

DISTRICT OF COLUMBIA PUBLIC SCHOOLS

NOTICE OF EMERGENCY AND PROPOSED 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, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-172) (2007 Supp.), and Mayor's Order 2007-186 (August 10, 2007), hereby gives notice of the adoption of the following emergency rulemaking. This emergency rulemaking will amend Title 5, Chapter 21, Sections 2106 and 2199 of the *District of Columbia Municipal Regulations* (DCMR) to extend the application period for out-of-boundary transfers and to replace the feeder school preference for out-of-boundary students with a right for students who are attending an out-of-boundary school to attend the next-level school in their current school's designated feeder pattern. This emergency rulemaking will also redefine the Chancellor's discretionary authority to approve out-of-boundary transfers so as to permit a transfer when warranted to serve the best interests of an individual student and the school system.

This emergency is necessitated by the impending out-of-boundary lottery process. This emergency rulemaking will remain in effect for up to one hundred twenty (120) days, unless earlier superseded by a notice of final rulemaking.

The proposed rulemaking will be submitted to the Council for a forty-five (45) day period of review. The Chancellor also hereby gives notice of the intent to adopt this rulemaking, in final, in not less than thirty (30) days from the publication of this notice in the *D.C. Register*, or upon approval of the rulemaking by the Council, whichever occurs later.

Subsections 2106.3, 2106.4, 2106.5, and 2106.6 of Section 2106 (Out-of-Boundary Transfers) of Chapter 21 (Attendance and Transfers) of Title 5 of the DCMR are amended to read as follows:

- 2106.3 An adult student, an emancipated student, or a minor student's parent or guardian may apply for an out-of-boundary transfer for any of the following reasons:
- (a) His or her sibling currently attends the requested school;
 - (b) He or she resides within a three city-block radius, for elementary schools, or a five city-block radius for middle and junior high schools; or
 - (c) The adult student or minor student's parent or guardian prefers the requested school to his or her designated in-boundary school.
- 2106.4 Applications for out-of-boundary transfers for the following school year shall be submitted through the formal application process as defined and

publicized by DCPS, not earlier than January 28th nor later than March 13th, stating the reasons for the request. The Chancellor or his/her designee shall send a response to any such request no later than March 31st.

- 2106.5 In reviewing the request for discretionary transfers, the Chancellor shall verify stated reasons for the request and fairly administer a lottery held in DCPS headquarters, giving preferences to students in accordance with the reasons for their transfer requests in the following order until available spaces are filled or all requests are granted:
- (a) His or her sibling currently attends the requested school;
 - (b) He or she resides within reasonable walking distance of the requested school (within a three city-block radius for elementary students and a five city-block radius for middle and junior high school students); or
 - (c) The adult student of the minor student's parent or guardian prefers the requested school to his or her designated in-boundary school.
- 2106.6 The Chancellor, and only the Chancellor, is authorized to grant a discretionary transfer and set the duration of the approval of the transfer when the Chancellor determines that the transfer would be in the best interests of the student, and that the transfer would promote the overall interests of the school system.

Subsection 2106.11 is amended to read as follows:

- 2106.11 (a) Students who are admitted to schools outside the attendance zones established for their place of residence shall be entitled to attend these schools for the duration of their participation in the academic program except in the following circumstances:
- (1) If the student is involuntarily transferred pursuant to section 2107 or;
 - (2) If the students are admitted to specialized schools, programs, or academies and the students no longer meet the criteria established for the specialized schools, programs or academies.
- (b) A student who has been admitted to a school outside the attendance zone for his or her place of residence which has been designated as a feeder school by the Chancellor shall be entitled to attend the next- level school in the designated feeder pattern upon the student's completion of the program at the feeder school.

Section 2199 of Chapter 21 (Attendance and Transfers) of Title 5 of the DCMR is amended to read as follows:

2199 Definitions.

2199.1 Unless the same term or phrase is defined in § 2199.2, the definitions set forth in § 2099 are incorporated in this chapter by reference and shall apply to the terms and phrases used in this chapter.

2199.2 As used in this chapter, the following terms and phrases shall have the meanings ascribed:

“Feeder School” – a school that, upon students’ completion of the educational program offered at the school, sends its students to a particular higher-level school designated by the Chancellor.

“Feeder Pattern”- the group of schools within an attendance zone that, upon students’ completion of the educational program at each school, sends students to a particular higher-level school designated by the Chancellor.

“Sibling”- a child who:

- (a) Has at least one parent or legal guardian in common with a current DCPS student; and
- (b) Resides in the same household as the student.

“Specialized schools, programs and academies”- schools or programs that have specific admissions requirements and selection criteria, and that have been approved by the Chancellor.

Comments on this rulemaking should be submitted, in writing, to Michelle Rhee, Chancellor, DCPS, at 825 North Capitol Street, N.E., 9th Floor, Washington, DC, 20002, within thirty (30) days of the date of publication of this notice in the *D.C. Register*. Additional copies of this rule are available from the above address.

DEPARTMENT OF MOTOR VEHICLES

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Director of the Department of Motor Vehicles, pursuant to the authority set forth in section 1825 of the Department of Motor Vehicles Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-175; D.C. Official Code § 50-904 (2008 Supp.)), sections 6 and 8 of the District of Columbia Traffic Act of 1925, effective March 3, 1925 (43 Stat. 1121, 1123; D.C. Official Code §§ 50-2201.03 and 50-1401.02 (2008 Supp.)), section 2 of Title IV of the District of Columbia Revenue Act of 1937, approved September 8, 1950 (64 Stat. 792; D.C. Official Code § 50-1501.02 (2008 Supp.)), and Mayor's Order 07-168, effective July 10, 2007, hereby gives notice of the adoption on an emergency basis of an amendment to Chapter 4 (Motor Vehicle Title and Registration) of Title 18 of the District of Columbia Municipal Regulations ("DCMR"). The new subsection will exempt members of the Judicial Branch of the Federal government and their spouses from the requirement of surrendering out-of-state operator's permits when registering a motor vehicle.

This emergency action is based on the immediate need to permit members of the Federal judiciary who hold non-District driver's licenses at the time they register a motor vehicle in the District to be able to continue to operate motor vehicles in carrying out their official duties between the time of registration and the date by which they must obtain the required District operator's permits.

This emergency rule was adopted on January 9, 2009, and became effective immediately on that date. This emergency rule will expire May 9, 2009 or until publication of the final rules in the *D.C. Register*, whichever occurs first.

The Director of the Department of Motor Vehicles hereby gives notice of her intent to take final rulemaking action to adopt these proposed rules (which are identical to the emergency rules) in not less than 30 days from the date of publication of this notice in the *D.C. Register*.

Subsection 412.1(1) is amended to read as follows:

412.1 The Director shall refuse registration and shall withhold issuance of any application for re-registration on any of the following grounds:

- (1) If a person holds an out-of-state operator's permit and fails to surrender that permit to the Department unless the person is a member, or a spouse of a member of the Judicial Branch of the Federal government.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments, in writing, to David Glasser, General Counsel, D.C. Department of Motor Vehicles, 95 M Street, S.W., Suite 300, Washington, D.C. 20024. Comments must be received not later than thirty (30) days after the publication of this notice in the D.C. Register. Copies of this proposal may be obtained, at cost, by writing to the above address.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF EMERGENCY RULEMAKINGFORMAL CASE NO. 1043, IN THE MATTER OF THE PETITION OF THE OFFICE OF THE PEOPLE'S COUNSEL REQUESTING AN INVESTIGATION INTO THE IMPACT OF RISING NATURAL GAS PRICES ON DISTRICT OF COLUMBIA CONSUMERS FOR THE PURPOSE OF DEVELOPING SOLUTIONS TO MINIMIZE THE IMPACT,

and

FORMAL CASE NO. 813, IN THE MATTER OF THE APPLICATION OF POTOMAC ELECTRIC POWER COMPANY FOR AN INCREASE IN ITS RETAIL RATES FOR THE SALE OF ELECTRIC ENERGY

1. The Public Service Commission of the District of Columbia ("Commission"), hereby gives notice of its Emergency rulemaking action¹ taken on January 15, 2009, in Order No. 15160, approving on a finite basis, respectively, the Washington Gas Light Company's ("WGL") Emergency Billing and Collection Tariff Pages:

**Washington Gas Light Company, P.S.C. of D.C. No. 3,
Fourth Revised Page No. 3;
Third Revised Page No. 35;
Seventh Revised Page No. 37;
and Fifth Revised Page No. 41A;²**

and the Potomac Electric Power Company's ("Pepco") ("the Companies," collectively) General Terms and Conditions for Furnishing Electric Service Tariff Pages:

**Electric—P.S.C. D.C. No. 1,
Sixth Revised Page No. 1;
Sixth Revised Page No. 2;**

¹ See D.C. Code § 2-505(c) (2007 Ed.). Under emergency rulemaking procedures, an independent agency can adopt a rule immediately to preserve the public peace, health, safety, welfare or morals as may be necessary without publishing the rules for notice and comment.

² *Formal Case No. 1043, In the Matter of the Petition of the Office of the People's Counsel Requesting an Investigation into the Impact of Rising Natural Gas Prices on District of Columbia Consumers for the Purpose of Developing Solutions to Minimize the Impact; and Formal Case No. 813, In the Matter of the Application of Potomac Electric Power Company for an Increase in its Retail Rates for the Sale of Electric Energy, WGL Tariff Filing, filed December 16, 2008.*

**Second Revised Page Nos. 13-15;
and First Revised Page Nos. 23-31.³**

This Emergency rulemaking shall take effect immediately.⁴

2. On December 16, 2008, WGL and Pepco respectively filed their emergency billing and collection tariffs to implement certain temporary billing and collection practices during the 2008-2009 winter heating season. The Companies' emergency tariffs include the following measures: (1) payment deferrals of up to three months on security deposits; (2) a one month billing deferral on reconnection charges; (3) deferred payment arrangements not exceeding 12 months for customers in arrears; (4) participation in each company's respective budget billing plan for those customers who would not otherwise qualify; (5) review of customer bills with efforts to negotiate a settlement of delinquent accounts; and (6) referral of customers to programs that can provide eligible customers with additional financial assistance in paying their utility bills.⁵

3. The Commission determined in Order No, 15160 that it was necessary to adopt the Companies' emergency tariffs immediately through emergency rulemaking because the tariffs provide customers with immediate alternatives during potentially life-threatening conditions.⁶ WGL's and Pepco's emergency billing and collection tariffs shall apply only to the 2008-2009 winter heating season and will sunset on March 31, 2009 at 12 midnight. On April 1, 2009, the Companies' preexisting billing and collection practices will once again apply to all customers.

4. WGL's and Pepco's respective emergency billing and collections tariffs 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. Copies of the tariff are available, upon request, at a per-page reproduction fee.

³ *Formal Case No. 1043 and Formal Case No. 813, Pepco Tariff Filing, filed December 16, 2008.*

⁴ "Such [emergency] rule may become effective immediately." D.C. Code § 2-505 (c). An emergency rule may take effect prior to its publication in the D.C. Register. D.C. Code § 2-558 (b).

⁵ *See generally, Formal Case No. 1043 and Formal Case No. 813, Pepco and WGL tariff filings.*

⁶ *Formal Case No. 1043 and Formal Case No. 813, Order No. 15160, rel. January 15, 2009.*