

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS AND ETHICS**

NOTICE OF FINAL RULEMAKING

The District of Columbia Board of Elections and Ethics pursuant to the authority set forth in D.C. Code § 1-1001.05(a)(14) hereby gives notice of action to adopt the following amendments to 3 DCMR Chapter 9, "Filling Vacancies."

The amendments: (1) reflect changes to the names of federal and District of Columbia agencies and agency guidelines; and (2) correct typographical errors made as a result of the District-wide electronic regulation updating process.

A Notice of Proposed Rulemaking with respect to these amendments was published in the D.C. Register on October 23, 2009 at 56 D.C.R. 8440. No comments were received concerning these rules. These amendments will be effective upon publication of this notice in the D.C. Register.

Section 900 of Chapter 9 of 3 DCMR, "Filling Vacancies," shall be amended to read as follows:

900 FILLING VACANCIES

900.1 This chapter governs the procedures of the District of Columbia Board of Elections and Ethics in the event a vacancy occurs in any of the following offices prior to the expiration of the term of office:

- a) The Mayor of the District of Columbia;
- b) The Chairman of the Council of the District of Columbia;
- c) At-large and Ward members of the Council of the District of Columbia;
- d) At-large and Ward members of the State Board of Education; and
- e) Delegate to the House of Representatives.

900.2 A vacancy shall exist in the offices enumerated in § 900.1 when any of the following occurs during the public official's term of office:

- a) Resignation;
- b) Death; or

- c) Declaration of vacancy by a court.

900.3 A vacancy shall also exist in the offices of Mayor, Member of the Council of the District of Columbia, or Member of the District of Columbia Board of Education whenever a recall election is conducted and, as a result of that recall election, an elected officer is removed from office.”

Section 904 of Chapter 9 of 3 DCMR, “Vacancy in the Office of Elected Member of the Board of Education,” shall be amended to read as follows:

904 VACANCY IN THE OFFICE OF ELECTED MEMBER OF THE STATE BOARD OF EDUCATION

- 904.1 When a member of the State Board of Education resigns his or her office prior to expiration of the term, the resignation shall be in writing and in duplicate.
- 904.2 The resigning member of the State Board of Education shall forward one duplicate original of the resignation to the Mayor and one duplicate original to the Chairperson of the D.C. Board of Elections and Ethics.
- 904.3 Within five (5) working days of receipt of the duplicate resignation, the Board shall certify the seat vacant, effective as provided by the resignation, and issue the appropriate notification as provided by § 906
- 904.4 When a member of the State Board of Education dies while still serving his or her term of office, the Board shall, within five (5) working days of notice of the death of the member of the State Board of Education, certify the seat vacant and issue the appropriate notification as provided by § 906.
- 904.5 When a vacancy in the office of Member of the State Board of Education is declared by court order, the Board shall, as soon as practicable after the court declaration, notify the President of the State Board of Education of the vacancy by registered mail.
- 904.6 When a vacancy in the office of Member of the State Board of Education occurs as a result of a recall election, the Board shall, as soon as practicable after certification of the election results, do the following:
- a) Certify the seat vacant;
 - b) Notify the State Board of Education; and
 - c) Issue the appropriate notification as provided by § 906.

904.7 When the office of the President becomes vacant, the State Board of Education shall select one of the members of the Board to serve as the President pursuant to the by-laws of the State Board of Education.”

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF FINAL RULEMAKINGTT00-5, IN THE MATTER OF VERIZON WASHINGTON, DC INC.'S PUBLIC OCCUPANCY SURCHARGE GENERAL REGULATIONS TARIFF, P.S.C.-D.C. No. 201

1. The Public Service Commission of the District of Columbia (“Commission”) pursuant to its authority under D.C. Official Code § 2-505,¹ hereby gives notice of its final rulemaking action taken in the above-captioned proceeding. On January 6, 2010, the Commission released Order No. 15642, approving the Application of Verizon Washington, DC Inc. (“Verizon” or “Verizon DC”)² for an updated Rights-of-Way (“ROW”) Surcharge.

2. On July 1, 2009, pursuant to D.C. Official Code Section 10-1141.06,³ Verizon DC filed with the Commission a Tariff Application that includes an updated Rights-of-Way (“ROW”) Surcharge Rider.⁴ The Tariff Application describes the process for recovering from its customers the D.C. Public ROW fees paid by Verizon DC to the District Columbia Government in accordance with the following tariff page:

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3. According to the tariff filing, Verizon DC intended to implement the updated surcharge on August 1, 2009.⁵ A Notice of Proposed Rulemaking regarding Verizon’s Tariff Application was published in the *D.C. Register* on August 7, 2009.⁶ In

¹ D.C. Official Code § 2-505 (2006 Repl.).

² *TT00-5, In The Matter Of Verizon Washington, DC Inc.'s Public Space Occupancy Surcharge General Regulations Tariff, P.S.C.-D.C. No. 201* (“TT00-5”), Letter to Dorothy Wideman, Commission Secretary, from J. Henry Ambrose, Vice President for State Public Policy of Verizon DC, re: TT00-5, filed July 1, 2009 (“hereinafter referred to as “Application”).

³ D.C. Official Code § 10-1141.06 (2008 Repl.), states that “Each public utility company regulated by the Public Service Commission shall recover from its utility customers all lease payments which it pays to the District of Columbia pursuant to this title through a surcharge mechanism applied to each unit of sale and the surcharge amount shall be separately stated on each customer's monthly billing statement.”

⁴ *TT00-5*, Application at 1.

⁵ *TT00-5*, Application at 1.

⁶ 56 D.C. Reg. 6219-6220 (August 7, 2009).

the NOPR, the Commission stated that it would not bar Verizon from collecting the surcharge but notified Verizon that any inaccuracies would be subject to reconciliation. No comments were filed in response to the NOPR and the Commission is satisfied that the surcharge proposed by Verizon complies with D.C. Official Code Section 10-1141.06. Subsequently, the Commission approved Verizon's Surcharge Filing by Order No. 15642.