

**DEPARTMENT OF HEALTH****NOTICE OF FINAL RULEMAKING**

The Registrar of the Department of Health, pursuant to the authority set forth in sections 21(d) and 27 of the Vital Records Act of 1981 ("Act"), effective October 8, 1981 (D.C. Law 4-34, D.C. Official Code §§ 7-220(2) and 7-226 (2001), hereby gives notice of adoption of the following amendments to § 2821.8 of Title 29 of the District of Columbia Municipal Regulations (DCMR) on March 11, 2009. The rules were published January 30, 2009, at 56 DCR 1062. No comments were received concerning the proposed rules. The rules will become effective upon the date of publication of this notice in the *D.C. Register*. The rules permit government agencies to use information provided for medical and health use on a birth certificate to provide health care services.

**Subsection 2821.7 of Title 29 DCMR (Public Welfare) (May 1987) is amended to read as follows:**

2821.7 Disclosures of information contained in the "Information for Medical and Health Use Only" section of a birth certificate or the "Information for Statistical Purposes Only" section of a marriage record or record of divorce dissolution of marriage or annulment may be made in electronic or another format according to the following requirements:

- (a) The information contained in the "Information for Statistical Purposes Only" section of a marriage record or record of divorce dissolution of marriage or annulment shall not be disclosed unless specifically authorized by the Registrar for statistical or research purposes; and
- (b) The information contained in the "Information for Medical and Health Use Only" section of a birth certificate may be disclosed as follows:
  - (1) When the Registrar specifically authorizes the disclosure for statistical, research, or administrative purposes related to an official use or the conduct of official duties;
  - (2) If a person requests disclosure for administrative purposes related to an official use or the conduct of official duties and not for commercial solicitation or private gain, the disclosure shall be limited to a federal, state, District, or other public or private agency for the purpose of providing, or making referrals for, a health-related service to a person to whom the birth certificate relates; and
  - (3) For a disclosure for administrative purposes related to an official use or the conduct of official duties, a person identified as a parent on the birth certificate has granted written informed consent on his or her behalf, or on behalf of the child named on the birth

certificate to be contacted for the purpose of determining eligibility for a health-related service or referral.

- (c) A person receiving information under this subsection shall return or destroy the information after the purpose for which the information was requested has been satisfied.
- (d) A person receiving information under this subsection shall not re-disclose the information to a third party unless the re-disclosure is for health-related administrative purpose. A third party receiving information under this paragraph shall return or destroy the information after it is no longer needed.

## PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

## NOTICE OF FINAL RULEMAKING

**FORMAL CASE NO. 945, PHASE II, IN THE MATTER OF THE INVESTIGATION INTO ELECTRIC SERVICE MARKET COMPETITION AND REGULATORY PRACTICES**

1. The Public Service Commission of the District of Columbia ("Commission") hereby gives notice, pursuant to D.C. Official Code, 2001 Ed. § 2-505, of the final rulemaking action taken in Order No. 15210, issued March 5, 2009, approving the Potomac Electric Power Company's ("Pepco" or "Company") Proposed Updates to Riders "DS-R"- Divestiture Sharing Credit-Residential and "DS-NR"- Divestiture Sharing Credit Non-residential.<sup>1</sup>

2. In its filing, Pepco states that the proposed tariff updates are the result of the proposed resolution of all outstanding issues with respect to the divestiture of the Company's generating assets which occurred as part of the industry restructuring at the beginning of this decade and that the proposed tariff provides customers with a third divestiture sharing credit as a result of the Company's successful management of the Mirant bankruptcy.<sup>2</sup>

3. Pepco submits that: (1) the Company was a party to several power purchase agreements that constituted an economic liability under current and projected market conditions; (2) the principal power purchase agreement that was unresolved was the Panda Purchased Power Agreement ("Panda PPA"); (3) pursuant to a Settlement Agreement reached with Mirant in its bankruptcy proceeding, the Company received a monetary payment of \$413.9 million from Mirant that was used to cover the ongoing above-market costs of the Panda PPA; and (4) Pepco subsequently executed an agreement on June 20, 2008 (and closed on September 8, 2008) to transfer the Panda PPA to an unaffiliated third party, Sempra Energy Trading LLC ("SET"), in exchange for a payment to SET which relieved the Company and its customers of all obligations under the Panda PPA.<sup>3</sup>

4. The Company now proposes to share the remaining amounts from the Mirant Settlement with District of Columbia customers in accordance with the divestiture sharing formula approved by the Commission in F.C. 945 and claims that this distribution

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<sup>1</sup> Formal Case No. 945, *In the Matter of the Investigation into Electric Service Market Competition and Regulatory Practices* ("F.C. 945"), Order No. 15210 (March 5, 2009).

<sup>2</sup> F.C. 945, Potomac Electric Power Company Proposed Updates to Riders "DS-R" Divestiture Sharing Credit Residential and "DS-NR"- Divestiture Sharing Credit Non-residential, filed November 20, 2008 ("Proposed Tariff Updates").

<sup>3</sup> *Id.* at 2-4.

will provide District of Columbia customers with an additional \$24,732,343 in divestiture sharing.<sup>4</sup> To effect these changes, Pepco proposes to revise the following tariff pages:

**Electricity – P.S.C. of D.C. No. 1**  
**Forty-First Revised Page No. R-1**  
**Forty-First Revised Page No. R-2**  
**Thirty-Fourth Revised Page No. R-2.1**  
**Tenth Revised Page No. R-2.2**  
**Third Revised Page No. R-39**  
**Second Revised Page No. R-40**  
**First Revised Page No. R-40.1**

5. The Commission published a Notice of Proposed Rulemaking in the *D.C. Register* on December 12, 2008, inviting interested parties to file comments on Pepco's Proposed Tariff Updates.<sup>5</sup> No comments were received. The Commission, in Order No. 15210, approved Pepco's Proposed Tariff Updates to Riders "DS-R"- Divestiture Sharing Credit-Residential and "DS-NR"- Divestiture Sharing Credit Non-residential, effective upon the date of publication of this Notice of Final Rulemaking in the *D.C. Register*.

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<sup>4</sup> *Id.* at 4-6.

<sup>5</sup> 55 *D.C. Register* 12497-12498 (December 12, 2008).