

## DISTRICT OF COLUMBIA PUBLIC SCHOOLS

NOTICE OF FINAL RULEMAKING

The Chancellor of the District of Columbia Public Schools, pursuant to section 103 of the District of Columbia Public Education Reform Amendment Act of 2007 (Act), effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-172), and Mayor's Order 2007-186 (August 10, 2007), hereby gives notice of the adoption of the following rule. This rule amends Title 5, Section 2701.3 (p) of the *D.C. Municipal Regulations* (DCMR) to establish a ceiling on the number of seasons a student may participate in any one sport. All other eligibility requirements in subsection 2701.3 remain the same.

A notice of emergency and proposed rulemaking was published in the *D.C. Register* on August 15, 2008 (55 DCR 8899). No changes have been made to the text of the proposed rules. Additionally, the Athletic Eligibility Regulations Approval Resolution of 2008 (PR17-1067) was submitted to the Council on October 6, 2008. The Council has neither approved nor disapproved during the required 45 day period of Council review and they are therefore deemed approved pursuant to section 103 of the Act. These rules shall become effective on the date of publication of this notice in the *D.C. Register*.

**Paragraph (p) of subsection 2701.3 of Title 5 of the DCMR is amended to read as follows:**

- 2701.3                      (p)      Students may participate in regular season, playoff or championship interscholastic athletic contests for a maximum of:
- (i)    four (4) semesters [two (2) seasons] in grades four (4) through five (5);
  - (ii)   six (6) semesters [three (3) seasons] in grades six (6) through eight (8); and
  - (iii)  eight (8) semesters [four (4) seasons] in grades nine (9) through twelve (12), except that, for any student who participated in interscholastic athletic contests in a ninth (9<sup>th</sup>) grade situated in a District of Columbia middle school or junior high school prior to 2008 and who subsequently repeated ninth (9<sup>th</sup>) grade in a District of Columbia high school, the student's participation in interscholastic athletics in the middle school or junior high school shall not be counted in computing eligibility.
  - (iv)  Semester [season] computations shall begin from the semester in which the student was enrolled for the first

time in grades four (4), six (6), and nine (9) respectively, and shall be counted continuously thereafter, regardless of whether he/she remains continuously enrolled in school.

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

**NOTICE OF FINAL RULEMAKING**

**FORMAL CASE NO. 1002, IN THE MATTER OF THE JOINT APPLICATION OF  
PEPCO AND THE NEW RC, INC. FOR AUTHORIZATION AND APPROVAL OF  
MERGER TRANSACTION**

1. The Public Service Commission of the District of Columbia (“Commission”) hereby gives notice of its final rulemaking action, taken in Order No. 15127, to approve, pursuant to Section 2-505 of the District of Columbia Official Code, the tariff of the Potomac Electric Power Company (“PEPCO”).

2. In its filing, PEPCO asserts that the revisions reflect “the current Federal Energy Regulatory Commission (‘FERC’) approved transmission rates, which went into effect June 1, 2008.”<sup>1</sup> PEPCO also indicates that the new rate schedules for retail transmission rates “reflect the changes in the wholesale transmission rates in the Company’s retail transmission rates.”<sup>2</sup> Specifically, PEPCO proposes to amend the following five (13) tariff pages:

**ELECTRICITY TARIFF, P.S.C.-D.C. No. 1**

**Fortieth Revised Page No. R-1**

**Fortieth Revised Page No. R-2**

**Thirty-third Revised Page No. R-2.1**

**Ninth Revised Page No. R-2.2**

**Eighth Revised Page No. R-41**

**Eighth Revised Page No. R-41.1**

**Eighth Revised Page No. R-41.2**

**Eighth Revised Page No. R-41.3**

**Eighth Revised Page No. R-41.4**

**Eighth Revised Page No. R-41.5**

**Eighth Revised Page No. R-41.6**

**Eighth Revised Page No. R-41.7**

**Eighth Revised Page No. R-41.8.**

3. The Commission issued a Notice of Proposed Rulemaking (“NOPR”) which was published in the *D.C. Register* on August 29, 2008.<sup>3</sup> No comments were filed in response to the NOPR. By Order No. 15127, the Commission approved PEPCO’s proposed tariff. This tariff amendment will become effective upon the date of publication of the Notice of Final Rulemaking in the *D.C. Register*.

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<sup>1</sup> *Formal Case No. 1002, In the Matter of the Joint Application of PEPCO and the New RC, Inc. for Authorization and Approval of Merger Transaction*, Letter from Anthony C. Wilson, Associate General Counsel, PEPCO, to Dorothy Wideman, Secretary, Public Service Commission of the District of Columbia (July 14, 2008).

<sup>2</sup> *Id.*

<sup>3</sup> 55 *D.C. Reg.* 9351-9352 (Aug. 29, 2008).

**OFFICE OF TAX AND REVENUE**

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**NOTICE OF FINAL RULEMAKING**

The Deputy Chief Financial Officer for Tax and Revenue, pursuant to the authority set forth in D.C. Official Code § 47-1335 (2001), Section 155 of the District of Columbia Appropriations Act, 2001 (P.L. 106-522, D.C. Official Code § 1- 204.24c (2001)), and the Office of the Chief Financial Officer Financial Management and Control Order No. 00-5, effective June 7, 2000, hereby gives notice of this final action to adopt rules amending section 316 of Chapter 3 to Title 9 of the District of Columbia Municipal Regulations (“DCMR”), as published in the Notice of Emergency and Proposed Rulemaking in the *D.C. Register* on July 18, 2008, 55 DCR 7744.

This final rulemaking assists in the timely conclusion of a tax sale. A redeeming party shall be required to obtain a certificate of redemption from the Office of Tax and Revenue in order to provide proof to the Taxing Agency (other than the Office of Tax and Revenue) that the real property has been redeemed. Preceding the issuance of the certificate of redemption, the other Taxing Agency shall be required to certify to the Office of Tax and Revenue that the account of the real property is current, excepting the amount for the periods certified to and sold by the Office of Tax and Revenue at tax sale.

No comments were received concerning the proposed rulemaking. This final rulemaking is identical to the published text of the proposed rulemaking. This final rulemaking shall become effective upon publication of this notice in the *D.C. Register*.

Section 316 of Chapter 3 of Title 9 DCMR is amended as follows:

(1) New subsection 316.2(a)(8)(F) is added to read as follows:

(F) If the real property was sold for a liability owing to a Taxing Agency other than the Office of Tax and Revenue, the redeeming party shall request, and shall pay the fee to obtain, a certificate of redemption. Preceding the issuance of the certificate of redemption, such other Taxing Agency shall certify to the Office of Tax and Revenue whether the account of the real property is current, excepting the amount for the periods certified to and sold by the Office of Tax and Revenue. The Office of Tax and Revenue shall not issue a certificate of redemption unless and until such other Taxing Agency certifies that the account of the real property is current, excepting the amount for the periods certified to and sold by the Office of Tax and Revenue.

(2) New subsection 316.5(j) is added to read as follows:

(j) If the real property was sold for a liability owing to a Taxing Agency other than the Office of Tax and Revenue, the redeeming party shall request, and shall pay the fee to obtain, a certificate of redemption. Preceding the issuance of the

certificate of redemption, such other Taxing Agency shall certify to the Office of Tax and Revenue whether the account of the real property is current, excepting the amount for the periods certified to and sold by the Office of Tax and Revenue. The Office of Tax and Revenue shall not issue a certificate of redemption unless and until such other Taxing Agency certifies that the account of the real property is current, excepting the amount for the periods certified to and sold by the Office of Tax and Revenue.

## DISTRICT OF COLUMBIA DEPARTMENT OF TRANSPORTATION

NOTICE OF FINAL RULEMAKING

The Interim Director of the Department of Transportation, pursuant to the authority of sections 3(b), 5(4)(A), 6(b), and 7 of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code §§ 50-921.02(b), 50-921.04(4)(A), 50-921.05(b), and 50-921.06), Mayor's Order 2008-116 (August 20, 2008), Section 604 of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1996 (D.C. Law 11-198, D.C. Official Code § 10-1141.04) and Mayor's Order 96-175 (December 9, 1996), hereby gives notice of the adoption of the following amendments to Title 24, DCMR Chapter 33, Public Right-Of-Way Occupancy Permits by adding a new section. The amendment adds a new Section 3312 entitled "Mobile Storage Containers," which establishes the general provisions governing the issuance of permits to occupy public space to mobile storage container providers and their customers; and amends Section 3399 entitled "Definitions".

The rulemaking regulates use and placement of mobile storage containers in the District of Columbia, requires annual permits for the placement of mobile storage containers on public space by the mobile storage providers and specific permits for their customers, and sets fees for the permits.

A notice of proposed rulemaking on this issue was published in the D.C. Register on May 25, 2007 at 54 DCR 5325 and was revised in response to comments received by the public. A second notice of proposed rulemaking on this issue was published in the D.C. Register on September 19, 2008 at 55 DCR 9864. Two comments were received from the public. The Department reviewed the comments but did not make any substantive changes to the rulemaking. Both commenters questioned the available locations where mobile storage units may be placed under the proposed rules. The Department has reviewed these comments and considered many possible restrictions on the placement of mobile storage containers. However, the Department has concluded that the current amendments provide sufficient restrictions on where mobile storage containers may be placed. One commenter also suggested reducing the amount of time allowed to keep a mobile storage unit on public space. However, the Department reviewed these suggestions and believes the current time – five days – is a fair balance between the community interests and the individual's needs. Finally, one commenter also raised a clerical mistake – the numbering of section 3312 skipped subsection 3312.6 in the proposed rulemaking – and that was corrected in this final rulemaking. These rules shall become effective on publication in the D.C. Register.

TITLE 24 DCMR, Chapter 33, PUBLIC RIGHT-OF-WAY OCCUPANCY PERMITS is amended as follows:

By adding a new section 3312 to read as follows:

**3312 MOBILE STORAGE CONTAINERS**

3312.1 No person shall place in the public right-of-way a mobile storage container without a public space permit issued by the Director of the District of Columbia Department of Transportation.

3312.2 A mobile storage container provider shall submit to the Director of the District of Columbia Department of Transportation an application for an annual permit to use public space together with a one hundred dollars (\$100) fee. With the application, the mobile storage container provider shall also provide proof of insurance as outlined in subsections 3312.3 and 3312.4 and a copy of its current, valid business license.

3312.3 A permitted mobile storage container provider shall maintain throughout the term of the permit an insurance policy or policies covering all operations of the permittee’s mobile storage container business. Failure to maintain the required insurance shall be a violation of the terms of the permit.

3312.4 Each permitted mobile storage container provider shall obtain a public liability insurance policy made out in the name of, and for the sole benefit of the District of Columbia, a municipal corporation, and its officers and employees, covering all use of public space. The insurance policy shall contain coverage in the following amounts:

\$500,000.00	Each individual
\$1,000,000.00	Each accident
\$500,000.00	Property damage

3312.5 A mobile storage container provider who has obtained a permit shall do the following:

(a) Post on the outside of the mobile storage container a copy of the public space permit issued to the mobile storage container provider or clearly display the name of the mobile storage container provider on the outside of the mobile storage container;

(b) Place the mobile storage container in the parking lane of the roadway parallel with the edge of the roadway in front of the property owned or leased by the person renting the mobile storage container, or the nearest adjacent location;

(c) Mark the exterior, traffic facing side of the mobile storage container with reflective material;

(d) Keep the mobile storage container completely covered and sealed during transport; and

(e) Keep the exterior of the mobile storage container clean and free of graffiti.

3312.6 No mobile storage container provider shall place a mobile storage container in the following manner:

(a) Beyond, atop, or partially resting upon the curb of the roadway;

(b) In the tree box area;

(c) On the sidewalk or across the sidewalk;

(d) In violation of rush hour, street sweeping, building entrance or any other parking restrictions, except the residential permit parking restrictions; and

(e) At a parking meter, unless the person renting the mobile storage container has provided proof of meter fee payment tendered to the Director of the Department of Transportation pursuant to subsection 3312.13 and a copy of the public space permit for the address specific location issued by the Director of the District of Columbia Department of Transportation pursuant to subsection 3312.9.

3312.7 The Director of the District of Columbia Department of Transportation may revoke an annual public space permit issued to a mobile storage container provider for the following reasons:

(a) The mobile storage container provider violates a provision of subsections 3312.2 through 3312.6 or the public space permit issued to the provider;

(b) The mobile storage container provider fails to pay the applicable fees; or

(c) Public safety and welfare.

3312.8 No person shall rent for the placement or otherwise cause to be placed on the public right-of-way a mobile storage container without a public space permit that is address specific to the location and issued by the Director of the District of Columbia Department of Transportation.

3312.9 At least 72 hours prior to the placement of mobile storage containers on the public right-of-way, the person renting such containers shall submit to the Director of the District of Columbia Department of Transportation an application for each address specific location to be occupied by the mobile storage containers.

- 3312.10 The person who rents the mobile storage container shall pay a public space permit fee of fifty dollars (\$50) to rent space at a location in front of or adjacent to the address specific location. The total public space area occupied by mobile storage containers for any location shall not exceed the following dimensions, unless the fee provided in subsection 3312.12 is paid:
- (a) Width of eight feet;
  - (b) Length of twelve feet; and
  - (c) Height of eight feet
- 3312.11 For each additional six (6) feet of length of public right-of-way or portion thereof occupied by the mobile storage containers an additional permit fee of twenty-five dollars (\$25) shall be paid.
- 3312.12 An additional fee shall be charged to compensate the District of Columbia Department of Transportation for the revenue lost due to the occupancy of the public right-of-way by mobile storage containers placed at a parking meter.
- 3312.13 No person shall leave any mobile storage container in the public right-of-way for longer than five (5) days.
- 3312.14 A mobile storage container renter who has obtained a permit to occupy public space shall do the following:
- (a) Post Emergency No Parking signs at the address specific location designated for the mobile storage containers at least 72 hours prior to the placement of the mobile storage containers at the location; and
  - (b) Post on the outside of the mobile storage container a copy of the public space permit for the address specific location.
- 3312.15 The Director of the District of Columbia Department of Transportation may revoke a public space permit issued for an address specific location for the following reasons:
- (a) The permittee violates a provision of subsections 3312.10 through 3312.15 or the public space permit for the address specific location;
  - (b) The permittee fails to pay the applicable fees; or

(c) Public safety and welfare.

Section 3399 is amended as follows:

Add the following new definitions:

**Mobile Storage Container** - a moveable container that is temporarily placed on the public right-of-way and is used for short-term storage of items, including but not limited to, clothing, equipment, goods, household or office fixtures or furnishings, materials and merchandise.