

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS**NOTICE OF FINAL RULEMAKING**

The Director of the Department of Consumer and Regulatory Affairs, pursuant to the authority set forth in D.C. Official Code § 47-2851.20, hereby gives notice of the adoption of a new Chapter 38 (General Business) of Title 17 of the District of Columbia Municipal Regulations (DCMR). This rulemaking adds a new chapter 38 to create a new basic business license endorsement category for businesses engaging in any transactions in the District of Columbia that have a tax identification number and that are not otherwise required to obtain an endorsement under an existing license category.

The creation of this new license category was authorized by the Fiscal Year 2009 Budget Support Act of 2008, D.C. Law 17-219, effective August 16, 2008.

These rules were previously published as proposed rulemaking in the *D.C. Register* on October 17, 2008, at 55 DCR 10959. One comment was received in response to that notice, but no changes have been made. These final rules will be effective upon publication of this notice in the *D.C. Register*.

17 DCMR Chapter 38 is added to read as follows:

CHAPTER 38 GENERAL BUSINESS

Secs.

3800	General Provisions
3801	Application for License
3802	Denial, Suspension, and Revocation of License
3803	Penalties
3804	Notice of Proposed Action and Appeal Rights
3805	Hearings and Appeal
3899	Definitions

3800. GENERAL PROVISIONS

3800.1 Each business engaging in any business transactions in the District, whether on a permanent or temporary basis, shall apply to the Department of Consumer and Regulatory Affairs (Department) for a basic business license with a general business endorsement (license) if:

- (a) The business has a tax identification number;
- (b) The business' activity is not otherwise required to obtain an endorsement under any other basic business license endorsement category; and

- (c) The business does not have at least one principal who is required to maintain licenses granted or regulated by a local, state, or national certification board or body.

3800.2 A business subject to this chapter shall obtain a separate license for each business entity with a tax identification number and each business location in the District.

3800.3 A licensee shall conspicuously post the license on the premises indicated on the license, which shall be available for inspection by any duly authorized government official.

3800.4 A licensee shall obtain any other basic business license and endorsements as required by District statute or regulation.

3800.5 A license issued under this chapter is not transferable.

3801. APPLICATION FOR LICENSE

3801.1 Application for a license issued under this chapter shall be made to the Director of the Department of Consumer and Regulatory Affairs (Director) on a form prescribed by the Director.

3801.2 To apply for a license, an applicant shall:

- (a) Obtain a Certificate of Occupancy or Home Occupation Permit, if required under applicable District zoning laws and regulations;
- (b) Complete a Clean Hands Certification issued by the Office of Tax and Revenue; and
- (c) Pay the required license fees.

3801.3 Each application shall be signed by the owner or authorized representative of each business and shall correctly set forth the information required on the application form.

3801.4 Each license shall be valid for two (2) years from the date of issuance.

3801.5 A licensee shall notify the Department of any change of address within thirty (30) days of the change.

3801.6 A licensee shall notify the Department of any change of ownership of the business within thirty (30) days of the change.

3802. DENIAL, SUSPENSION, AND REVOCATION OF LICENSE

3802.1 The Director may refuse to issue or renew, or may suspend or revoke, a license issued under this chapter for any reason set forth in this chapter or D.C. Official Code § 47-2844.

3802.2 The Director also may refuse to issue or renew, or may suspend or revoke, a license issued under this chapter on any of the following grounds:

- (a) Conviction of the business license holder for any criminal offense involving fraudulent conduct arising out of or based on the business being licensed; or
- (b) Willful or fraudulent circumvention by the business operator of any provision of District statute or regulation relating to the conduct of the business.
- (c) Employment of any fraudulent or misleading device, method, or practice relating to the conduct of the business.
- (d) The making of any false statement in the license application.

3802.3 All qualifications set forth in this chapter as prerequisite to the issuance of a license shall be maintained for the entire license period. Failure to maintain any qualification for license shall be cause for suspension or revocation of the license.

3803. PENALTIES

3803.1 Each licensee shall be liable for all penalties provided for violation of any of the provisions of this chapter, whether the violations are committed by the licensee or the licensee's agent or employee.

3803.2 Pursuant to D.C. Official Code § 47-2846, any person violating any provision of this chapter shall, upon conviction, be fined not more than three hundred dollars (\$300) or imprisoned for not more than thirty (30) days, or both.

3803.3 Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of this chapter pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985. Adjudication of any infraction of this chapter shall be pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985.

3804. NOTICE OF PROPOSED ACTION AND APPEAL RIGHTS

3804.1 If the Department proposes to deny, suspend or revoke a license, a written notice shall be provided to the applicant or licensee, which states the proposed action and the basis for the proposed action.

3804.2 The notice required under § 3804.1 shall advise the applicant or licensee of the right to request a hearing within ten (10) business days (excluding Saturdays, Sundays, and legal holidays) from the date of the service of the notice.

3804.3 The notice shall advise that the action proposed or recommended will be taken at the expiration of ten (10) calendar days after service of the notice unless an appeal is taken.

3804.4 The notice shall be:

- (a) Served personally upon the applicant or licensee, or the applicant or licensee's agent; or
- (b) Sent by first class mail to the home or business address of the applicant or licensee, or the applicant or licensee's agent, appearing on the application or license.

3804.5 A notice that is returned by the post office for reason of refusal of the addressee to accept delivery, or incorrect address, is deemed to have been properly served on the addressee by mail.

3804.6 An applicant or licensee may not file a separate application for licensure under this chapter during the appeal process.

3805. HEARINGS AND APPEAL

3805.1 Any licensee on whom a notice has been served pursuant to § 3804 may file a written notice of appeal with the Office of Administrative Hearings (OAH).

3805.2 All hearings and appeals shall be conducted pursuant to the regulations promulgated by OAH. Any stay of an OAH decision that results in the revocation of a license shall be issued pursuant to the procedures set forth by OAH.

3899. DEFINITIONS

3899.1 When used in this chapter, the following terms and phrases shall have the meanings ascribed:

Certificate of Occupancy – means the document issued by the Department certifying that the use of a building complies with District zoning laws.

Clean Hands Certification – means the certification required by D.C. Official Code §§ 47-2861 *et seq.* and issued from the Office of Tax and Revenue to a person applying for a license.

General Business License – means the license required for businesses subject to D.C. Official Code § 47-2851.03d.

Home Occupation Permit – means the document issued by the Department allowing an individual to conduct certain occupations in his or her principal residence.

THE OFFICE OF CONTRACTING AND PROCUREMENT

NOTICE OF FINAL RULEMAKING

The Chief Procurement Officer of the District of Columbia, pursuant to authority granted by section 204 of the District of Columbia Procurement Practices Act of 1985 (“PPA”), effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-302.04 (2001)), and Mayor’s Order 2002-207 (dated December 18, 2002), hereby gives notice of intent to adopt the following amendment to Chapter 16 of Title 27 of the District of Columbia Municipal Regulations (Contracts and Procurements). The proposed rulemaking is intended to add a section of Chapter 16 concerning solicitations for design, development, construction and management of a District office building to be known as the Anacostia Gateway Government Center (“AGGC”). Similar rules previously authorized a two-step selection process in which the first step was to solicit statements of qualifications from firms or combinations of firms prior to the issuance of a request for proposals for development, construction, and management of the AGGC. The proposed rules allow the contracting officer the flexibility of soliciting only for design, development, and construction of the AGGC in the second step of the solicitation. The AGGC is planned to have not less than 150,000 gross square feet of usable space and to be constructed on a District-owned site in Ward 8. The purpose of this two-step process will be to select a developer whose offer will provide the best value to the District.

The rules were published in a Notice of Emergency and Proposed Rulemaking in the *D.C. Register* on March 21, 2008, at 55 DCR 2944. The current emergency rules will expire on February 1, 2009. No changes have been made to the text of the proposed rules as published.

The Council of the District of Columbia approved this rulemaking on October 7, 2008 by Resolution 17-794, pursuant to section 205(b) of the PPA (D.C. Official Code § 2-302.05(b)).

The rulemaking will become effective upon publication in the *D.C. Register*.

CHAPTER 16**PROCUREMENT BY COMPETITIVE SEALED PROPOSALS**

Chapter 16 is amended by adding a new section 1611 to read as follows:

**1611 SOLICITATIONS FOR DEVELOPMENT, CONSTRUCTION AND
MANAGEMENT OF THE ANACOSTIA GATEWAY GOVERNMENT
CENTER**

- 1611.1 Notwithstanding the provisions of § 1602, the purpose of this section is to adopt a two-step procurement method to be used for procurement of a contractor to develop, construct and initially manage the proposed Anacostia Gateway Government Center (“AGGC”). The first step will be a request for qualifications (RFQ) to enable the contracting officer to determine which prospective contractors are qualified to receive requests for proposals (RFP’s) and submit responses to the RFP’s, based on financial and professional responsibility criteria established by the contracting officer for pre-qualification of a prospective contractor to develop, construct and initially manage the AGGC.
- 1611.2 The District shall conduct the two-step selection process as follows:
- (a) The first step consists of a request issued by the Office of Contracting and Procurement (OCP) for qualifications from a firm or combination of firms that has expertise, ability and entrepreneurship (i) to assemble the land, labor and capital necessary for the completion of the design, construction and management of the AGGC (as described by the District), (ii) to manage all components of the design and construction of a project of this size, (iii) to construct and complete the proposed project in a timely manner while serving the District’s stated policy objectives, and (iv) to manage the land and operate the building after the construction of the AGGC is completed; and
 - (b) The second step of the two-step process involves the submission of proposals in response to an RFP issued by OCP to up to five offerors determined to be the most qualified in the first step. The only offerors who may submit proposals in response to the RFP in the second step are those offerors that (i) responded to the RFQ, and (ii) were determined to be the most qualified by the contracting officer.
- 1611.3 The contracting officer shall give public notice of the RFQ for development, construction and management of the AGGC in accordance with Chapter 13.
- 1611.4 The contracting officer shall utilize the two-step process set forth in section 1611.2 above on forms prescribed by the Director.
- 1611.5 The first step of the process shall consist of an RFQ inviting interested prospective contractors to respond in writing with a statement of their qualifications to perform the required services, including financial and professional responsibility information. The RFQ shall provide, at a minimum:
- (a) A detailed description of the proposed AGGC site and the project;
 - (b) The District’s intent of the project and the design;
 - (c) The selection process, schedule and criteria to be used by the District in determining which prospective contractors are qualified;
 - (d) Submission requirements and evaluation criteria that will be used to determine whether each prospective contractor is qualified; and
 - (e) A statement that only proposals from up to five offerors determined most qualified in the first step pursuant to subparagraphs (c) and (d) above will be selected to submit proposals in the second step.

- 1611.6 The contracting officer may conduct oral or written discussions with all prospective contractors who submitted responses to the RFQ.
- 1611.7 The contracting officer may provide the information submitted by all prospective contractors in response to the RFQ to an evaluation panel who may recommend to the contracting officer, based upon their analysis of the information according to the criteria set forth in the RFQ, whether or not the prospective contractor is among the up to five most qualified to proceed to the second step.
- 1611.8 The contracting officer shall determine the financial and professional responsibility of each prospective contractor that responds to the RFQ, and whether the prospective contractor is among the up to five most qualified to proceed to the second step.
- 1611.9 The second step of the selection process shall follow the competitive sealed proposal procedures consistent with the requirements of this chapter, except as follows:
- (a) The contracting officer shall issue an RFP only to up to five of the top-ranked offerors who have been determined most qualified in the first step;
 - (b) The contracting officer shall ensure that an independent cost/benefit analysis of each proposal be completed;
 - (c) The RFP shall not be advertised in newspapers or publicly posted; and
 - (d) The contracting officer may issue an RFP that includes only design, development, and construction of the AGGC.

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

NOTICE OF FINAL RULEMAKING

FORMAL CASE NO. 990, IN THE MATTER OF DEVELOPMENT OF LOCAL
EXCHANGE CARRIER QUALITY OF SERVICE STANDARDS FOR THE
DISTRICT

The Public Service Commission of the District of Columbia, pursuant to its authority under D.C. Code, 2001 Ed. § 34-802 and § 34-2002(g), hereby gives notice of the amendment of Chapter 27 of Title 15 DCMR. The Notice of Proposed Rulemaking was published in the *D.C. Register* on September 5, 2008, at 55 *D.C. Reg.* 9521-9524. The amendments change assessment, tariffing, abandonment of service, and abandonment of certification rules for regulated telecommunications service providers. The final version of the rules contains no modifications from the Notice of Proposed Rulemaking. Final action adopting these rules was taken November 18, 2008, by Commission Order No. 15117. The final rules will become effective upon publication of this Notice in the *D.C. Register*. Additional copies of the final rules may be obtained by writing Dorothy Wideman, Commission Secretary, Public Service Commission of the District of Columbia, 1333 H Street, N.W., 2nd Floor, West Tower, Washington, DC 20005 or by visiting the Commission's website at www.dcpssc.org.

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

NOTICE OF FINAL RULEMAKING

FORMAL CASE NO. 1061, IN THE MATTER OF THE APPLICATION OF
WASHINGTON GAS LIGHT COMPANY FOR A CERTIFICATE OF AUTHORITY
AUTHORIZING IT TO ISSUE DEBT SECURITIES AND PREFERRED STOCK

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, of its final rulemaking action taken approving the Amended Application for Authority to Issue Debt Securities and Preferred Stock (“Amended Application”) filed by Washington Gas Light Company (“WGL” or “Company”) on November 4, 2008.¹

2. On June 13, 2008, WGL filed its original Application seeking authority to issue and sell one or more series of debt securities or preferred stock in an aggregate amount not to exceed \$356.5 million during the three-year period beginning October 1, 2008 and ending September 30, 2011.² Pursuant to the Commission’s expedited review process outlined in 15 DCMR § 3500, *et seq.*, the Application was deemed approved as of August 6, 2008.³

3. By its Amended Application, WGL seeks to amend certain information provided in its original Application. The Company submits that it needs flexibility in determining the effective cost of long-term debt securities and proposes a credit spread of 700 basis points above the most comparable maturity U.S. Treasury securities, excluding underwriters' compensation and other expenses, as compared to the 300 basis point credit spread stated in the original Application. WGL makes clear that the \$356.5 million financing amount previously authorized by the Commission will remain unchanged; the purpose of this filing being to obtain authorization to raise the basis point credit spread.⁴

¹ *Formal Case No. 1061, In the Matter of the Application of Washington Gas Light Company for a Certificate of Authority Authorizing it to Issue Debt Securities and Preferred Stock* (“F.C. 1061”); Washington Gas Light’s Motion to Amend the Application for Authority to Issue Debt Securities and Preferred Stock, filed November 4, 2008 (“Amended Application”). The Commission will treat WGL’s Motion as an Amended Application for Authority to Issue Debt Securities and Preferred Stock to be expedited under the rules in 15 DCMR § 3500, *et seq.*

² F.C. 1061, Washington Gas Light Company’s Application for Authority to Issue Debt Securities and Preferred Stock, filed June 13, 2008 (“WGL’s Application”).

³ See 15 D.C.M.R. § 3501.9. A Notice of Final Rulemaking was published in the *D.C. Register* on August 22, 2008 at 55 *D.C. Register* 9090 (August 22, 2008).

⁴ Amended Application at 1-2.

4. A Notice of Proposed Rulemaking was published in the *D.C. Register* on November 14, 2008, inviting public comment on the Amended Application.⁵ No comments in opposition were filed. By Order No. 15119, the Commission approved WGL's Amended Application.⁶

5. WGL's Amended 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.dcpso.org. Copies of the Amended Application are available, upon request, at a per-page reproduction fee.

⁵ 55 D.C. Register 11903-11905 (November 14, 2008). The comment period was expedited for good cause.

⁶ F.C. 1061, Order No. 15119, (November 24, 2008).

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

NOTICE OF FINAL 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. Code §§ 2-505, 34-502 and 34-503, of its final rulemaking action taken approving 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

3. A Notice of Proposed Rulemaking was published in the *D.C. Register* on October 31, 2008, inviting public comment on the Application.⁵ The only comments filed were by the Office of the People's Counsel for the District of Columbia ("OPC").⁶ OPC stated in its Comments that it does not object to Pepco's request to issue and sell debt securities with an aggregate principal amount not to exceed \$250,000,000, and that it supports expedited treatment of the Company's Application.⁷ By Order No. 15118, the Commission approved Pepco's Application.⁸

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 55 *D.C. Register* at 11354-11356 (October 31, 2008). The comment period was expedited for good cause.

⁶ F.C. 1066, Comments of the Office of the People's Counsel on the Application of Potomac Electric Power Company for Expedited Review and Authorization to Issue debt Securities, filed November 10, 2008 (OPC's Comments").

⁷ *Id.* at 1.

⁸ F.C. 1066, Order No. 15118 (November 18, 2008).

4. 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.

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

NOTICE OF FINAL RULEMAKING

The State Superintendent of Education, pursuant to the authority set forth in section 3(b)(11) of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176) and amended by the Public Education Reform Amendment Act of 2007, (D.C. Law 17-9), D.C. Official Code § 38-2602(b)(11)) (2007 Supp.), hereby gives notice of the adoption of a final rule to amend Chapter 16 of Title 5 of the *District of Columbia Municipal Regulations* (DCMR). The purpose of the rulemaking is to amend Section 1667, entitled “Administrative Services Credentialing,” to establish the credentials required of candidates seeking to qualify for a position as a principal or assistant principal at the District of Columbia Public Schools, and shall not apply to public charter schools at this time. This rulemaking was published as an emergency regulation effective as of August 1, 2008 and simultaneously as a proposed regulation. 55 DCR 8358 (August 1, 2008). The regulation sought public comment and was posted on the Office of the State Superintendent of Education website at osse.dc.gov. No comments were received. The regulation is being adopted as Final without any changes.

Section 1667 of Title 5 of the DCMR is amended to read as follows:**5-1667 ADMINISTRATIVE SERVICES CREDENTIAL**

- 1667.1 An individual must have an Administrative Services Credential to serve as a principal or assistant principal at a public school in the District of Columbia.
- 1667.2 The Office of the State Superintendent of Education (OSSE) shall issue an Administrative Services Credential in accordance with the provisions of this Section.
- 1667.3 To qualify for an Administrative Services Credential, the candidate must have:
- (a) Earned an advanced degree from an accredited institution of higher education; or successfully completed the initial licensure requirements of a program for educational administrators approved by the OSSE in accordance with subsection 1667.7 of this chapter;
 - (b) Successfully completed two years of full-time Preschool-12 school based teaching, or other instructional leadership experience, or two years of full-time Preschool-12 school-based experience in guidance counseling, social work, psychological services, or rehabilitative services for students with disabilities; and

- (c) Successfully completed the School Leaders Licensure Assessment (SLLA), with a qualifying score determined by the State Superintendent of Education.
- 1667.4 At the request of a local education agency located in the District of Columbia (LEA), the State Superintendent of Education may grant an exception to the requirements of paragraphs (a) and (b) of subsection 1667.3 of this chapter;
- 1667.5 The term of the Administrative Services Credential shall be four calendar years from the date of issuance, unless a shorter term is prescribed by the State Superintendent of Education. The Administrative Services Credential is renewable upon completion of two hundred (200) hours of professional activities and services that contribute to performance and effectiveness as an educational administrator, as determined by the State Superintendent of Education.
- 1667.6 Candidates who hold a valid administrative services license from another state or jurisdiction within the United States of America, and have not taken the SLLA, shall be eligible for a non-renewable Transitional Administrative Services Credential that expires within one calendar year from the date of issuance or any shorter term prescribed by the State Superintendent of Education.
- 1667.7 Candidates who were performing administrative assignments at the principal, supervisory or other level, prior to January 1, 2000, and continuing through July 1, 2008, shall be eligible for a one-year Restricted Administrative Services Credential that expires within one calendar year from the date of issuance, but which may be renewed for a second calendar year if the candidate has met the requirement of subsection 1667.3(c) and will have met the requirements of subsection 1667.3(a) in that second calendar year.
- 1667.8 The State Superintendent of Education shall develop policies or directives setting forth objective and verifiable standards for the approval, renewal, and revocation of approval by the OSSE of programs for educational administrators that qualify candidates to earn an Administrative Services Credential pursuant to subsection 1667.3(a) of this chapter. Only programs sponsored by an institution of higher education, a non-profit organization, or LEA may be considered for approval pursuant to this subsection by the OSSE. Any approval granted by the OSSE pursuant to this subsection, shall specify which requirements must be successfully completed to qualify a candidate for the Administrative Services Credential pursuant to subsection 1667.3(a) of this chapter. Any such programs in existence as of the date of the final approval of this rule, shall maintain their qualified

status pursuant to subsection 1667.3(a) of this chapter, for the duration of the term of their current approval as a qualified program.

1667.9 Each candidate for an Administrative Services Credential shall be required to undergo a criminal history record check prior to receiving the credential, and may be required to submit to additional checks for purposes of renewing or continuing to hold the credential. The State Superintendent of Education shall develop policies or directives setting forth objective and verifiable criteria for the review of such records. Only criminal convictions and pending charges shall be taken into account with regard to criminal background information in determining whether or not an individual is qualified to hold the credential.