section 4110.3. The Commission will audit true-ups annually. In the event that there is any net over- or under-collection at the end of any type of service (Residential, Small Commercial, Large Commercial), the balance will be paid or collected through a mechanism to be determined in accordance with the procedures set forth in Section 4107.13.
- 4107.6 For the purpose of determining such true-up, the Electric Company's payments to its wholesale suppliers shall exclude payments made with respect to the upward adjustment in the suppliers' load arising from the activation of the Electric Company's load response programs.
- 4107.7 The retail price to Residential, Small Commercial, and Large Commercial customers posted pursuant to Section 4103.7 shall not change until after the first billing cycle following the start of service. Any difference between the Electric Company's incremental cost for serving SOS load and the Electric Company's revenue from serving SOS load based on the awarded bid prices shall be included as part of the retail rate true-up.
- 4107.8 Price Elements - Section 4103.1(a) shall include the additional costs (if any) that a wholesale supplier incurs in meeting any future statutory renewables requirements with respect to Residential, Small Commercial, and Large Commercial SOS. In the event that legislation is enacted that provides for a renewable energy resource requirement during the term of any WFRSA that has already been executed, wholesale suppliers under the WFRSA may pass through their commercially reasonable additional costs, if any, associated with complying with the new requirement.
- 4107.9 If at any time any additional price elements resulting from a change in law and directly related to the SOS are identified by the Electric Company or a wholesale supplier, the Electric Company and/or the wholesale supplier may file a request with the Commission (with notice to all the Parties) for approval of recovery of those costs and, to the extent the costs are found to be incurred because of a change in law in connection with the provision of SOS and are prudently incurred as determined by the Commission, the costs will thereafter be included in the service price.

- 4107.10 The net costs included in retail prices pursuant to Section 4103.1(b) shall be recovered on a cents/kWh basis (energy basis) for non-demand tariff schedules and/or on a \$/kW basis (demand basis) for demand tariff schedules. However, the Electric Company may request Commission approval to use alternate rate designs to recover NITS-related costs. The Electric Company may true-up its billings to retail customers for transmission services provided pursuant to Section 4103.1(b) against its payments for these services to PJM. The Commission may audit these true-ups annually. In the event that there is any net over- or under-collection at the end of any type of service (Residential, Small Commercial, Large Commercial), the balance will be paid or collected through a mechanism to be determined in accordance with the procedures set forth in Section 4107.13.
- 4107.11 To the extent not already recovered through the PJM Network Integration Transmission Service charges, any future surcharges assessed to network transmission customers for PJM-required transmission enhancements pursuant to the PJM Regional Transmission Expansion Plan, or for transition costs related to elimination of through-and-out transmission charges will be included in the charges under Section 4103.1(b). Pursuant to the WFRSA, the wholesale suppliers bear the risk of any other changes in PJM products and pricing during the term of their WFRSAs. Subject to the transmission rate deadband specified in Section 4103.1, the Electric Company will not bear the risk of any changes in regulation or PJM rules related to such costs or charges. However, if there are any other new FERC-approved PJM transmission charges or other new PJM charges and costs charged to network transmission customers, the Electric Company may recover them through retail rates:
- (a) The Electric Company will file with the Commission, and provide notice to all parties to the proceeding, a request for approval to recover such new charges through the Electric Company's retail rates under Section 4103.1(b); and
 - (b) The wholesale supplier will charge the Electric Company only for those new costs that the Commission determines may be recovered in rates by the Electric Company. In no event will the Electric Company bear the risk of any changes in regulation or PJM rules related to such costs or charges. Also, in no event shall any PJM charges to other than network transmission customers be recovered through the Electric Company's retail transmission rates for SOS service, except to the extent (if any) provided in Section 4103.1.
- 4107.12 The actual administrative costs for a given SOS year shall be used to true-up the estimated administrative costs for that same year, and any over- or under-collection of costs shall be applied to the estimated administrative costs for the next SOS program year for each SOS Customer Group. The Commission may audit such true-ups annually.

4107.13 At the end of any SOS period for a Customer Group, and after actual costs incurred by the Electric Company pursuant to Section 4103.1 have been determined, the parties to the proceeding will agree upon a mechanism with respect to actual costs, to return any over-collection to, and to collect any under-collection from, all active customers who would have been eligible for the service type at the conclusion of any service type period. If the parties to the proceeding fail to agree within a reasonable period, the matter will be submitted to the Commission for decision.

4108 BID DOCUMENTS AND INFORMATION PROVIDED BY THE ELECTRIC COMPANY TO POTENTIAL BIDDERS

4108.1 The Request For Proposal ("RFP") is the document pursuant to which the Electric Company shall solicit Wholesale Full Requirements Service to meet its SOS obligations. The RFP shall include the bid request process, the bid evaluation methodology, the timeline for the RFP process, and the following five appendices:

- (a) Expression of Interest Form;
- (b) Confidentiality Agreement;
- (c) Credit Application;
- (d) Bid Form Spreadsheets; and
- (e) Binding Bid Agreement.

4108.2 The Electric Company shall provide to potential SOS bidders the following actual and historical information for the thirty-six (36) months preceding the month in which the data is to be submitted to the Commission. The Electric Company shall provide such data on its RFP website on a date to be specified by the Commission.

- (a) Monthly and hourly demand, energy consumption and load profile data, as defined by the Commission, aggregated for each SOS customer class. For Large Commercial customers, if an individual customer's load data will be disclosed, customer written consent is required;
- (b) Number of customers in each SOS customer class and the number of customers taking SOS within each customer class;
- (c) Representative load shapes for each of the Electric Company's profile group and sub-groups by month, provided that if an individual customer's load shape will be disclosed, written customer consent is required;

- (d) Hourly delivery data;
- (e) Billing determinants on electronic spreadsheets;
- (f) System losses; and
- (g) Other information as determined by the Commission to be necessary or useful to wholesale bidders.

4108.3 The general requirements and conditions for information submitted by the Electric Company to potential SOS bidders are as follows:

- (a) Aggregate data: All information required to be provided by Section 4108.3 shall be provided on an aggregate class basis. Individual customer information shall not be provided without the customer's written consent.
- (b) Historic Data Period: All information provided will reflect usage during the most recent thirty-six (36) month period. Information describing factors that would cause the information to be unrepresentative of electricity usage during the SOS period shall also be provided.
- (c) Due Care; Corrections: The Electric Company shall use due care in compiling the required information with the understanding that bidders will be relying on the data to formulate SOS bids. The Electric Company shall have the duty to correct any inaccuracies promptly upon discovery.
- (d) Affiliated Interests: The Electric Company shall not provide any information to an affiliated competitive provider that is not provided to all potential SOS bidders. The Electric Company must comply with the code(s) of conduct adopted by the Commission.
- (e) Electronic Form; Standard Software: The Electric Company shall provide all information in electronic form usable by standard personal computer software packages; and
- (f) Scope and Format: The Commission will determine the scope and detail of the information required by Sections 4108.2, 4108.3(a), 4108.3(b), and 4108.3(e).

4109 MARKET MONITOR CONSULTANT

4109.1 The Consultant RFP is the document to be issued to hire the Commission's Market Monitoring Consultant ("Consultant"). The Electric Company shall procure and pay for an independent consultant hired pursuant to the Consultant RFP. The Consultant shall be responsible

for monitoring all aspects of the procurement of the SOS services. Specifically:

- (a) The Consultant shall be selected by, shall take its direction from, and shall provide its consultation and work products to, the Commission.
- (b) The costs incurred by the Electric Company in hiring the Consultant may be included in the Electric Company's incremental costs and may be recovered through the Administrative Charge, subject to Commission review and approval.
- (c) The Consultant shall provide the Commission and the Office of People's Counsel with a final report as to each supply procurement and award.
- (d) The Commission will determine the qualifications of and evaluate all bidders. The Commission will further direct the Electric Company, in writing, as to which bidder to award a contract for consulting service and the terms and conditions of that contract with the exception of the terms and conditions specifically described in this Section. The Electric Company will execute the contract with the Consultant no later than four (4) weeks prior to the date of the initial pre-bid conference. The Electric Company will be required to pay only for work that the Consultant does in reviewing the Electric Company's compliance with Section 4104 and any other work that the Commission asks the Consultant to perform.
- (e) The contract term for the contract between the Electric Company and the consultant shall be for one-year, with an option to extend the contract for two (2) additional one-year terms. The option(s) shall be exercised by the Commission in its sole discretion; and
- (f) Prior to the expiration of the initial contract awarded under this section, the second and subsequent consultant services contracts shall be awarded and administered consistent with Sections 4109.1(a)-(e) herein.

4110 MISCELLANEOUS PROVISIONS

4110.1 The Electric Company may at any time request Commission approval to make changes in its tariffs. However, to the extent that those tariff changes would require conforming changes to either the RFP, the WFRSA generally, or any WFRSA that may be in effect from time to time:

- (a) No such tariff changes may alter the rights and obligations of any wholesale supplier with respect to any WFRSA for which an RFP has already been issued, unless the supplier consents to have its rights or obligations changed;

- (b) The Electric Company shall serve notice of the tariff changes and copies of the proposed conforming changes to the RFP and/or WFRSA on all parties; and
- (c) Any such tariff changes must be consistent with the regulations, orders or other obligations to which the Electric Company is subject.

4110.2

If, after conducting the bid procedures in accordance with the RFP, the Electric Company still has SOS load that has not been awarded to a supplier, then:

- (a) The Electric Company shall initially supply the unserved load by purchasing energy and all other necessary services through the PJM-administered markets, including but not limited to the PJM energy, capacity, and ancillary services markets, and any other service required by PJM to serve such unserved load, and shall include all the costs of such purchases in the retail rates charged for the service for which the purchases are made.
- (b) Within five (5) business days of it being determined by the Electric Company that the load is unserved, the Electric Company shall convene a meeting of all parties to the proceeding and Commission staff to discuss alternative ways to fill the unserved load, including but not limited to a rebid or a bilateral contract. The meeting process will conclude within ten (10) business days of the load being determined to be unserved, and within twenty (20) calendar days of it being determined that the load is unserved, the Electric Company shall file with the Commission, and serve upon the all parties to the proceeding, any proposal it has for serving the load in lieu of the procedure set forth in Section 4110.2(a); and
- (c) The Commission will resolve the Electric Company's filing on an expedited basis. Any alternative means that the Commission approves will expressly provide that the Electric Company's costs for filling the load will be recovered in retail rates in the same manner as all other charges pursuant to Section 4103.1. Until the Commission approves an alternate means of filling the load, Section 4110.2(a) will apply.

4110.3

If any load is left unserved after a wholesale supplier defaults:

- (a) The Electric Company shall initially supply the defaulted load by purchasing energy and all other necessary services through the PJM-administered markets, including but not limited to the PJM energy, capacity, and ancillary services markets, and any other service required by PJM to serve such defaulted load, and shall include all the costs of such purchases, net of any offsetting recovery from the defaulting wholesale supplier, in the retail rates charged for the service for which the purchases are made; and

(b) As soon as practicable after it is determined by the Electric Company that the load is unserved, the electric company shall file with the Commission a plan to fill the remaining term of the defaulted WFRSA. Such a plan shall be submitted to the Commission within ten (10) business days after a supplier default. Until the Commission approves a plan to fill the remaining term of the defaulted WFRSA, Section 4110.3(a) will apply.

4110.4 Access to confidential information relating to the Electric Company's procurement of SOS power supply will be governed by the OPC Confidentiality Agreement, the Consultant's Confidentiality Agreement contained in the Bidder RFP, and the Confidentiality Agreement contained in the RFP and the confidentiality provisions of the WFRSA (collectively the "Confidentiality Agreements").

4110.5 Ninety (90) days following the Commission's approval of the selection of winning bidders for the final tranche, the Commission will disclose upon request (a) the total number of bidders, and (b) the names of the winning bidders.

4111-4197 [Reserved]

4198 WAIVER OR EXEMPTION

4198.1 Upon the request of any person subject to the provisions of these regulations or upon its own motion, the Commission, for good cause, may waive any of the requirements of these regulations that are not required by statute. No waiver granted pursuant to this provision shall apply retroactively to any wholesale supply agreement.

4199 DEFINITIONS

4199.1 When used in this chapter, the following terms and phrases shall have the following meaning:

"Aggregator" means a person who acts on behalf of customers to purchase electricity by organizing customers into a single purchasing unit.

"Availability of Standard Offer Service" means the Standard Offer Service available on and after the initial implementation date to: (1) customers who contract for electricity with an electricity supplier, but who fail to receive delivery of electricity under such contracts; (2) customers who cannot arrange to purchase electricity from an electricity supplier; and (3) customers who do not choose an electricity supplier.

"Commission" means the Public Service Commission of the District of Columbia.

"Competitive Electricity Supplier" means person, including an aggregator, broker, or marketer, who generates electricity; sells electricity; or purchases, brokers, arranges, or markets electricity for sale to retail customers. The term excludes the following: (A)

Building owners, lessees, or managers who manage the internal distribution system serving such building and who supply electricity solely to occupants of the building for use by the occupants; (B) (1) Any person who purchases electricity for its own use or for the use of its subsidiaries or affiliates; or (2) Any apartment building or office building manager who aggregates electric service requirements for his or her building or buildings, and who does not: (a) Take title to electricity; (b) Market electric services to the individually-metered tenants of his or her building; or (c) Engage in the resale of electric services to others; (C) Property owners who supply small amounts of power, at cost, as an accommodation to lessors or licensees of the property; and (D) A consolidator.

“Distribution Customer Class” means the tariffed rate class under which a customer takes distribution delivery service from the Electric Company.

“Electric Company” means the company that provides distribution service.

“Fitch” means Fitch Ratings.

“Investment Grade” means a BBB- or Baa3 credit rating with S&P or Moody’s respectively; provided, that if the Electric Company’s credit ratings by S&P and Moody’s are not equivalent, the lower of the credit ratings shall govern for purposes of these rules.

“Moody’s” means Moody’s Investor Services, Inc.

“Network Integrated Transmission Service” or “NITS” “is the transmission service provided pursuant to the rates, terms, and conditions set forth in the PJM tariff.

“PJM” means the Pennsylvania-New Jersey-Maryland Interconnection, LLC, or any successor thereto.

“Retail Access” means the right of electricity suppliers and consumers to use and interconnect with the electric distribution system on a nondiscriminatory basis in order to distribute electricity from any electric supplier to any customer. Under this right, consumers shall have the opportunity to purchase electricity supply from their choice of licensed electricity suppliers.

“S&P” means the Standard & Poor’s Rating Group (a division of McGraw-Hill, Inc.).

“Slamming” means the unauthorized switching of a customer’s Electricity Supplier.

“Standard Offer Service” means electricity supply made available to: (1) Customers who contract for electricity with an electricity supplier, but who fail to receive delivery of electricity under such contracts; (2) Customers who cannot arrange to purchase electricity from an electricity supplier; and (3) Customers who do not choose an electricity supplier.

“Standard Offer Classes” means the customer groupings within the Electric Company’s utility service territory as specified in Section 4102.3 of this chapter.

“**Tranche**” means a round of bidding for a set of bid blocks for each customer group—Residential, Small Commercial, and Large Commercial.

“**Wholesale Standard Offer Service Provider(s)**” means the entity(ies) selected pursuant to this chapter to provide all or a specified portion of electric generation service to consumers receiving Standard Offer Service.

“**Wholesale Full Requirements Service**” means all necessary energy delivered to the PJM grid, capacity, transmission other than Network Integrated Transmission Service, ancillary services, energy losses from transmission and distribution, and congestion management, as all these services are defined pursuant to the PJM tariffs and procedures.

“**Wholesale Full Requirements Service Agreement**” is the document that will specify the terms and conditions that govern the contractual relationship between the Electric Company and each of the wholesale suppliers that is awarded a contract pursuant to the bidding procedures specified in the RFP.

4. Comments on the proposed regulations must be made in writing to Dorothy Wideman, Commission Secretary, Public Service Commission of the District of Columbia, 1333 H Street, N.W., West Tower, Suite 200, Washington D.C., 20005. Copies of this NOPR may be obtained, at cost, by writing to the Commission Secretary at the above address or on the Commission’s website at www.dcpssc.org. All comments must be received within 30 days of the date of publication of this Notice 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 Notice in the *D.C. Register*. Once the comment period expires, the Commission will take final rulemaking action.

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

FORMAL CASE NO. 1066, IN THE MATTER OF THE APPLICATION OF
POTOMAC ELECTRIC POWER COMPANY FOR A CERTIFICATE OF
AUTHORITY AUTHORIZING IT TO ISSUE AND SELL DEBT SECURITIES

1. The Public Service Commission of the District of Columbia (“Commission”) hereby gives notice, pursuant to D.C. Official Code §§ 2-505, 34-502 and 34-503, that it intends, in not less than 10 days from the date of publication of this Notice in the *D.C. Register* (“publication date”), to take final action on the application of Potomac Electric Power Company (“Pepco” or “Company”) for a certificate of authority to issue and sell debt securities.¹

2. On October 17, 2008, Pepco filed an Application seeking authority to issue and sell debt securities, including, but not limited to, one or more series of First Mortgage Bonds, Debentures and/or Notes with an aggregate principal amount, stated value or par value, as applicable, not to exceed \$250,000,000 in total.² The Company seeks, for a period coterminous with the remaining authority under Order No. 13977,³ which expires on June 15, 2009, the incremental additional authority of \$50 million which, in addition to the \$200 million authority outstanding, will allow the Company to go to the market with an “index” size transaction to obtain the most favorable pricing in the difficult market environment.⁴ Pepco also seeks expedited review of its Application under the Commission’s expedited review process in Chapter 35 of the Commission’s rules.⁵

3. Pepco states in its Application that “[t]he proceeds from the sale of the Debt Securities would be used to refund short-term debt incurred to finance utility construction and operations on a temporary basis and incurred to fund the temporary repurchase of tax-exempt auction rate securities, to fund ongoing capital requirements of the Company, and for other general corporate purposes.” Pepco also states that, with the credit markets severely constrained and the commercial paper markets disrupted, the Company’s near-

¹ *Formal Case No. 1066, In the Matter of the Application of Potomac Electric Power Company for a Certificate of Authority Authorizing it to Issue and Sell Debt Securities* (“F.C. 1066”), filed October 17, 2008 (“Pepco’s Application”).

² Pepco’s Application at 1.

³ *Formal Case No. 1046, 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*, (“F.C. 1046”), Order No. 13977 (June 15, 2006).

⁴ Pepco’s Application at 2, 5-6.

⁵ *Id.*; 15 DCMR § 3500, *et seq.*

term liquidity is being constrained, and in light of the current financial market conditions, any action to increase capital, credit capacity, eliminate refinancing risk and otherwise protect the company from credit and capital market volatility must be taken for the benefit of the Company's customers. Pepco states further that, because of its inability to issue adequate amounts of commercial paper in these markets, the Company has borrowed under its revolving credit facility, but if current conditions in the financial markets remain in effect for a protracted period of time, the Company's liquidity will be severely stressed.⁶

4. Pepco also submits that: (1) the precise timing of financings would depend on factors such as prevailing and anticipated market conditions, including access to the commercial paper and capital markets; (2) the scope of the authority which the Company seeks is designed to provide the Company maximum flexibility to respond to market conditions as they develop in changing markets; (3) the Company must be positioned to avail itself of opportunities that may be presented in these extremely volatile financial market conditions, to access the markets when they are open to issue securities and maintain the credit availability under its revolving credit facility; and (4) if the Commission grants the application as requested, the Company would be in the position to sell debt securities without delay, and would be in a position to take advantage of open market conditions as they develop.⁷ Finally, the Company claims that in these unprecedented financial times, it has a critical need to be in a position to issue pursuant to the requested authority by mid-November; that public companies typically have a short window for accessing the public markets this time of year; and that, due to the current disruptive capital market environment, the Company must be ready on the first date possible and try to go to market each and every day until a deal can be completed.⁸

5. In light of the above, the Company is requesting that: (1) the Commission submit its Application to the District of Columbia Office of Documents to be published in the *D.C. Register* at the earliest possible date; (2) the Commission shorten the period for objections to be filed to 10 days of the publication date (rather than the 30 days provided in Commission Rule 3501.4); and (3) the Commission act on this Application immediately upon expiration of the 10-day objection period, if no objection is filed.

6. In accordance with Section 3504 of the Commission's rules, the Commission may, for good cause, waive any rule under Chapter 35.⁹ Similarly, under D.C. Code § 2-505(a), an agency may shorten a comment period to less than 30 days for good

⁶ Pepco's Application at 2.

⁷ *Id.* at 3, 5.

⁸ Pepco's Application at 7.

⁹ 15 DCMR § 3504 provides that "[t]he Commission may for good cause, waive any rule under Chapter 35 unless the rule contains a provision that is expressly required by statute."

cause.¹⁰ Under the unusual and extraordinary circumstances set forth in Pepco's Application pertaining to: (1) the volatile and unpredictable financial market conditions; (2) the associated constraints on the Company's liquidity; (3) the protection for the Company from credit and capital market volatility to benefit the customers; and (4) the short window for accessing the public markets this time of year, the Commission finds it necessary, proper and expedient to waive the normal operation of the Chapter 35 rules concerning the expedited review process for Pepco's Application. The Commission makes this extraordinary exception to its rules in this case due to the unique circumstances as set forth herein. The Commission also finds under these circumstances good cause to shorten the period for comments to be filed to 10 days from the publication date of this Notice, and directs that any reply comments be filed 13 days after the publication date. The Commission will then act on the Application immediately thereafter.

7. Pepco's Application and supporting documentation are on file with the Commission and 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 may be viewed on the Commission's website at www.dcpssc.org. Copies of the Application are available, upon request, at a per-page reproduction fee.

8. Any person desiring to comment on the Application may submit written comments no later than 10 days from the publication of this Notice in the *D.C. Register* to Dorothy Wideman, Commission Secretary, at the above address. Any replies shall be filed within 13 days of the publication of this Notice in the *D.C. Register*. Once the comment period expires, the Commission will take final rulemaking action.

¹⁰ This section of the District of Columbia Administrative Procedure Act provides in pertinent part that "[t]he publication or service required by this subsection of any notice shall be made not less than 30 days prior to the effective date of the proposed adoption ..., except as otherwise provided by the Mayor or the agency upon good cause found and published with the notice."

DEPARTMENT OF INSURANCE, SECURITIES, AND BANKING

NOTICE OF PROPOSED RULEMAKING

The Commissioner of the Department of Insurance, Securities, and Banking, pursuant to the authority set forth in section 101(b) of the Medical Malpractice Amendment Act of 2006, effective March 14, 2007 (D.C. Law 16-263; D.C. Official Code §§ 31-2703(f-1)(1)(B) and (f-1)(3)), hereby gives notice of the adoption of a new Chapter 53, Title 26 (Insurance), of the District of Columbia Municipal Regulations. The new chapter will set forth hearing rules and rate filing requirements for medical malpractice liability insurance companies.

A notice of the proposed rules was published in the *D.C. Register* on March 28, 2008 (55 DCR 3321). As the result of comments submitted to the Department, substantive changes were made to the March 28, 2008 version. Accordingly, the Commissioner is publishing this notice of the proposed rules for comment in their revised form.

A new Chapter 53 (Medical Malpractice Rules and Rate Filing Requirements), Title 26 (Insurance), of the District of Columbia Municipal Regulations, is established to read as follows:

**CHAPTER 53 MEDICAL MALPRACTICE LIABILITY
HEARING RULES AND RATE FILING
REQUIREMENTS**

5301 PURPOSE

5301.1 The purpose of these rules is to implement the provisions of An Act To provide for regulation of certain insurance rates in the District of Columbia, and for other purposes, approved May 20, 1948 (62 Stat. 242; D.C. Official Code §31-2701 *et seq.*), as amended by the "Medical Malpractice Amendment Act of 2006," effective March 14, 2007 (D.C. Law 16-263; 54 DCR 807)(hereinafter the "Act"), and to safeguard the public interest by allowing reasonable inspection and analysis of medical malpractice liability company rate plans and premium rates.

5302 FILING REQUIREMENTS AND PUBLIC NOTIFICATION

5302.1 All companies licensed to write medical malpractice liability insurance in the District of Columbia are subject to the provisions of this chapter. Every company shall file with the Commissioner of the Department of Insurance, Securities, and Banking ("Department"), either directly or through a licensed rating organization of which it is a member or subscriber, all rates and rating

plans, rules, and classifications which it uses or proposes to use in the District (“rate filings”).

5302.2 All rate filings are required to be submitted on-line via the National Association of Insurance Commissioner’s System for Electronic Rate and Form Filing (“SERFF”). All such information requested as a part of a SERFF filing must be submitted in order for the Department to deem the rate filing complete and filed.

5302.3 Rate filings must be submitted at least annually. If no change is anticipated, the company should indicate that the existing approved rate filing will continue in effect.

5302.4 Once a rate filing is deemed filed, the Commissioner shall provide the public notice of the rate filing by either posting the rate filing on the Department’s website or by using any other means reasonably designed to provide meaningful and timely notice. The published rate filings will be identified and marked as being filed with the Department.

5302.5 Filed rate filings shall be deemed approved 60 days after the Commissioner has provided public notice of the filings, as provided in subsection 5302.4, unless the proposed rate change increase exceeds ten percent (10%). If the proposed rate increase exceeds ten percent (10%), then the Commissioner shall conduct a hearing on the proposed change and shall issue an order approving, denying or modifying the proposed rate change within 90 days after public notice of the proposed change.

5303 ADJUSTMENTS OF RATES

5303.1 Whenever it shall be made to appear to the Commissioner, either from his own information or from a complaint of any party alleging to be aggrieved thereby, that there are reasonable grounds to believe that the rates on any or on all risks or classes of risk or kinds of insurance within the scope of the Act, are excessive, inadequate or unfairly discriminatory, it shall be the Commissioner’s duty, and he or she shall have the full power and authority, to investigate the necessity for an adjustment of any or all such rates.

5303.2 After an investigation of the rates, the Commissioner shall, before order an adjustment, hold a hearing upon not less than 10 days written notice specifying the matters to be considered at the hearing, to every company and rating organization which filed the rates, provided, the Commissioner shall not be required to hold the hearing if he or she is advised in writing by every such company and rating organization admitted to write medical malpractice insurance in the District that they do not wish to contest the adjustment and thereby are waiving any right they may have to a hearing. The hearing shall be conducted in accordance with the hearing regulations provided at Chapter 38

of Title 26 of the District of Columbia Municipal Regulation (“DCMR”), and the cost shall be borne by the insurance company requesting the rate increase.

- 5303.3 If, after the hearing, the Commissioner determines that any or all of the rates are excessive, inadequate or unfairly discriminatory, he or she shall order an adjustment.
- 5303.4 An order of adjustment shall not affect any contract or policy made or issued prior to the effective date of the order unless:
- (1) The adjustment is substantial and exceeds the cost to the companies of making the adjustment; and
 - (2) The order is made after the prescribed investigation and hearing and within 30 days after the filing of the rates affected.
- 5303.5 In determining the necessity for an adjustment of rates, the Commissioner shall be bound by the provisions of section 3 of the Act (D.C. Official Code §31-2703).

5304 MANDATORY HEARINGS

- 5304.1 All hearings commenced as a result of a rate change increase exceeding ten percent (10%) shall be conducted in accordance with the Department’s rules of practice and procedures for hearings found at 26 DCMR §3800 *et seq.*
- 5304.2 In a hearing held by the Commissioner pursuant to this chapter, any person shall have the right to testify. However, the right to testify in a hearing under this chapter does not by itself confer upon such person the status of “party,” as defined at 26 DCMR §3819.
- 5304.3 A person who wishes to apply for status as a party for a hearing shall file with the Commissioner a statement, in not less than five (5) days prior to the date set for the hearing, that includes the prospective party’s name and address, the name and address of any legal counsel, whether the prospective party is a proponent or opponent of the rate filing, a list of witnesses who will be called to testify, the manner in which the prospective party may be affected or aggrieved by the action, and the extent to which the prospective party satisfies one or more of the following qualifications:
- (1) Expertise in the insurance laws of the District of Columbia;
 - (2) An understanding of the actuarial principles employed in establishing rates and rating systems;
 - (3) Sufficient access to a qualified actuary and sufficient expertise to

conduct a technical examination of a rate filing;

- (4) Sufficient resources to participate in the hearing process; or,
- (5) A demonstrated commitment to represent the interest of consumers and accept a duty of fidelity to do so.

5304.4 The Commissioner shall make the final determination for status as a party.

5305 USE OF EXPERIENCE OUTSIDE OF THE DISTRICT

5305.1 If a company is filing a new or "introductory rate filing," then the company will be permitted to use countrywide experience in support of the new product. If a company is filing to revise or adjust an existing rate but lacks actuarially credible experience for the District, then the company may use countrywide experience to supplement any of their District experience.

5305.2 Regardless of whether a filing is a new or introductory rate filing, or a revision to an existing rate, all companies must adequately explain why their experience for the District is not actuarially credible and how the experience they are using in place or as a supplement to their District experience is an appropriate substitute to support the rate filing.

5305.3 For the purposes of this section, an "introductory rate filing" shall mean an initial rate filing by a company that has not written medical malpractice liability insurance in the District, either directly or through an affiliate, within the past five-years (5) of the filing at issue. All other rate filings will be considered revisions or adjustments unless the Commissioner, upon request, expressly deems a filing to be an "introductory rate filing."

Persons desiring to comment on these proposed rules should submit comments in writing to Ms. Leslie E. Johnson, Hearing Officer, Department of Insurance, Securities and Banking, 810 First Street, N.E., Suite 701, Washington, D.C. 20002. Comments must be received not later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Copies of the proposed rules may be obtained from the Department at the address above.

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

Z.C. Case No. 08-03

(Text Amendment – 11 DCMR)

(Petition of Beulah Baptist Church of Deanwood Heights, Inc. to Amend Zoning Map – Portions of Squares 5228, 5253, 5262, 5263, 5264, and 5265)

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), hereby gives notice of its intent to amend the Zoning Map as incorporated in the Zoning Regulations (Title 11 DCMR).

The proposed map amendment would rezone property from the R-2 and C-1 Zone Districts to the C-2-A Zone District for the lots on the north and south sides of Dix Street, N.E., between 57th and 60th Streets, as shown in the following chart:

Square	Lot(s)	Zone District
Square 5228	44	R-2 to C-2-A
Square 5253	23, 811, 813 and 814	C-1 to C-2-A
Square 5262	14 and 824	R-2 to C-2-A
Square 5263	5-7, 9, 10, 41 and 809	R-2 to C-2-A
Square 5264	807	R-2 to C-2-A
Square 5265	805	R-2 to C-2-A

Final rulemaking action shall be taken in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with Sharon Schellin, Secretary to the Zoning Commission, Office of Zoning, 441 4th Street, N.W., Suite 200/210-S, Washington, D.C. 20001. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.

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

Z.C. Case No. 08-03-1

(Text Amendment – 11 DCMR)

(Deanwood Heights Map Amendment – Portions of Square 5253, 5254, 5262, 5263, 5264, and 5265)

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), hereby gives notice of its intent to amend the Zoning Map as incorporated in the Zoning Regulations (Title 11 DCMR).

The proposed map amendment would rezone property from the R-2 and C-1 Zone Districts to the C-2-A Zone District for the lots on the north and south sides of Dix Street, N.E., between 57th and 60th Streets, as shown in the following chart:

Square	Lot(s)	Zone District
Square 5253	821	C-1 to C-2-A
Square 5254	813	R-2 to C-2-A
Square 5262	802, 803, 804, 821, 822	R-2 to C-2-A
Square 5263	8, 39, 817	R-2 to C-2-A
Square 5264	31, 32, 33, 34, 45, 46, 47, 48, 49, 50, 51, 52, 53	R-2 to C-2-A
Square 5265	28, 31, 32, 33, 34, 45, 46, 806	R-2 to C-2-A

Final rulemaking action shall be taken in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with Sharon Schellin, Secretary to the Zoning Commission, Office of Zoning, 441 4th Street, N.W., Suite 200/210-S, Washington, D.C. 20001. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.