



District of Columbia

REGISTER

HIGHLIGHTS

- Office of the Chief Financial Officer publishes amended notice for the 2013 Personal Exemption amount
- Board of Ethics and Government Accountability advertises public symposium on Government Ethics “Best Practices”
- Office of the Secretary of the District of Columbia announces funding availability for the grant to promote District of Columbia self determination, voting rights, and statehood
- Public Service Commission establishes natural gas pipeline safety regulations
- Office of the State Superintendent of Education proposes revisions to the school attendance regulations

DISTRICT OF COLUMBIA REGISTER

Publication Authority and Policy

The District of Columbia Office of Documents and Administrative Issuances (ODAI) publishes the *District of Columbia Register* (ISSN 0419-439X) (*D.C. Register*) every Friday under the authority of the *District of Columbia Documents Act*, D.C. Law 2-153, effective March 6, 1979 (25 DCR 6960). The policies which govern the publication of the *D.C. Register* are set forth in Title 1 of the District of Columbia Municipal Regulations, Chapter 3 (Rules of the Office of Documents and Administrative Issuances.) Copies of the Rules may be obtained from the Office of Documents and Administrative Issuances. Rulemaking documents are also subject to the requirements of the *District of Columbia Administrative Procedure Act*, District of Columbia Official Code, §§2-501 *et seq.*, as amended.

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The deadline for receiving documents from the District of Columbia Agencies, Boards, Commissions, and Public Charter schools is TUESDAY, NOON of the week of publication. The deadline for receiving documents from the District of Columbia Council is WEDNESDAY, NOON of the week of publication. If an official District government holiday falls on Monday or Friday, the deadline for receiving documents remains the same as outlined above. If an official District government holiday falls on Tuesday, Wednesday or Thursday, the deadline for receiving documents is one day earlier from the deadlines outlined above.

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Legal Effect of Publication - Certification

Except in the case of emergency rules, no rule or document of general applicability and legal effect shall become effective until it is published in the *D.C. Register*. Publication creates a rebuttable legal presumption that a document has been duly issued, prescribed, adopted, or enacted and that the document complies with the requirements of the *District of Columbia Documents Act* and the *District of Columbia Administrative Procedure Act*. The Administrator of the Office of Documents hereby certifies that this issue of the *D.C. Register* contains all documents required to be published under the provisions of the *District of Columbia Documents Act*.

DISTRICT OF COLUMBIA OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

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ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF PUBLIC HEARINGS
CALENDAR

THURSDAY, JANUARY 10, 2013
2000 14TH STREET, N.W., SUITE 400S,
WASHINGTON, D.C. 20009

Ruthanne Miller, Chairperson
Members:

Nick Alberti, Donald Brooks, Herman Jones, Mike Silverstein

Protest Hearing **9:00 AM**
Case # 12-PRO-00079; H & B Ventures, LLC, t/a Costa Brava
1837 1st Street NW, License #90223, Retailer CR , ANC 5C
New Application

BOARD RECESS AT 12:00 PM

Protest Hearing **1:00 PM**
Case # 12-PRO-00078;District of Columbia CVS Pharmacy, LLC, t/a CVS
Pharmacy #1354, 2601 Connecticut Ave NW, License #88912, Retailer B
ANC 3C
New Application
The Board granted a joint request for continuance on December 27, 2012 to a date to be determined.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF PUBLIC HEARINGS
CALENDAR

WEDNESDAY, JANUARY 9, 2013
2000 14TH STREET, N.W., SUITE 400S,
WASHINGTON, D.C. 20009

Ruthanne Miller, Chairperson
Members:

Nick Alberti, Donald Brooks, Herman Jones, Mike Silverstein

Protest Hearing (Status) 9:30 AM
Case # 12-PRO-00081; 2007 14th Street Productions, LLC, t/a Marvin
2007 14th Street NW, License #76166, Retailer CT, ANC 1B
Substantial Change (Expansion to the 2nd Floor & Additional 87 seats)

Show Cause Hearing (Status) 9:30 AM
Case # 12-CMP-00407; LCRL, Inc., t/a The Islander Caribbean Restaurant &
Lounge, 1201 U Street NW, License #24599, Retailer CT, ANC 1B
Noise Violation

Show Cause Hearing (Status) 9:30 AM
Case # 12-251-00225; Ahmed Ouhman Enterprises, t/a Marrakech Lounge
1817 Columbia Road NW, License #87585, Retailer CR, ANC 1C
Violation of Voluntary Agreement

Show Cause Hearing (Status) 9:30 AM
Case # 12-CMP-00046; Cesar Guzman, t/a Casa Blanca Restaurant
1014 Vermont Ave NW, License #20067; Retailer CR; ANC 2F
No ABC Manager on Duty

Show Cause Hearing (Status) 9:30 AM
Case # 12-CMP-00044; 1819 14th Ventures, LLC, t/a El Centro D.F.
1819 14th Street NW, License #84847, Retailer CR, ANC 1B
Failed to Post License in a Conspicuous Place

Show Cause Hearing (Status) 9:30 AM
Case # 11-251-00283(a); E & C Eye Street, LLC, t/a Elephant & Castle Pub
Restaurant, 900 19th Street NW, License #81086, Retailer CR, ANC 2B
No ABC Manager on Duty

Board's Calendar

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Show Cause Hearing (Status)

9:30 AM

Case # 12-CMP-00328; Neighborhood Restaurant Group VII, LLC, t/a Birch & Barley/Churchkey, 1337 14th Street NW, License #80839, Retailer CR ANC 2F

Failed to Post ABC Window Lettering in a Conspicuous Place, Failed to Post Pregnancy Sign, Failed to Post Current Legal Drinking Age Notice

Show Cause Hearing

10:00 AM

Case # 12-CMP-00010 and #12-AUD-00030

Sweet Mango Café, Corporation, t/a Sweet Mango Café, 3701 New Hampshire Ave NW, License #72512, Retailer CR , ANC 4C

Violation of Voluntary Agreement, Failed to Obtainan Entertainment Endorsement, Failed to File Quarterly Statements (1st and 4th Quarters 2011)

Show Cause Hearing

11:00 AM

Case # 12-CMP-00062; K & B, LLC, t/a Montana Liquors 1801 Montana Ave NE, License #85906, Retailer A, ANC 5B

No ABC Manager on Duty, Violation of Voluntary Agreement

**BOARD RECESS AT 12:00 PM
ADMINISTRATIVE AGENDA
1:00 PM**

Show Cause Hearing

1:30 PM

Case # 11-CMP-00321; Asefu Alemayehu t/a Yegna 1920 9th Street NW, License #74241, Retailer CT, ANC 1B

Allowed the Sale or Delivery of Alcoholic Beverages Outside of the Allowed Hours

Protest Hearing

3:30 PM

Case # 12-PRO-00058; Three Way Liquors, Inc., t/a Three Way Liquors Inc. 4823 Georgia Ave NW, License #21972,Retailer A, ANC 4D

Renewal Application

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: January 4, 2013
Petition Date: February 19, 2013
Hearing Date: March 4, 2013

License No.: ABRA-091148
Licensee: 14WBella, LLC
Trade Name: Kapnos
License Class: Retailer's Class "C" Restaurant
Address: 2201 14th Street, NW
Contact: Jeff Jackson, 202-251-1566

WARD 1

ANC 1B

SMD 1B04

Notice is hereby given that this applicant has applied for a license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the Hearing Date at 10:00 am, 2000 14th Street, NW, 4th Floor, Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the petition date.

NATURE OF OPERATION

New restaurant serving American and Greek style cuisine. No Entertainment. Seating capacity is 205, total occupancy load is 253. Sidewalk Café with seating for 32.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES/SERVICE AND CONSUMPTION

Sunday through Thursday 10am-2am, and Friday & Saturday 10am-3am

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES/SERVICE AND CONSUMPTION FOR THE SIDEWALK CAFE

Sunday through Thursday 10am-1am, and Friday & Saturday 10am-2am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: January 4, 2013
Petition Date: February 19, 2013
Hearing Date: March 4, 2013

License No.: ABRA-091178
Licensee: Ruby Tuesday, Inc.
Trade Name: Lime Fresh Mexican Grill #6347
License Class: Retailer's Class "C" Restaurant
Address: 726 7th Street NW
Contact: Jonathan Farmer 202-744-9496

WARD 2 ANC 2C SMD 2C03

Notice is hereby given that this applicant has applied for a license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, N.W., 400 South, Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the petition date.

NATURE OF OPERATION

A new full service restaurant serving healthy Mexican cuisine and beverages. Total Occupancy Load is 66; number of seats inside is 58.

HOURS OF OPERATION AND HOURS OF ALCOHOLIC BEVERAGE

SALES/SERVICE/CONSUMPTION

Sunday through Thursday: 11 am – 11 pm Friday and Saturday 11 am to 12 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: January 4, 2013
Petition Date: February 19, 2013
Hearing Date: March 4, 2013

License No.: ABRA-091165
Licensee: Toro Toro DC, LLC
Trade Name: Toro Toro
License Class: Retailer's Class "C" Restaurant
Address: 1300 I Street, NW.
Contact: Andrew Kline: 202-686-7600

WARD 2 ANC 2F SMD 2F03

Notice is hereby given that this applicant has applied for a license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, N.W., 400 South, Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the petition date.

NATURE OF OPERATION

New Restaurant steakhouse specializing in Part Latin cuisine with inside seating #260, Total Occupancy Load #500. Requesting a Sidewalk Café with #52 seats and Live Entertainment, DJ Dancing and Cover Charge. No nude performances. Dance floor located in basement approx. 400 Sq. Ft.

HOURS OF OPERATION

Sunday through Saturday 7am – 4am

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday through Thursday 8am – 2am & Friday and Saturday 8am – 3am

HOURS OF LIVE ENTERTAINMENT

Sunday through Thursday 6pm – 2am & Friday and Saturday 6pm – 3am

SIDEWALK CAFÉ HOURS OF OPERATION

Sunday through Thursday 7am – 2am & Friday and Saturday 7am – 3am

SIDEWALK CAFÉ HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE CONSUMPTION

Sunday through Thursday 8am – 2am & Friday and Saturday 8am – 3am

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF FINAL RULEMAKING

FORMAL CASE NO. 1089, IN THE MATTER OF THE DEVELOPMENT OF NATURAL GAS PIPELINE SAFETY RULES AND REGULATIONS

1. The Public Service Commission of the District of Columbia (Commission) hereby gives notice, pursuant to 34-802 of the District of Columbia Official Code and in accordance with section 2-505 of the District of Columbia Official Code of the adoption of the following rulemaking establishing natural gas pipeline safety rules.¹

2. These rules were previously proposed in August 2011 at 58 DCR 7141, April 2012 at 59 DCR 3186 and July 2012 at 59 DCR 8587.

Chapter 23, NATURAL GAS, of title 15 DCMR, PUBLIC UTILITIES AND CABLE TELEVISION, is amended in its entirety to read as follows:

2300 COMMISSION AUTHORITY

2300.1 Pursuant to D.C. Official Code §34-301 (2010 Repl.), the Commission shall maintain general supervision of all gas corporations having authority, under any general or special law or under any charter or franchise, to lay down, erect, or maintain wires, pipes, conduits, ducts or other fixtures in, over, or under the streets, highways, and public places in the District of Columbia for the purpose of furnishing or distributing gas for light, heat or power.

2300.2 The Commission shall maintain general supervision of all gas manufacturing and processing plants operating in the District of Columbia.

2301 FEDERAL CODE PROVISIONS APPLICABLE

2301.1 The federal government’s gas safety regulations for transportation of natural and other gas by pipeline, 49 CFR § 190 (Pipeline Safety Program Procedures), 49 CFR § 191 (Annual Reports and Incident Reports), 49 CFR § 192 (Minimum Federal Safety Standards), and 49 CFR § 199 (Drug Testing) shall be the natural gas pipeline safety standards for intrastate natural gas transmission and distribution facilities subject to the jurisdiction of the Commission, except to the extent that the regulations in this chapter are more stringent.

¹ D.C. Official Code § 2-505 (2006 Repl.) and D.C. Official Code §34-802 (2010 Repl.).

2302 ENFORCEMENT

- 2302.1 Whenever the Commission finds a particular facility to be hazardous to life or property, it shall require the person, firm, or corporation operating the facility to take all measures necessary to remove the hazards.
- 2302.2 The Office of Engineering of the Commission shall have responsibility for the enforcement of the provisions of this chapter.
- 2302.3 The Office of Engineering shall investigate and report to the Commission, in writing, instances in which it appears that this chapter has not been complied with, and shall make recommendations for achieving prompt compliance.
- 2302.4 The plant, property, facilities, and records of gas corporations under the Commission's jurisdiction shall be made readily accessible to the Commission, its staff, or its authorized representatives in the administration and enforcement of this chapter, or in the investigation of violations or alleged violations of any of its provisions.

2303 [RESERVED]

2304 PUBLIC AWARENESS

- 2304.1 A gas corporation shall provide notice to each customer at least twice annually, informing the customer of the hazards of leaking gas and instructing the customer in the procedures to be followed in reporting gas leaks. A sample odor indicator shall be included in each biennial notice.
- 2304.2 A gas corporation shall provide notice twice annually, through newspaper or other means of mass communication, to the general public of the hazards of leaking gas and instructing the general public in the procedures to be followed in reporting gas leaks.
- 2304.3 Notices shall include information regarding the possible entry of gas by various means, including leakage along routes where gas service is not provided.
- 2304.4 A gas corporation shall implement targeted distribution of print materials annually to residents located along transmission pipeline rights of way and places of public assembly. Materials shall include:
 - (a) Information regarding the purpose and reliability of the pipeline;
 - (b) Hazards and prevention measures undertaken;
 - (c) Damage prevention;
 - (d) One-call requirements;
 - (e) Leak recognition and response;
 - (f) Pipeline location information;

- (g) How to get additional information; and
- (h) Availability of list of pipeline operators through the National Pipeline Mapping System (NPMS).

2305**SAFETY**

2305.1

Gas leak detection surveys, including all service lines up to the exterior building wall, regardless of meter placement, shall be made as follows:

- (a) Business Districts. A gas corporation shall conduct an annual survey in business districts, involving tests of the atmosphere in gas, electric, telephone, sewer, and water system manholes, at cracks in pavements and sidewalks, and at other locations providing an opportunity for finding gas leaks;
- (b) Within ninety (90) days of the effective date of these rules, the gas corporation shall provide the Commission with a map of the District of Columbia showing Business Districts and shall update the map whenever changes are made;
- (c) Places of Public Assembly. A gas corporation shall conduct an annual survey of service lines to places of public assembly using Hydrogen Flame Ionization (HFI) or Combustible Gas Indicator (CGI) or other comparable methods.;
- (d) Within ninety (90) days of the effective date of these rules, the gas corporation shall provide the Commission with a list of Places of Public Assembly in the District of Columbia and shall update the list whenever changes are made;
- (e) Each gas corporation or small gas operator shall conduct a survey of its entire distribution system not less than once every three (3) years;
- (f) Leakage tests by HFI or by CGI and bar hole or other comparable approved method shall be conducted within the immediate area of each new, repaired or replaced gas line after backfilling and after a reasonable period of gas pressurizing when the line is being placed into service;
- (g) Whenever a steel pipe or tubing is used in the attachment of a service line to a cast iron main, it shall be protected against external corrosion using an anode and test station, except in the case of a malleable fitting when use of an anode only is sufficient;
- (h) A pipeline no longer meeting cathodic protection criteria shall be remediated promptly. Prompt, as used in this section, is defined as resolving the loss of cathodic protection within the next monitoring cycle. Records showing when the pipeline was discovered to have lost cathodic protection

and when the loss was remedied, along with annual test records, must be kept for as long as the pipeline remains in service; and

- (i) Records of Surveys
 - (1) Each gas corporation or small gas operator shall maintain a record of each leak survey showing by location and date:
 - (A) Leaks detected; and
 - (B) Severity of each leak; and
 - (2) These records shall be kept as long as the segment of pipeline involved remains in service.

2305.2 Pipeline Location

- (a) Burial. Pipelines shall be buried a minimum of twenty four inches (24 in.) or eighteen inches (18 in.) in solid rock, where the term solid rock indicates the necessity of blasting or the use of pneumatic equipment.
- (b) Exceptions. Burial depths less than that specified but not less than twelve inches (12 in.) will be allowed if underground obstructions preclude these depths, and if special line protection is provided and accepted by the Office of Engineering, after submission of documentation justifying the exception;
- (c) As-built drawings shall be made after installation, but before the pipelines are covered;
- (d) Identification.
 - (1) Tracer wire shall be installed with all plastic pipes; and
 - (2) When the open trenching method of pipeline construction is used, suitable identification tape shall be installed at a minimum of twelve inches (12 in.) above the top of the pipe and at least six inches (6 in.) below the final grade after completion of installation
- (e) Each gas corporation or small gas operator shall maintain all relevant documentation of plastic pipe joining qualifications, all Operator Qualification documentation, up-to-date manuals, and copies of relevant procedures. Access to this documentation shall be available at each job site, either in hard copy or electronically;
- (f) Each gas corporation or small gas operator shall provide adequate supervision for its construction crews;

- (g) Each gas corporation or small gas operator shall submit a report of damage to the gas pipeline system, including appropriate codes indicating the cause of the damage. This report shall be filed every other month, no later than the tenth (10th) of the month; and
- (h) Each gas corporation shall notify the Office of Engineering in writing at least ten (10) days before the estimated start date of any construction project scheduled for completion in five (5) or more working days, or before the estimated start date of work related to an Integrity Management Program.

2306 INCIDENT REPORTS AND SAFETY-RELATED CONDITION REPORTS

- 2306.1 Each gas corporation or small gas operator shall report simultaneously to the Commission's Office of Engineering each incident that must be reported to the U.S. Department of Transportation, Office of Pipeline Safety.
- 2306.2 Each gas corporation or small gas operator shall report in writing within thirty (30) days to the Commission's Office of Engineering the following incidents:
- (a) An event that involves release of gas from a pipeline, or release of liquefied natural gas (LNG) or gas from an LNG facility and one (1) of the following:
 - (1) A death or a personal injury necessitating hospitalization; or
 - (2) Estimated property damage, including the cost of gas lost to the gas corporation or small gas operator, or others, or both, of five thousand dollars (\$5,000) or more;
 - (b) An event that results in an emergency shutdown of an LNG facility; or
 - (c) An event that is significant in the judgment of the operator, even though the circumstances of paragraph (a) or (b) were not met.
- 2306.3 At the earliest practical time following discovery of incidents described in § 2306.2, each gas corporation or small gas operator shall notify the Office of Engineering and provide the following:
- (a) Name of the operator, person reporting, and their telephone number(s);
 - (b) Location of the incident;
 - (c) Time of the incident;
 - (d) Nature of the facilities and injuries, if any; and
 - (e) All other significant facts that are relevant to the incident.

- 2306.4 A copy of each report filed with a federal agency regarding safety and service failures by a gas corporation or small gas operator under the Commission’s jurisdiction shall be provided simultaneously to the Director of the Commission’s Office of Engineering.
- 2306.5 The Office of Engineering shall maintain a log of telephone reports of incidents involving natural gas safety.
- 2306.6 Each gas corporation or small gas operator shall inform the Office of Engineering of any natural gas incident within one (1) hour after the gas corporation’s or small gas operator dispatch personnel have been informed about the incident.
- 2306.7 A copy of each safety-related condition report filed with a Federal Agency by a gas corporation or small gas operator shall simultaneously be provided to the Commission’s Office of Engineering.

2307 OPERATION AND MAINTENANCE PLANS

- 2707.1 Each gas corporation or small gas operator subject to the Commission's jurisdiction shall have on file with the Commission the following information:
 - (a) Plans covering operation and maintenance procedures in accordance with federal regulations; and
 - (b) Modifications of such plans when issued by the gas corporation or small gas operator. Modifications of such plans shall be filed with the Commission within ten (10) business days of the modification date on the plan.

2308 EMERGENCY PLANS

- 2308.1 Each gas corporation or small gas operator subject to the Commission's jurisdiction shall do the following:
 - (a) Establish an emergency plan to be implemented in the event of facility failures or other emergencies;
 - (b) Acquaint appropriate maintenance and operating employees with the operation of the applicable portions of the plan;
 - (c) Establish a liaison with appropriate public officials with respect to this plan; and
 - (d) File with the Office of Engineering the name and telephone number of the employee(s) and official(s) of the gas corporation or small gas operator who may be called in an emergency. It shall be the responsibility of each gas corporation or small gas operator to keep this information current.

2309 [RESERVED]

2310 INVESTIGATIONS, INSPECTIONS, SPECIFIC INFORMATION REQUESTS, AND WARNING LETTERS

- 2310.1 The Commission, its staff, or agents, shall periodically investigate and ascertain the quality and quantity of natural gas supplied to consumers in the District of Columbia.
- 2310.2 The Commission, its staff, or agents shall periodically investigate the methods employed by gas corporations or small gas operators under its jurisdiction in manufacturing, distributing, supplying, and transmitting gas for light, heat or power.
- 2310.3 Upon presentation of appropriate credentials, the Commission's staff, or duly appointed agents, shall be authorized to enter upon, inspect and examine at reasonable times and in a reasonable manner the records and property of a gas corporation or small gas operator, or its agents or representatives, to the extent such records and property are relevant in determining compliance with the provisions of this chapter.
- 2310.4 The Office of Engineering may conduct periodic inspections of records and property in the possession, custody or control of the gas corporation or small gas operator to determine compliance with the federal Natural Gas Pipeline Safety Act, 49 U.S.C. §§ 1671, *et seq.* or this chapter. Inspections shall be conducted pursuant to one (1) of the following:
- (a) Routine scheduling;
 - (b) A complaint received from a member of the public;
 - (c) Information obtained from a previous inspection;
 - (d) Pipeline accident or incident; or
 - (e) Whenever the Commission deems it appropriate to do so.
- 2310.5 An inspection shall include a thorough review of the operator's records concerning inspection, operation, maintenance, and emergency procedures.
- 2310.6 Field inspection shall include operational checks of corrosion control provisions, overpressure and regulating equipment, odorization, repaired leaks, emergency valves, and any other components of the facility.
- 2310.7 The Commission's Office of Engineering shall create and maintain the records of such inspections for a period of five (5) years.
- 2310.8 The Office of Engineering may send a gas corporation or small gas operator a specific information request. If so:
- (a) A gas corporation or small gas operator shall respond within fifteen (15) business days after receipt of a specific information request relating to a

possible complaint, probable violation of gas safety regulation or gas incident report;

- (b) Except as provided in paragraph (a), a gas corporation or small gas operator shall respond within thirty (30) calendar days after receipt of a specific information request.

2310.9 Upon determining that a probable violation of 49 U.S.C. §§ 60101, *et seq.*, or of this chapter or any regulation or order issued thereunder has occurred, the Director of the Office of Engineering, may issue a Warning Letter notifying the gas corporation or small gas operator of the probable violation and advising the gas corporation or small gas operator to correct the violation or be subject to appropriate enforcement action.

2311 NOTICE OF PROBABLE VIOLATIONS

2311.1 When an inspection of an operator's records and facilities indicates that the operator apparently is not in compliance with a pipeline safety regulation, the investigator shall inform the operator of the probable violation. Whenever the gas corporation or small gas operator has been informed of a probable violation, it shall complete the "Outside Agency Inspection" Form, Section APP 2100-1 or a comparable report providing similar data. A copy of Form APP 2100-1 or that comparable report shall be submitted to the Office of Engineering no later than five (5) business days after the date of the inspection.

2311.2 The Director of the Office of Engineering, may issue a Notice of Probable Violation (NOPV) upon finding good cause to believe a violation of the federal Natural Gas Pipeline Safety Act, 49 U.S.C. §§ 1671, *et seq.*, or title 34 of the D.C. Official Code (2011 Supp.), has occurred.

2311.3 A NOPV shall include:

- (a) A statement of the statute, regulation, or rule allegedly violated by a gas corporation or small gas operator;
- (b) A description of the evidence indicating a possible violation;
- (c) Notice of response options available to the gas corporation or small gas operator;
- (d) If appropriate, the amount of the proposed civil penalty and the maximum civil penalty applicable under law; and
- (e) If appropriate, a statement of the remedial action being sought in a compliance order.

2311.4 The NOPV may include a proposed compliance order.

- 2311.5 Each gas corporation and small gas operator shall file with the Director of the Office of Engineering, the name, address, and telephone number of the person who will accept service of the report of a probable violation.
- 2311.6 The report of a probable violation shall cite specifically the gas pipeline safety regulation(s) in apparent violation.
- 2311.7 Service of the report of probable violation shall constitute formal notice of a probable violation.

2312 OPPORTUNITY FOR OPERATOR TO RESPOND

- 2312.1 A gas corporation or small gas operator that is the subject of a formal notice of probable violation shall respond to the Director, Office of Engineering, in writing within thirty (30) days of receipt of the notice.
- 2312.2 A gas corporation or small gas operator shall respond to the NOPV as follows:
- (a) If the NOPV contains a proposed compliance order, a gas corporation or small gas operator may:
 - (1) Agree to the proposed compliance order;
 - (2) Request the execution of a consent order; or
 - (3) Object to the proposed compliance order and submit written explanations, information, or other materials in answer to the allegations in the notice; and
 - (b) If the NOPV contains a proposed civil penalty, a gas corporation or small gas operator may:
 - (1) Pay the penalty; or
 - (2) Submit a written explanation, information, or other material in answer to the allegations in the notice and to mitigate the proposed civil penalty.
- 2312.3 If a gas corporation or small gas operator objects to the proposed compliance order or civil penalty and submits a written explanation, information or other material in response to the NOPV, the Director of the Office of Engineering, shall review the submissions and determine, in writing, whether there exists good cause to believe a violation has occurred, whether to negotiate further, modify, or withdraw the NOPV, or whether to refer the matter to the Commission for resolution. The Director of the Office of Engineering shall complete this review within sixty (60) calendar days of the receipt of the response and shall serve this determination on the gas corporation or small gas operator.
- 2312.4 If a gas corporation or small gas operator objects to the determination of the Director of the Office of Engineering, the gas corporation or small gas operator may

request a hearing by the Commission within thirty (30) calendar days of the Director's determination. A request for a hearing must be accompanied by a statement of the issues that the gas corporation or small gas operator intends to raise at the hearing. The issues may relate to the allegations in the NOPV, the proposed compliance order, or the proposed civil penalty. Failure to specify an issue may result in waiver of the right to raise that issue at the hearing.

2312.5 The Director of the Office of Engineering, may execute a consent order jointly with a gas corporation or small gas operator. An executed consent order shall contain:

- (a) An admission by a gas corporation or small gas operator of all jurisdictional facts;
- (b) An express waiver of further procedural steps and of all right to seek judicial review or otherwise challenge or contest the validity of the order;
- (c) An acknowledgement that the notice of probable violation may be used to construe the terms of the consent order; and
- (d) A statement of the actions required of the gas corporation or small gas operator and the time by which the actions shall be accomplished.

2312.6 Following an investigation and a determination by the Director of the Office of Engineering, that there exists good cause to believe that a gas corporation or a small gas operator violated minimum pipeline safety requirements, the Director of the Office of Engineering, may assess or negotiate a civil penalty pursuant to D.C. Official Code § 34-706 (2010 Repl. & 2011 Supp.).

2312.7 In proposing a civil penalty, the Director of the Office of Engineering, shall consider the criteria stated in D.C. Official Code § 34-706.

2312.8 A gas corporation or small gas operator shall pay a civil penalty that has been proposed or compromised by submitting to the Commission a check in the correct amount, payable to the U.S. Treasury to the credit of the District of Columbia General Fund.

2313 COMMISSION ACTION

2313.1 Upon referral of the matter to the Commission for formal resolution, the Commission shall take any of the following actions:

- (a) Seek an injunction or mandamus in D.C. Superior Court in cases in which immediate action is necessary;
- (b) Issue a show-cause order or schedule a hearing requiring the operator to demonstrate why the operator should not be subject to the penalties set forth in title 34 of the D.C. Official Code (2011 Supp.); or

(c) Pursuant to a hearing, order an operator to take corrective action.

2313.2 Failure to obey a Commission order can result in penalties prescribed in title 34 of the D.C. Official Code (2011 Supp.).

2314 RECORDS

2314.1 Each gas corporation or small gas operator shall organize, prepare, and maintain all necessary records and reports to insure and to demonstrate compliance with this chapter. All records and reports shall be available for inspection at all times by the Commission, its staff, or its authorized employees in the normal discharge of their duties.

2314.2 Each gas corporation or small gas operator shall maintain specifications for material and equipment, installation, testing, and fabricating.

2314.3 Each gas corporation or small gas operator shall maintain plans covering operating and maintenance procedures, including the maximum allowable operating pressures to which all lines are intended to be subjected.

2314.4 The gas corporation or small gas operator shall record and retain records indicating the location of all pipelines which it owns so that the records are as accurate as reasonably practicable, based on the gas corporation or small gas operator's information as of two (2) months from the date of installation or change. The installation date of a new or replaced utility is considered the pressure test date of the utility after installation.

2315 GAS PROCUREMENT REPORT

2315.1 On December 1st, biennially, the Washington Gas Light Company (WGL or Company), shall file a Gas Procurement Report (GPR) setting forth the Company's gas procurement strategies and practices.

2315.2 The GPR shall contain the following information:

- (a) Actual and projected annual and monthly gas supply, billing determinants and costs, including weighted average cost of gas, as allocated to major classes of service by jurisdiction;
- (b) Actual and projected margins for sales to flex rate interruptible and special contract customers;
- (c) An outline of the efforts made to obtain and maintain a reliable gas supply at reasonable costs; and
- (d) An outline and discussion of the decision-making basis and planning procedures utilized by WGL in its gas procurement activities.

2315.3 The GPR shall consist of at least four (4) sections which address the directives in Commission Order No. 9793, as well as other considerations agreed upon by the

members of the Gas Procurement Working Group (GPWG). The GPWG, which shall consist of representatives from the Staff of the Commission (Staff), the Office of the People’s Counsel (OPC) and WGL, shall meet periodically to discuss and refine the GPR. However, WGL, not the GPWG, shall formulate the GPR.

2315.4 The GPWG shall review and discuss gas procurement planning activities and strategies. The GPWG shall transfer technical knowledge to the Staff which will ultimately assist in the Commission's review and evaluation of the Company's planning activities and strategies.

2315.5 OPC and the public may file comments not later than forty-five (45) days from the date of the GPR's submission to the Commission.

2315.6 The Staff shall review the proposed GPR and by March 1st shall submit a report to the Commission summarizing and evaluating the comments of public parties and OPC and providing its recommendations.

2315.7 WGL should submit reply comments, if any, not later than fifteen (15) days from the submission of comments of OPC, Staff, or the public.

2315.8 The Commission shall review the GPR, along with any public comments, OPC's comments and Staff's comments, and any reply comments and thereafter make public its evaluation of the GPR by April 1st.

2316 – 2319 [RESERVED]

2320 SMALL GAS OPERATORS

2320.1 Small gas operators subject to the jurisdiction of the Commission shall comply with the requirements, rules, and regulations of this chapter.

2320.2 In the event of an emergency or safety hazard, the Commission shall take either of the following actions:

- (a) Order service to the small gas operator interrupted; or
- (b) Order the hazard remedied at the operator's expense.

2321 – 2350 [RESERVED]

2351 GENERAL GAS METERING PROVISIONS

2351.1 A representative of the Commission shall check the condition of meters in the meter shop of the gas corporation from time to time by testing random samples of meters ready for installation.

2351.2 When any meter is inactive, whether installed in service or not, for a period of two (2) years or longer, it shall be tested, and adjusted if necessary, before being placed in service again.

- 2351.3 Meters shall measure cubic feet of gas and bills rendered for gas service, shall contain the readings of the meter at the beginning and ending dates of the billing period and shall state clearly that the bill is based upon actual meter readings by the gas corporation, a customer reading, or an estimate of usage.
- 2351.4 Care shall be exercised in the use and handling of test equipment to assure that the accuracy is not impaired.
- 2351.5 Each natural gas corporation which corrects meter readings to compensate for pressure shall have dead weight testers, test quality precision type bourdon tube spring gauges, mercury manometers, or field type dead weight pressure gauges as necessary for the proper testing of the pressure correcting devices.
- 2351.6 Each gas corporation shall maintain a proper record of the factor(s) used in compensating for pressure and temperature and the basis for computing such factor(s).
- 2351.7 Upon request, the gas corporation shall provide a record of the factor(s) and the basis for computing the factor(s) to the Commission's Office of Engineering.
- 2351.8 If these factor(s) are revised, the gas corporation shall immediately inform the Office of Engineering of these changes, in writing, and shall provide the basis for these changes.
- 2351.9 Each gas corporation which corrects meter readings to compensate for temperature shall have accurate meters and other equipment as necessary for the proper testing of the temperature correcting devices.
- 2351.10 Meters to be tested shall be stored in a manner that the temperature of the meters is substantially the same as the temperature of the prover.

2352 METERING TESTS

- 2352.1 Only authorized representatives of a gas corporation shall remove and set meters. Each gas corporation shall keep a record of the dates that each meter is set in and removed from service.
- 2352.2 The test of any meter or associated devices, or both, shall consist of a comparison of its accuracy with the accuracy of the standards prescribed by the National Bureau of Standards or other methods specified in this chapter.
- 2352.3 Testing equipment shall be of sufficient capacity and ranges to test meters or associated devices, or both, under the conditions specified in § 2360.
- 2352.4 Bell provers may be used to test diaphragm, rotary, and turbine type meters. A prover that is used to test rotary and turbine type meters shall be properly automated and have a satisfactory readout. The test shall consist of passing a specific volume of air through the prover and the meter. The accuracy or proof is either read or calculated from the prover scale or the readout.

- 2352.5 Approved working standards other than bell provers may be used to test diaphragm, rotary, and turbine type meters.
- 2352.6 The meter to be tested shall be connected to the approved working standard so that the same volume of air, either under pressure or vacuum, passes through both.
- 2352.7 The uncorrected accuracy shall be calculated or read directly from the readout on the working standard. Corrections shall be made for pressure and temperature differentials between the meter under test and the working standard to determine the corrected accuracy.

2353 METER TESTING FACILITIES

- 2353.1 Each gas corporation subject to the Commission's jurisdiction shall maintain or designate a meter shop within the Washington, D.C. metropolitan area for the purpose of inspecting, testing, and repairing meters. The gas corporation shall be responsible for the operation of a meter shop.
- 2353.2 The shop shall be open for inspection by authorized representatives of the Commission at all reasonable times, and the facilities and equipment, as well as the methods of making the measurements and test employed, shall be subject to the Commission's approval.
- 2353.3 The area within the meter shop used for the testing of meters shall be designed so that the meters and meter testing equipment are protected from draft and excessive changes of temperature.
- 2353.4 The meter shop shall be air-conditioned, if necessary, in order to achieve satisfactory temperature control.

2354 BELL PROVERS

- 2354.1 Each gas corporation testing meters with bell provers shall do the following:
- (a) Own and maintain, or have access to, one (1) or more approved bell type meter provers of appropriate size, and all other equipment necessary to test meters, which shall be installed in the meter room;
 - (b) Provide the means to maintain the temperature of the liquid in the bell provers at substantially the same level as the air temperature in the prover room. The maximum difference in temperature shall not be more than two degrees Fahrenheit (2° F);
 - (c) Maintain each bell prover in good condition and correct adjustment shall be accurate within plus or minus three tenths of one percent ($\pm 0.3\%$) at each point used in testing meters; and
 - (d) Calibrate each bell prover at least once every three (3) years. If moved or disassembled, the accuracy of a bell prover shall be determined by using one (1) or more of the methods as follows:

- (1) By comparison to a one cubic foot (1 ft.³) cubic foot standard calibrated by the National Bureau of Standards;
- (2) By strapping with a calibrated tape whose accuracy is traceable to the National Bureau of Standards; or
- (3) By comparison to an approved transfer standard for a bell in excess of five cubic feet (5 ft.³).

2354.2 Each gas corporation testing meters by standards other than bell provers shall do the following:

- (a) Test meters which are too large for testing on a five cubic foot (5 ft.³) bell prover by other approved methods and by use of approved working standards;
- (b) Maintain the approved working standards in good condition and correct adjustment, with a high degree of repeatability, and capable of determining the actual proof of the meter under test to within plus or minus five tenths of one percent ($\pm 0.5\%$) at rates of flow between fifteen percent (15%) and one hundred percent (100%) of rated capacity of the meter under test; and
- (c) Test the approved working standards for accuracy by comparison with an acceptable standard at least once every three (3) years.

2354.3 Each standard shall be accompanied at all times by a certificate or calibration card, duly signed and dated, on which are recorded the corrections required to compensate for errors found at the customary test points at the time of the previous test.

2355 TEST OF TURBINE METERS

2355.1 Turbine meters for which the manufacturer has established minimum spin times, may be spin tested to determine their in-service condition.

2355.2 Turbine meters shall be given a spin test at least once every twelve (12) months unless covered under an approved in-service performance testing program.

2355.3 Any meter found to have a spin time less than the manufacturer's recommended minimum and which cannot be brought up to the minimum by cleaning and lubrication shall be changed and replaced with an accurate meter.

2356 PRE-INSTALLATION TESTS OF ROTARY METERS

2356.1 Rotary meters on which an original test record of the differential pressures is established, as soon as practicable after installation, may subsequently be tested by comparing the new differential pressures with the original test record. This subsequent test may be in place of normal testing with a bell prover or other approved working standard.

- 2356.2 In establishing the original test record, the pressure differential shall be recorded at two (2) or more load levels, with the minimum being no less than twenty percent (20%) of the rated capacity at the operating pressure of the meter.
- 2356.3 The meters shall be given a differential pressure test at least once every twenty-four (24) months unless covered under an approved in-service performance testing program.
- 2356.4 When the test differential pressure differs from the original test record by more than fifty percent (50%), the meter shall not be used for measurement for revenue billing purposes until, by cleaning or repairing, the differential pressure is not more than fifty percent (50%) in excess of the original test record.
- 2356.5 If the differential pressure cannot be brought within the above limits by cleaning or repairing, the meter shall be removed from service and replaced with an accurate meter.
- 2356.6 The differential pressure test shall not be used as a periodic test on rotary meters having a rated capacity of less than eight hundred (800) cubic foot per hour (cfh), or on rotary meters on which the results of a differential pressure test would not be conclusive, such as meters connected to the following:
- (a) Loads which are less than twenty percent (20%) for the rated capacity of the meters; or
 - (b) Rapidly fluctuating loads.

2357 PRE-INSTALLATION TESTS OF PRESSURE CORRECTING DEVICES

- 2357.1 While the pressure element is actuated, the mechanism may be driven either manually or by a motor. A dead weight tester or regulated air or gas pressure may be used to actuate the pressure element. If regulated air or gas pressure is used, a pressure gauge having an accuracy of plus or minus one fourth of one percent ($\pm 0.25\%$) of full scale shall be used to indicate the pressure on the element.
- 2357.2 Each gas corporation shall apply a specific pressure to the pressure element and the uncorrected counter or calibrating mechanism shall be advanced a predetermined number of counts. The number of counts by which the corrected counter or calibrating mechanism has been advanced shall be recorded. The accuracy shall be calculated by comparing the number of counts that the corrected counter or calibrating mechanism has been advanced with the actual number of counts required for the pressure at which the test was made.
- 2357.3 Electronic pressure correcting devices shall be calibrated following the manufacturer's recommended procedures.

2358 PRE-INSTALLATION TESTS OF TEMPERATURE CORRECTING DEVICES

- 2358.1 Each gas corporation shall test temperature correcting devices by driving the mechanism while the temperature sensor is immersed in a temperature bath containing a precision thermometer that has an accuracy of plus or minus one half of one degree Fahrenheit ($\pm 0.5^\circ$ F).
- 2358.2 Each gas corporation shall apply specific, reasonably constant temperatures to the temperature sensor. The temperatures used may be the operating (flowing gas) temperature, ambient temperature, or an ice bath at thirty-two degrees Fahrenheit (32° F). The temperature sensor shall be tested at not less than two (2) points, preferably with temperatures at least twenty degrees Fahrenheit (20° F) apart.
- 2358.3 At each temperature test point, the counter or calibrating mechanism shall be advanced a predetermined number of counts. The number of counts by which the corrected counter or calibrating mechanism has been advanced shall be recorded. The accuracy shall be calculated by comparing the number of counts that the corrected counter or calibrating mechanism has been advanced with the actual number of counts required for the temperature at which the test was made.
- 2358.4 Electronic temperature correcting devices shall be calibrated following the manufacturer's recommended procedures.

2359 PRE-INSTALLATION TESTS OF TIMING DEVICES

- 2359.1 The test of a timing device shall consist of precisely synchronizing the timing device and the working standard at the start of the test time interval. At the end of the test time interval, the working standard shall be stopped and the reading recorded. The accuracy shall be calculated by comparing the actual time elapsed with the test time interval.

2360 PRE-INSTALLATION ACCURACIES

- 2360.1 All tolerances shall be interpreted as maximum permissible variation from the condition of zero (0) error. In making adjustments, no advantage of the prescribed tolerance limits shall be taken to set meters fast.
- 2360.2 In the reading and recording of data the following standards shall apply:
- (a) In any test or calibration, the devices or instruments used in the test or calibration shall be read to the maximum degree of readability;
 - (b) The degree of accuracy achieved in the calculations involved in determining the accuracy of a meter, prover, device, or instrument in any test or calibration shall be consistent with the purpose for which the resultant accuracy is to be used; and
 - (c) The final accuracy or proof shall be recorded to the nearest one half percent (0.5%).

- 2360.3 The overall accuracy or proof of a meter and an associated device, which affects the meter readings for billing purposes, shall not be more than one half percent (0.5%) fast or more than one and a half percent (1.5%) slow.
- 2360.4 Diaphragm meters shall not be placed or left in service unless found upon testing to comply with the following:
 - (a) The meter shall not be more than one half percent (0.5%) fast nor more than one and a half percent (1.5%) slow at check flow or at full rated flow;
 - (b) The proof at full rated flow shall not differ from the proof at check flow by more than one percent (1%); and
 - (c) When air is used for testing meters, the rate of flow shall be adjusted to compensate for the difference in the specific gravity of air and the specific gravity of gas.
- 2360.5 Rotary tube meters shall be tested at not less than fifteen percent (15%) of full rated flow. A gas corporation shall not install a rotary meter which is more than one half percent (0.5%) fast or more than one and a half percent (1.5%) slow at the points of test.
- 2360.6 Turbine type meters shall be tested at not less fifteen percent (15%) of full rated flow. The meters shall not be more than one half percent (0.5%) fast or more than one and half percent (1.5%) slow at the points of test.
- 2360.7 Pressure correcting devices shall not be more than one half percent (0.5%) fast or more than one and a half percent (1.5%) slow in the pressure range for which the instrument is intended to be used.
- 2360.8 Temperature correcting devices shall not be more than one half percent (0.5%) fast or more than one and a half percent (1.5%) slow at the points at which they are tested.
- 2360.9 Timing devices shall not have an error of more than one fourth of one percent (0.25%).
- 2360.10 Before a meter may be installed for revenue billing purposes the gas corporation shall inspect and test the meter, and adjust it if necessary, so that its proof is within the tolerances specified in this section.
- 2360.11 New meters in Group I, as specified in § 2370.4, may be sample tested for proof in accordance with a gas corporation’s sample plan of testing, acceptable to the Commission.

2361 [RESERVED]

2362 LEAK TESTS

- 2362.1 The meter shall not leak when subjected to pressure and shall be checked for leaks in the following manner:
 - (a) Immersion;
 - (b) Soap test; or
 - (c) A pressure drop test of a type acceptable to the Commission's Office of Engineering.

2362.2 Tinned steel case meters shall be subjected to an internal pressure of at least two pounds (2 lbs.) per square inch gauge (psig) when testing for leaks.

236b2.3 Iron or aluminum case meters shall be tested at a pressure at least fifty percent (50%) above operating pressure. The meters may be sample tested in accordance with the plan described in § 2360.11. If one (1) or more meters in the sample is found to leak, additional testing shall be done as described in § 2360.11.

2363 – 2366 [RESERVED]

2367 REQUEST TESTS

2367.1 Upon a customer’s request and at no charge, the gas corporation shall make a test of the accuracy of the meter serving the customer; provided that the meter has not been tested within twelve (12) months prior to such request.

- 2367.2 The gas corporation shall also test the accuracy of the following:
- (a) The pressure device;
 - (b) The temperature correcting device, if any;
 - (c) The index; and
 - (d) Any other device or instrument used in measuring gas consumption.

2367.3 The customer, or his or her representative, may be present when the meter is tested but shall not interfere with the testing.

2367.4 A report of the results of the test shall be made to the customer within a reasonable time after the completion of the test, and a record of the report, together with a complete record of the test, shall be kept on file at the office of the gas corporation for at least three (3) years.

2367.5 If a consumer complaint hearing is held at the Commission pertaining to meter accuracy, all relevant documentation shall be made part of the official record.

2368 REFEREE TESTS

- 2368.1 Upon a customer's written application to the Commission, a test shall be made of the customer's meter as soon as practicable that shall be witnessed by a representative of the Commission.
- 2368.2 A one dollar (\$1) fee shall be paid at the same time of the application by check or money order made payable to the gas corporation.
- 2368.3 On receipt of the request from a customer, the Commission shall notify the gas corporation, and the gas corporation shall not knowingly remove or adjust the meter until instructed by the Commission.
- 2368.4 The customer, or his or her representative, may be present when the meter is tested but shall not interfere with the testing.
- 2368.5 Included in the referee test of the meter shall be a test for the accuracy of the following:
- (a) The pressure device;
 - (b) The temperature correcting device, if any;
 - (c) The index; and
 - (d) Any other device or instrument used in measuring gas consumption.
- 2368.6 A written report of the results of the test shall be sent to the customer.
- 2368.7 If a consumer complaint hearing is held at the Commission pertaining to the meter accuracy, all relevant documentation shall be made a part of the official record.
- 2368.8 If the meter is found to over-register or under-register consumption by more than two percent (2%), the gas corporation shall credit the customer for the one dollar (\$1) testing fee.

2369 AS FOUND TESTING

- 2369.1 Meters or associated metering devices, or both, shall be tested in place or after they are removed from service. These tests shall be made before the meters or associated metering devices, or both, are adjusted, repaired, or retired.

2370 PERIODIC AND PERFORMANCE TESTING

- 2370.1 Each gas corporation shall periodically test its meters, associated devices, and instruments to assure their accuracy unless otherwise authorized or required by the Commission.
- 2370.2 Each gas corporation may elect to test all meters in each group in accordance with the Periodic and Performance Testing Program, as set forth in this section, or in accordance with § 2371, the In-Service Performance Testing Program, or in accordance with any other meter testing program approved by the Commission's Office of Engineering.

2370.3 Each gas corporation shall notify the Commission's Office of Engineering within twelve (12) months of the effective date of this section, which method it will follow for each group, and the election shall then be effective for at least five (5) years.

2370.4 Meters shall be grouped as follows:

- (a) Group I - Up to and including four hundred fifty (450) cfh rated capacity;
- (b) Group II - Over four hundred fifty (450) cfh capacity and up to and including one thousand eight hundred(1,800) cfh rated capacity; and
- (c) Group III - Over one thousand eight hundred (1,800) cfh rated capacity.

2370.5 The meter test schedule for the respective groups shall be as follows:

- (a) Group I meters shall be tested at least once in fourteen (14) years;
- (b) Group II meters shall be tested at least once in ten (10) years; and
- (c) Group III - meters shall be tested at least once in five (5) years.

2370.6 Pressure compensating devices and pressure recording devices shall be tested at least once every twenty-four (24) months.

2370.7 Temperature compensating devices and temperature recording devices shall be tested at least once every twenty-four (24) months.

2370.8 Regulators associated with meters shall have the same interval between tests as its associated meter.

2371 IN-SERVICE PERFORMANCE TESTING

2371.1 The Commission's in-service performance testing program is designed to adjust automatically the number of meters required to be tested by a gas corporation based solely on the performance of the gas corporation's meters, as determined by § 2371.3.

2371.2 For the purpose of the in-service performance testing program, meters within Groups I, II, and III, as described in § 2370.4, shall be further subdivided into homogeneous subgroups. A typical sub-group shall include all meters of the same manufacturer and type. The requirements of this chapter shall be applied separately to each sub-group.

2371.3 The In-Service Performance Test required each year shall be computed from the following formulas:

- (a) Group I Meters (less than four hundred fifty (450) cfh capacity):

$$r = .02 + .3d$$

where r = ratio of meters to be tested; d = ratio of meters tested in previous year and found to have a check proof less than ninety-eight percent (98%) or more than one hundred two percent (102%) as reported to the nearest half percent (1/2%);

- (b) Group II (four hundred fifty (450) cfh through one thousand eight hundred (1,800) cfh

$$r = .03 + .5d;$$

(r and d defined as above); and

- (c) Group III (more than one thousand eight hundred (1,800) cfh):

$$r = .05 + .85d$$

(r and d defined as above).

2371.4 Test results accumulated on meters tested in one (1) calendar year shall be reported to the Commission by April 1st of the following year. The required percentage as calculated in § 2371.3 shall be used to determine the number of meters to be tested during the succeeding calendar year. The report to the Commission shall include for each subgroup the following:

- (a) The number of meters tested as part of the in-service testing program during the last year;
- (b) The number of meters that failed;
- (c) The ratio of meters to be tested in the current year by applying the appropriate formula;
- (d) The number of meters in-service over one (1) year as of January 1 of the current year; and
- (e) The number of meters to be tested in the current year.

2371.5 The meters required to be tested as a result of the application of the proper formula in § 2371.3 shall include those meters removed for cause. The additional meters which shall be tested to meet the required percentage as calculated in § 2371.3 shall be those meters in service longest without being tested including:

- (a) Meters removed from fire;
- (b) Meters removed from damage or hung;
- (c) Meters removed for failure to register;
- (d) Meters in-service less than one (1) year; or
- (e) Meters damaged in transit and cannot be tested.

- 2371.6 The tests of the meters listed in § 2371.5 shall not be used in determining the following year's ratio and may not be counted as fulfilling the current year's requirement.
- 2371.7 The gas corporation may review the meter performance of each subgroup annually. Based on this review, the gas corporation may take the following actions:
- (a) If two (2) subgroups in the same capacity class show similar test results for two (2) consecutive years, they may be considered as a single subgroup for reporting purposes; or
 - (b) If a subgroup can be shown to have one (1) or more parts that have dissimilar test results from the remainder of the subgroup, each part may be reported and treated as a separate subgroup.
- 2371.8 Analysis of meter tests shall consist of the following:
- (a) The Commission shall review the annual reports of meter test results and shall consult with each gas corporation concerning the percent of meters to be tested in each subgroup during the succeeding calendar year; and
 - (b) Each gas corporation shall analyze its meter test results for the purpose of identifying the meter types which have poor accuracy characteristics.

2372 - 2373 [RESERVED]

2374 CHARACTERISTICS OF GAS SUPPLIED TO CONSUMERS

- 2374.1 The determination of the characteristics of gas supplied to consumers may be made at any of the Commission's testing stations, or at any testing station designated by the Commission, at any hour by the use of standard gas testing devices or instruments.
- 2374.2 Each gas corporation shall apply the following standards:
- (a) The daily heating value for any day shall be the average heating value of all gas distributed on that day;
 - (b) The monthly average heating value for any calendar month shall be the average of all the daily heating values of that calendar month weighted in proportion to the daily sendout. Provided, that this value shall be based on not less than twenty (20) daily heating values during that calendar month; and
 - (c) Delivered natural gas is defined as a natural gas with a heating value of not less than nine hundred sixty-seven British thermal unit per cubic foot (967 BTU ft.³) and a specific gravity as determined by the gas corporation at the commencement of deliveries or arithmetically averaging the hourly specific gravity record obtained from a recording gravitometer or other method.

2374.3 All gas transmitted or distributed by any gas corporation in the District of Columbia shall have a distinctive odor to serve as a warning to the consumer in the event of the escape of any unburned gas.

2375 SUPPLEMENTAL GAS PROVIDED BY STANDBY PLANT

2375.1 Mixtures of natural gas and the supplemental gas as provided by the standby plant shall be of heating value and burning characteristics as near as practicable to that of the currently used natural gas.

2375.2 On each day that supplemental gas is delivered to mains for the use of customers, the daily average heating value of gas distributed shall be the weighted value for the supplemental gas and the natural gas sent out on such day.

2375.3 The supplemental gas shall be mixed with the maximum natural gas available and practicable before being delivered to the distribution system.

2376 IMPURITIES OF GAS

2376.1 The gas supplied by any gas corporation shall not show the presence of any hydrogen sulphide at levels greater than twenty-five hundredths (0.25) grains per one hundred (100) standard cubic feet (SCF) of gas and shall not contain more than twenty (20) grains of total sulphur in one hundred (100) SCF of gas as measured at the custody transfer point of a gas corporation and its supply source.

2376.2 The test for hydrogen sulphide, or such test as may be approved by the Commission, shall be made by the methylene blue test as defined in American Society for Testing Materials (ASTM) #D2725. This method covers the determination of hydrogen sulphide in natural gas for not more than one (1.0) grain of hydrogen sulphide per one hundred (100) SCF(Standard x Cubic Feet), or twenty-three milligrams per meter cube (23 mg/m³).

2377 PRESSURE OF GAS SUPPLIED TO CONSUMERS

2377.1 The gas supplied by corporation low pressure (LP) district regulator station shall be maintained at a pressure of not less than six inches (6 in.) or more than ten inches (10 in.) of water pressure. Certain customers, however, require higher pressures which may be mutually agreed upon by the customer and the gas corporation.

2377.2 The daily variation in the low pressure network system, during any day at any gauge station, shall not exceed two and a half inches (2.5 in.) of water pressure.

2377.3 There shall be supplied, installed, and maintained by each gas corporation pressure gauges which shall furnish an accurate record of the pressure maintained throughout the District of Columbia. The records shall include the following:

- (a) The type, number, and locations of pressure gauges shall be approved by the Commission;

- (b) The gauges shall be subject to inspection and test by the Commission at any time;
- (c) The original record of each and every gauge shall be available for inspection by the Commission and shall be preserved for at least one (1) year;
- (d) The maximum and minimum pressures measured at each gauge during all gauge periods, and the number and magnitude of daily variations in excess of the daily variation provided for in § 2377.2, shall be reported to the Commission monthly, on or before the tenth (10th) day of each month; and
- (e) Additional gauges shall be installed whenever and wherever ordered by the Commission.

2377.4 In cases where it is necessary to install a pressure regulator or governor on the consumer's premises ahead of the consumer's meter, the regulator shall be installed in accordance with the Gas Fitting Regulations for the District of Columbia.

2377.5 The gas corporation shall inspect the regulator and vent pipes when installed, and thereafter at intervals not greater than the time of the periodic test for the meter it supplies, to determine that they are in safe operating condition. If found faulty in any respect, the fault shall be corrected immediately.

2378-2397 [RESERVED]

2398 PENALTIES

2398.1 Failure to comply with this chapter may result in the penalties described specified in this chapter, for failure to comply with the Commission’s rules and regulations.

2398.2 The penalties in this chapter are for violations of any regulation governing the safety of gas pipeline facilities and the transportation of gas. Each violation shall be subject to a civil penalty not to exceed one hundred thousand dollars (\$100,000) or a greater maximum penalty established by federal laws and regulation at the time of the violation for each violation for each day that the violation persists. The maximum civil penalty shall not exceed one million dollars (\$1,000,000) or a greater maximum penalty established by federal laws and regulations at the time of the violation for any related series of violations.

2398.3 Any person who refuses to provide natural gas safety records upon the proper request of the Commission shall be subject to the penalties set forth in D.C. Official Code § 34-705 (2010 Repl.).

2398.4 The following are the base amounts to be charged for violations of the Commission’s rules on pipeline safety:

Violation	15 DCMR	Amount
Failure to make property and records accessible to the Commission	§ 2302.4	\$5,000
Failure to provide public information	§ 2304	\$20,000
Failure to implement safety requirement	§ 2305	\$20,000
Failure to file incident reports or provide timely and accurate notice of pipeline incident	§ 2306	\$5,000
Failure to file operation and maintenance plans and modifications thereof	§ 2307	\$5,000
Failure to file emergency contact information	§ 2308	\$2,000
Failure to establish and implement an emergency plan	§ 2308	\$20,000
Failure to provide contact information	§ 2308.1	\$2,000
Failure to keep records and make available for inspection	§ 2314.1	\$10,000
Failure to maintain specifications for material and equipment, installations, testing and fabricating	§ 2314.2	\$10,000
Failure to maintain plans covering operating and maintenance procedures	§ 2314.3	\$20,000
Failure to file gas procurement report	§ 2315	\$5,000
Failure of small gas operator to comply with Commission requirements, rules and regulations	§ 2320	\$5,000
Failure to operate, maintain and test meters	§§ 2351-2371	\$5,000
Failure to supply gas meeting standard characteristics	§§ 2374-2377	\$5,000

2398.5 The following are the base amounts to be charged for intrastate violations of the United States Department of Transportation rules on pipeline safety:

Violation	49 C.F.R.	Amount
Failure to give timely and accurate notice of pipeline incident	§§ 191.5 - 191.7	\$5,000
Failure to provide incident or annual reports	§§ 191.9 - 191.11	\$5,000
Failure to provide transmission incident or annual reports	§§ 191.15 - 191.17	\$5,000
Failure to report safety-related conditions on a timely basis	§ 191.23	\$5,000
Operation of pipeline without meeting requirements of 49 C.F.R. § 192.13	§ 192.13	\$20,000
Operation of pipeline without meeting requirements of 49 C.F.R. § 192.14	§ 192.14	\$10,000
Failure to provide customer notification	§ 192.16	\$10,000
Failure to meet minimum requirements for selection and	§§	\$10,000

qualification of pipeline and pipeline components	192.53 - 192.59	
Failure to properly mark pipe and pipeline components	§ 192.63	\$10,000
Failure to properly design pipe and installation of improperly designed pipe	§§ 192.105 - 192.125	\$10,000
Failure to properly design pipeline components and installation of improperly designed pipeline components	§§ 192.141 - 192.203	\$10,000
Failure to properly weld materials in pipelines	§§ 192.221 - 192.245	\$20,000
Failure to properly join materials in pipelines, other than by welding	§§ 192.271 - 192.287	\$20,000
Failure to properly construct transmission lines and mains	§§ 192.303 - 192.328	\$20,000
Failure to properly install customer meters, service regulators, service lines, service line valves and service line connections to mains	§§ 192.351 -192.383	\$20,000
Failure to properly protect metallic pipelines from corrosion	§§ 192.451 - 192.491	\$20,000
Operation of pipelines without proper testing and remediation	§§ 192.503 - 192.517	\$20,000
Failure to meet minimum requirements for the operation of pipeline facilities	§§ 192.603 - 192.631	\$20,000
Failure to meet minimum requirements for maintenance of pipeline facilities	§§ 192.701 - 192.755	\$20,000
Failure to meet minimum requirements for operator qualification	§§ 192.801 -192.809	\$20,000

Failure to meet minimum requirements for integrity management	§§ 192.901 - 192.1015	\$20,000
Failure to maintain and follow a written anti-drug plan consistent with the federal rules	§ 199.101	\$20,000
Employing a person who fails or refuses a drug test	§ 199.103	\$50,000
Failing to conduct tests for the presence of a prohibited drug	§ 199.105	\$10,000
Failure to use certified drug testing laboratories	§ 199.107	\$10,000
Failure to provide for medical review officers and procedures	§§ 199.109 - 199.111	\$5,000
Failure to provide an Employee Assistance Program	§ 199.113	\$5,000
Failure of a contractor to allow compliance monitoring	§ 199.115	\$5,000
Failure to keep proper records	§ 199.117	\$5,000
Failure to establish and enforce alcohol misuse programs and plans	§§ 199.202 - 199.225	\$20,000
Failure to keep proper records or to report on alcohol misuse programs and testing and failure to provide access to facilities and records	§§ 199.227 - 199.231	\$20,000
Failure to remove a covered employee from a covered function	§§ 199.233 -199.237	\$30,000
Failure to promulgate a policy on the misuse of alcohol	§ 199.239	\$5,000
Failure to ensure supervisor training and to provide referral, evaluation and treatment	§§ 199.241 -199.243	\$5,000

2398.7 The Commission shall consider the following factors in determining the amount of any civil penalty:

Adjustment Criteria	Effect
Appropriateness of the penalty to the size of the business	100% Increase

of the person charged	or 50% Decrease
Gravity of the violation (including environmental considerations)	200% Increase
Good faith of the person charged in attempting to achieve compliance	25% Decrease

2398.8 The Commission may consider the following downward adjustment criteria in determining the amount of any civil penalty:

Downward Adjustment Criteria	Effect
Minor Violation	50% Decrease
Voluntary Disclosure	50% Decrease
History of Overall Compliance	50% Decrease
Inability to Pay	25% Decrease

2398.9 The Commission may consider the following upward adjustment criteria in determining the amount of any civil penalty:

Upward Adjustment Criteria	Effect
Misrepresentation or Lack of Candor	100% Increase
Ability to Pay/Relative Disincentive	100% Increase
Intentional Violation	300% Increase
Substantial Threat to Public Safety	500% Increase
Prior Violation of Commission Requirements	100% Increase
Economic Benefit	100% Increase
Repeated or Continuous Violation	200% Increase
Inadequate Supervision	300% Increase

2399 DEFINITIONS

2399.1 The terms used in this chapter shall have the meaning ascribed to the definitions appearing in 49 C.F.R. §§ 190.3, 191.3, 192.3, and 199.3 except as otherwise defined in this chapter

2399.2 When used in this chapter, the following terms and phrases shall have the meaning ascribed:

ASTM – formerly the American Society for Testing and Materials, now ASTM International.

British thermal unit (BTU) - the quantity of heat necessary to raise one pound (1 lb.) of water one degree Fahrenheit (1° F).

Business Districts - the principal business areas in an urban community, including where:

- (a) The public regularly congregates in buildings used for business, health, educational or religious activities;
- (b) The majority of buildings on either side of the street are used for business, health, or religious activities;
- (c) The gas facilities are under continuous paving that extends from the centerline of the thoroughfare to the building wall or from the main to the building wall; and
- (d) Any other location or site that in the gas corporation's judgment should be designated as a business district.

Cfh - cubic feet per hour.

Conversion Factor - the conversion factor is the factor which converts the British Thermal Units in one hundred cubic feet (100 ft.³) of gas into therms.

Gas Corporation - every corporation, association, joint-stock corporation or association, partnership, or person manufacturing, making, distributing, or selling gas for light, heat or power, or for any public use in the District of Columbia, their lessees, trustees, or receivers, appointed by any court, who own, operate, control, or manage any gas plant except where the gas is made or produced and distributed by the maker on or through private property solely for its own use or the use of its tenants and not for sale to or for the use of others.

Gas Plant - buildings, easements, real estate, mains, pipes, conduits, service pipes, services, pipe galleries, meters, boilers, water-gas sets, retorts, fixtures, condensers, scrubbers, purifiers, holders, materials, apparatus, personal property, and franchises, and property of every kind used in the conduct of the business operated, owned, controlled, used or to be used for or in connection with or to facilitate the manufacture, distribution, sale, or furnishing of gas (natural or manufactured) for light, heat, or power.

Heating Value - the "total heating value," as this term is used in the gas industry and as it is defined in the Bureau of Standards Circular No. 405 - STANDARDS FOR GAS SERVICE.

Integrity Management Program – an overall approach by the operator to ensure the integrity of its gas distribution system.

Intrastate - within the District of Columbia.

Master Meter System - a pipeline system for distributing gas within, but not limited to, a definable area, such as a housing project, apartment complex, or mobile home park, where the operator purchases metered gas from an outside source for resale through a gas pipeline distribution system. The gas distribution pipeline system supplies the ultimate consumer who either purchases the gas directly through a meter or by other means, such as by rents.

Places of Public Assembly - a building or portions of a building used for gathering together of one hundred (100) or more persons, the capacity being designated by the Fire Department, for common purposes of deliberation, worship, or services, such as, but not limited to, churches, schools, hospitals, halls, theaters, and municipal facilities.

PSIG - pounds per square inch gauge.

Proof of Meter - the ratio expressed in percent of the volume of gas passed through the meter to the volume registered by the meter under standard testing conditions.

Referee Test - a test conducted by a gas corporation or small gas operator and witnessed by a representative of the Commission upon a customer's written application and for a fee.

Request Test - a test conducted by a gas corporation or small gas operator upon a customer's request and at no charge, provided the meter has not been tested within twelve (12) months prior to such a request.

Small Gas Operator - one who operates a master meter system with fewer than one thousand five hundred (1,500) services and who has two (2) additional characteristics:

- (a) Distributes gas by using underground or exterior piping serving multiple buildings in the District of Columbia; and
- (b) Resells gas (metered or unmetered) to ultimate gas consumers for use in consumers' appliances.

Volume of Gas - the volumes of gas specified in this chapter for testing purposes shall be understood to be at a temperature of sixty degrees Fahrenheit (60° F) and under a pressure of fourteen and seventy-four hundredths (14.74) pounds per square inch absolute (PSIA).

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION
NOTICE OF PROPOSED RULEMAKING

The State Superintendent of Education, pursuant to the authority set forth in section 302 of the South Capitol Street Memorial Amendment Act of 2012, effective June 7, 2012 (D.C. Law 19-141, 59 D.C. Reg. 3083, (April 20, 2012); to be codified at D.C. Official Code § 38-203(j)); Mayor's Order No. 2012-116, dated July 26, 2012; sections 3(b)(11) and 7c of the State Education Office Establishment Act of 2000, as amended, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code §§ 38-2602(b)(11), -2609(c)(2)) (2001 & 2012 Supp.); section 403 of the State Board of Education Establishment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code §38-2652(a)(14) (2001 & 2012 Supp.)); and Article II of An Act to provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes, as amended, effective February 4, 1925 (43 Stat. 806; D.C. Official Code § 38-202(d) (2012 Supp.)) hereby gives notice of her intent to amend, in not less than thirty (30) days after the publication of this notice in the *D.C. Register*, chapter 21 (Compulsory Education and School Attendance) of subtitle A (Office of the State Superintendent of Education) of title 5 (Education) of the District of Columbia Municipal Regulations (DCMR). The Office of the State Superintendent of Education ("OSSE") is responsible for enforcing compliance with the compulsory education and attendance laws in the District of Columbia and ensuring that all school-age children regularly attend school. Truancy has been identified as an early warning sign that youth are experiencing behavioral health issues and may potentially be heading for delinquent activity.

With the implementation of these rules, school attendance data will be used as a source of early warning signs to identify students at risk in the District of Columbia and provide opportunities for them to receive early intervention services. A student who intermittently attends school misses key steps in the instructional process. After a period of absence, a student returning to the classroom often falls behind his/her peers. Student absence affects student performance and progressive ability to master concepts in math, science and reading. Further, data indicates that a student who is not in school is more likely to be without adult supervision, resulting in increased potential for delinquent or even criminal behavior.

This proposed rulemaking enforces the goals of early identification and intervention by: (1) standardizing how truancy and absenteeism will be tracked and calculated across the District; (2) monitoring whether each school designates an attendance monitor and implements a school-based student support team as an early absenteeism intervention; (3) utilizing attendance data to analyze and report on how effectively schools are addressing truancy; and (4) revising and implementing approval of private school programs. The proposed rules maintain the integrity and substance of the amendments to the DCMR made by the South Capitol Memorial Amendment Act of 2012, while also expanding and renumbering existing attendance rules to address the rulemaking mandated by the Act and to combine compulsory education regulations that currently exist in a different part of the DCMR.

Chapter 21 (Compulsory Education and School Attendance) of subtitle A (Office of the State Superintendent of Education) of title 5 (Education) of the DCMR is amended to read as follows:

Chapter 21 COMPULSORY EDUCATION AND SCHOOL ATTENDANCE

2100 GENERAL PROVISIONS

- 2100.1 The legal authority for this chapter is based upon section 302 of the South Capitol Street Memorial Amendment Act of 2012, effective June 7, 2012 (D.C. Law 19-141, 59 DCR 3083; to be codified at D.C. Official Code § 38-203(j)); Mayor's Order No. 2012-116, dated July 26, 2012; sections 3(b)(11) and 7c of the State Education Office Establishment Act of 2000, as amended, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code §§ 38-2602(b)(11), -2609(c)(2)) (2001 & 2012 Supp.); section 403 of the State Board of Education Establishment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code §38-2652(a)(14)) (2001 & 2012 Supp.); and Article II of An Act to provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes, as amended, effective February 4, 1925 (43 Stat. 806; D.C. Official Code § 38-202(d)) (2001 & 2012 Supp.).
- 2100.2 Each school-age child who is a resident of the District of Columbia shall attend a public, independent, private, or parochial school or shall receive private instruction.
- 2100.3 A school-age child and his or her parents or guardians shall be exempt from the requirements of this chapter if the child:
- (a) Has earned a high school diploma or its equivalent; or
 - (b) Participates in a home schooling program that complies with all District of Columbia laws and regulations.
- 2100.4 A school year for attendance purposes shall include a minimum of one hundred eighty (180) regular instructional days.
- 2100.5 An instructional day shall be at least six (6) hours in length for students, including time allotted for lunch periods, recess, and class breaks; provided, the six (6)-hour minimum instructional day requirement shall not be applicable to an evening school program, prekindergarten program, or kindergarten program.
- 2100.6 Student attendance shall be based upon the number of days the student is in attendance during the entire year.

2100.7 Daily attendance shall include participation in school-sponsored field trips; participation in an off-site school sponsored or approved activity during a regularly scheduled school day; in-school suspensions; and the number of days a student receives instructional services while expelled or while serving an out-of-school suspension.

2101 ATTENDANCE RECORDS AND REPORTING

2101.1 Each educational institution operating in the District of Columbia, whether public, chartered, private, parochial, private instruction, or home-schooled instruction shall maintain an accurate, contemporaneous, and daily attendance record for each student enrolled in the educational institution.

2101.2 The requirement to maintain an attendance record for a student who has completed the enrollment process for an educational institution shall begin on the educational institution's first official school day and continue throughout the school year, including summer school as applicable, unless the student officially withdraws from the educational institution or transfers to another educational institution. Expulsion of a student during the school year does not relieve the educational institution of the duty to record and report the student's daily attendance for the school year in which the expulsion occurred until such time as the student officially enrolls in another educational institution.

2101.3 The attendance record for each student shall contain the following:

- (a) Date(s) of enrollment;
- (b) Daily legible or machine-readable record of whether the student was present or absent for a full or partial school day;
- (c) Determination of the nature of each absence whether excused, unexcused, suspension-related, or expulsion-related;
- (d) Date of withdrawal from the educational institution or confirmed transfer to another educational institution, including the name and location of the educational institution to which the student transferred and follow up notation(s) to confirm the child's new placement;
- (e) Dates and numbers of referral to the school-based student support team, the Child and Family Services Agency ("CFSA"), the Court Social Services Division of the Superior Court of the District of Columbia ("Court Social Services"); or the Office of the Attorney General Juvenile Section ("OAG-Juvenile Section") related to absenteeism or truancy;

- (f) Dates of marking periods;
- (g) Dates on which the student was returned to the educational institution by a law enforcement officer enforcing compulsory attendance laws;
- (h) Daily late arrival time with an explanation from parents or guardians, if provided;
- (i) Dates and times of early dismissals from the school day;
- (j) Date and brief description of communications with student, parent(s) or guardian(s) with regard to school attendance and absences, including the record of or a cross-reference to the record documenting:
 - (1) Contact with parents, guardians, or other primary caregivers; and
 - (2) Interventions, services, and service referrals related to absences other than those listed in subparagraph (d);
- (k) Determination of the reason(s) underlying each excused absence using the categories described in § 2102.2;
- (l) Underlying causes for student's absenteeism or truancy as determined by the school-based student support team;
- (m) Action plans and strategies implemented by the school-based student support team to eliminate unexcused absences; and
- (n) Services utilized by the student to reduce unexcused absences.

2101.4 Prior to the beginning of each school year, the principal or chief school administrator of each educational institution shall designate an attendance monitor(s) to be responsible for collecting, maintaining, and reporting the attendance records required for each student. Such attendance monitor(s) shall:

- (a) Receive training on the compulsory attendance laws, regulations, and policies of the District of Columbia and OSSE;
- (b) Establish a procedure for recording whether a student is present or absent in each class throughout the school day, which procedure specifies that attendance may not be recorded by a student or

volunteer and ensures that a complete record is entered in every instance;

- (c) Establish a procedure for all attendance records to be collected and maintained comprehensively, centrally and, as feasible, electronically;
- (d) Submit to OSSE all attendance records described in paragraphs 2101.3 (a)-(g) of this chapter in conformance with the format and timeframes established by OSSE policy;
- (e) Review the accuracy and reliability of attendance records submitted to OSSE via an automated, electronic feed, and make corrections as needed within five (5) business days of submission;
- (f) Timely respond to OSSE requests for clarification of submitted attendance records; and
- (g) Periodically monitor the effectiveness of attendance procedures and make recommendations to the principal or chief school officer for improvement.

2101.5 The name and contact information of the designated attendance monitor(s) shall be reported by the educational institution to OSSE prior to the first official school day of each school year.

2101.6 During the school year, OSSE shall periodically review submitted attendance records to determine whether each student who should have been referred for absenteeism or truancy intervention pursuant to this chapter were actually referred to the appropriate entities identified in this chapter for absenteeism or truancy intervention by the educational institution, and will provide its findings to each educational institution. Discrepancies noted by OSSE shall be addressed by the educational institution through a corrective action plan that shall be submitted to OSSE within ten (10) business days of receipt of OSSE's findings.

2101.7 Within thirty (30) days after the end of each school year, the principal or chief school administrator shall verify the accuracy of attendance records provided to OSSE for that school year and certify to OSSE the accuracy of such records. Certified attendance records shall not be subject to amendment without approval of the Superintendent for good cause shown by the educational institution.

2101.8 Within sixty (60) days after the end of each school year, each educational institution shall submit to OSSE the report described in D.C. Official Code § 38-203(j). Such report shall not contain student-level data, but shall report attendance information in aggregate form.

- 2101.9 Prior to the beginning of each school year, OSSE will use the certified attendance records submitted by the educational institution for the prior school year to determine and publish OSSE's findings related to the following:
- (a) Truancy rates for each educational institution;
 - (b) Progress in improving attendance and reducing truancy for each educational institution; and
 - (c) Each educational institution's compliance with key attendance and truancy requirements.

2101.10 Attendance records required by this section shall be maintained by the educational institution for a period of at least five (5) years.

2102 ABSENCES

2102.1 Any absence, including an absence from any portion of the instructional day, without a valid excuse shall be presumed to be an unexcused absence.

2102.2 An educational institution shall define categories of valid excuses for an absence, which shall include the following:

- (a) Illness or other bona fide medical cause experienced by the student;
- (b) Exclusion, by direction of the authorities of the District of Columbia, due to quarantine, contagious disease, infection, infestation, or other condition requiring separation from other students for medical or health reasons;
- (c) Death in the student's family;
- (d) Necessity for a student to attend judiciary or administrative proceedings as a party to the action or under subpoena;
- (e) Observance of a religious holiday;
- (f) Lawful suspension or exclusion from school by school authorities;
- (g) Temporary closing of facilities or suspension of classes due to severe weather, official activities, holidays, malfunctioning equipment, unsafe or unsanitary conditions, or other condition(s) or emergency requiring a school closing or suspension of classes;

- (h) Employment or other volunteer work approved by the school, provided that the student is seventeen (17) years of age, and provided further that any excused absences under this paragraph shall not adversely impact the student’s academic performance or timely graduation;
- (i) Failure of the District of Columbia to provide transportation in cases where the District of Columbia has a legal responsibility for the transportation of the student;
- (j) Medical or dental appointments for the student; and
- (k) An emergency or other set of circumstances approved by a local educational agency (LEA), independent, private or parochial school in conformance with published policies distributed to parents and guardians.

2102.3 An educational institution shall publish and make available to parents and students the list of valid excused absences.

2102.4 An educational institution shall require a written statement from the student’s parent or guardian verifying the reason for an absence and shall require that the written statement be provided in advance, if practicable, and, if not practicable, upon the student’s return to school.

2103 TRUANCY INTERVENTION AND SCHOOL-BASED STUDENT SUPPORT TEAMS

2103.1 Each school-age child who resides in the District of Columbia shall attend a public, private, and/or parochial educational institution, or shall otherwise receive a thorough and regular education through private instruction or home schooling pursuant to rules established by OSSE.

2103.2 An educational institution shall implement a specific protocol for absenteeism (absenteeism protocol) that focuses on prevention of unexcused absences, also referred to as truancy, including academic and behavioral interventions to address the needs of students. Development of the protocol may occur at the educational institution level or at the LEA level, as appropriate.

2103.3 Each educational institution shall include as part of its absenteeism protocol the following:

- (a) A description of valid excused absences consistent with this chapter;

- (b) A process for informing, training, and educating school staff, students, parents, guardians, and the community with regard to enhancing school attendance, implementing truancy reduction methods, administering attendance policies and procedures, and related collaborative services; and
- (c) Procedures for monitoring, reporting, addressing, and evaluating attendance and absences consistent with District of Columbia attendance and absence reporting requirements including:
 - (1) A procedure requiring reasonable and diligent attempts to make personal contact with the parent or guardian of a student, each time a student has the equivalent of one (1) day of unexcused absence the same day, with daily follow-ups as necessary;
 - (2) A continuum of school practices and services including meaningful supports, incentives, intervention strategies, and consequences for dealing with absenteeism and consultation with parents or guardians, both at the onset of absenteeism and in those circumstances where chronic absenteeism persists, which continuum shall not include off-site suspension and/or expulsion as intervention strategies;
 - (3) A referral process whereby within two (2) school days after a student has accumulated five (5) or more unexcused absences in one (1) marking period or other similar time frame, the student shall be referred to a school-based student support team which will meet within two (2) school days of the referral and regularly thereafter to:
 - (A) Review and address the student's attendance and determine the underlying cause(s) for the student's unexcused absences;
 - (B) Employ reasonable and diligent efforts to communicate and to collaborate with the student and parent(s)/guardian(s);
 - (C) Communicate and/or collaborate with the student's existing IEP team, as applicable;
 - (C) Provide timely response to the student's truant behavior;

- (D) Make recommendations for academic, diagnostic, or social work services;
 - (E) Use school and community resources to abate the student's truancy including referral to a community-based organization when available; and
 - (F) Develop and implement an action plan in consultation with the student and student's parents or guardian;
- (4) If a student accumulates ten (10) unexcused absences at any time during a school year, the school-based student support team assigned to the student shall notify the school administrator within two (2) school days after the tenth (10th) unexcused absence with a plan for immediate intervention including delivery of community-based programs and any other assistance or services to identify and address the student's needs on an emergency basis;
 - (5) A process at the educational institution including specific due process procedures, for a parent, guardian, or student to appeal any attendance violation decisions made by the educational institution; and
 - (6) A process to ensure that the LEA (or educational institution for those institutions not governed by an LEA) maintains complete, accurate, and contemporaneous records of the work of the school-based student support team to reduce unexcused absences, including records of all meetings that take place after a student accumulates five (5) or more unexcused absences in one (1) marking period or other similar time frame and after a student accumulates ten (10) unexcused absences at any time during a school year.
- 2103.4 In addition to the report required at the end of each school year pursuant to D.C. Official Code § 38-203(j), OSSE may request, and an educational institution shall provide to OSSE, student-level data and records evidencing the work of school-based student support teams.
- 2103.5 Composition of a school-based student support team convened to address a particular student's absenteeism shall be guided by the following principles:
- (a) Prior to performing school-based student support team functions, appointed team members shall be provided training on the

compulsory attendance laws, regulations, and policies of the District of Columbia and OSSE; absenteeism and truancy intervention strategies and best practices; and available remedies and services to ameliorate the causes of absenteeism and truancy;

- (b) A school-based student support team shall include the educational institution's designated attendance monitor;
- (c) Core school-based student support team membership should typically include:
 - (1) General education teacher;
 - (2) School nurse, psychologist, counselor, and/or social worker, if applicable; and
 - (3) School administrator with decision-making authority.
- (d) Selection of additional members of a team should be guided by the needs of the particular student, such as:
 - (1) IDEA/Section 504 coordinator and/or special education personnel;
 - (2) Early learning/Head Start teacher;
 - (3) Bilingual or English as a second language teacher;
 - (4) Representatives of CFSA and/or Department of Youth Rehabilitation Services (DYRS);
 - (5) McKinney-Vento homeless liaison; and/or
 - (6) Guardian *ad litem*.

2103.6 Each educational institution shall develop a process to refer students to District of Columbia entities under the following circumstances:

- (a) Students ages five (5) through thirteen (13) shall be referred by the educational institution to the CFSA no later than two (2) school days after:
 - (1) The accrual of ten (10) unexcused absences within one (1) school year; or
 - (2) Completion of the procedures specified in § 2103.3; or,

- (3) Immediately at any time that educational neglect is suspected;
- (b) Until the 2014-15 school year, students age fourteen (14) and over shall be referred by the educational institution to the Court Social Services and to the OAG-Juvenile Section no later than two (2) school days after the accrual of twenty-five (25) unexcused absences at any time within one (1) school year. Beginning with the 2014-15 school year, such referral shall be made after the accrual of twenty (20) or more unexcused absences; and
- (c) Development of the referral process and the individual referrals made pursuant to that process may occur at the educational institution level or at the LEA level, as appropriate.

2103.7 Copies of the following documents shall be provided with a referral made pursuant to this chapter:

- (a) The student’s attendance and absence record;
- (b) Any prevention and intervention plans;
- (c) Documentation related to referrals and outcome of such referrals;
- (d) Documentation representing evidence of communications, services, and attendance related interventions taken by the school;
- (e) Documentation of suspected educational neglect;
- (f) Documentation of personal contacts with, and written notification to, parents or guardians with regard to the unexcused absences; and
- (g) If applicable, the student’s Individualized Education Program with any supporting evaluations or assessments.

2104 APPROVAL OF NON-PUBLIC EDUCATIONAL INSTITUTIONS

2104.1 This section applies to all private or parochial educational institutions in the District of Columbia that seek to offer elementary/secondary educational services to school-age children, but does not apply to schools in the District of Columbia Public Schools system, public charter schools, or licensed day care centers.

- 2104.2 The purpose of this section is to ensure that all school-age children in the District comply with compulsory education and school attendance laws by regularly attending an institution whose educational program is sufficient to be deemed an elementary/secondary educational program.
- 2104.3 Beginning with the 2014-15 school year, attendance by school-age child at private, independent, or parochial educational institution operating in the District of Columbia shall be deemed to fulfill the compulsory attendance requirements of D.C. Official Code § 38-202(a) only if the educational institution has been approved by OSSE pursuant to this section.
- 2104.4 An educational institution covered by this section shall submit to OSSE, upon request and in the format designated by OSSE, evidence of the following aspects of its program:
- (a) Governance: names and contact information for governing board members, if any, and principal(s) and executive director(s);
 - (b) Facilities: physical location of all campuses; valid certificate of occupancy; evidence of compliance with fire, lead, and other health and safety codes;
 - (c) Scope: educational mission and goals; identified curricular specialization (for example, performing/visual arts; science, technology, engineering, mathematics (“STEM”)); maximum enrollment; grade levels offered;
 - (d) Instruction Time: school year calendar; standard operating hours; daily, weekly, monthly, and yearly instruction hours; dates of scheduled breaks; summer school and extended learning hours;
 - (e) Curriculum: subjects offered and course codes; instruction methods; assessments used; curricular alignment with OSSE-enacted content standards, Common Core State Standards, or other identified academic standards;
 - (f) Staff: training and educational standards for teachers and supervisory staff; teaching credentials; employment contracts;
 - (g) Policies governing school operations; enrollment; admission; attendance and truancy; student code of conduct, including suspension, expulsion, and other disciplinary actions; health and safety; parent engagement and consultation; discrimination and civil rights; and

- (h) Supplemental Education Services: continuum of services available to students with disabilities; services available to English language learners.
- 2104.5 OSSE will review evidence submitted pursuant to § 2104.4 to determine whether the program described is sufficient to be deemed an elementary/secondary educational program. OSSE shall issue a written determination within sixty (60) days of the submission that either certifies that OSSE has approved the educational institution or denies approval, stating with specificity the elements of the educational program that are not acceptable to OSSE.
- 2104.6 An educational institution whose educational program is not approved by OSSE may request a reconsideration of a denial of approval for the following reasons:
- (a) Subsequent to denial of approval by OSSE, the educational institution made modifications to the elements of the educational program that were deemed unacceptable by OSSE and has new evidence for OSSE's consideration that was not previously submitted; or
- (b) Subsequent to the denial of approval by OSSE, the educational institution obtained accreditation by one of the accrediting bodies listed in § 2104.7.
- 2104.7 An educational institution covered by this section that submits evidence that the educational institution is currently accredited by one of the following accrediting bodies shall be deemed by OSSE to have an approved elementary/secondary educational program:
- (a) Middle States Association of Colleges and Schools;
- (b) Association of Independent Maryland Schools;
- (c) Southern Association of Colleges and Schools;
- (d) Virginia Association of Independent Schools;
- (e) American Montessori Society;
- (f) American Montessori Internationale;
- (g) National Academy of Early childhood Programs; or
- (h) Any other accrediting body approved by OSSE.

2104.8 OSSE’s approval of an educational institution pursuant to this section shall be contingent upon the maintenance and submission by the educational institution of attendance data and records to OSSE that are required by compulsory education and attendance laws, regulations, and OSSE policies.

2199 DEFINITIONS

“Absence”--A full or partial school day on which the student is not physically in attendance at scheduled periods of actual instruction at the educational institution in which s/he was enrolled and registered, and is not in attendance at a school-approved activity that constitutes part of the approved school program.

“Absenteeism”—The total number of school days within one school year on which a student is marked as absent, including excused and unexcused absences.

“Action plan” --A written document that is designed to meet the individual and specialized needs of the student and contains the relevant details of the student’s attendance record, the school-based or third-party-provided interventions toward addressing the underlying causes of truancy as determined by the school-based student support team, and expected attendance goals.

“Attendance monitor” --The person(s) designated by the principal or chief school administrator of an educational institution to be responsible for collecting, maintaining, and reporting attendance records that are required pursuant to District of Columbia compulsory education and school attendance laws, regulations, and OSSE policies for each student enrolled in the educational institution.

“Chronic Absenteeism”—The accumulation within one school year of twenty (20) or more school days on which a student is marked absent, including excused and unexcused absences.

“Consultation” -- Due diligence – when used in the context of consultation with parents by a school-based student support team - on the part of the educational institution to meet with the student’s parent(s) or guardian(s) and to engage in meaningful discussions about the issues underlying the student’s absenteeism prior to making any decision about action plans, interventions, or services to address the student’s absenteeism.

“Educational institution” --Any person or entity in the District of Columbia that advertises, promotes, contracts, or otherwise holds itself out as providing elementary/secondary educational programs or services to a school-age child(ren), including credit-bearing evening programs and services, but does not include

educational services that are provided solely outside of the normal school hours and that do not lead to promotion to the next grade.

“Elementary/secondary educational program” –A course of instruction and study from and including pre-Kindergarten through the end of high school, any portion thereof, or its equivalent.

“IDEA” --The “Individuals with Disabilities Education Act”, approved April 13, 1970 (84 Stat. 191; 20 U.S.C. §1400 *et seq.*), as amended by Pub. L. 108-446, approved December 3, 2004 (118 Stat. 2647).

“Full school day” --The entirety of the instructional hours regularly provided on a single school day.

“Late arrival” --Arrival by a student at the educational institution after the official start of the school day as defined by the educational institution. Late arrival does not include any period of time that would constitute a partial school day as defined by this chapter.

“LEA”—**Local Educational Agency**, pursuant to 20 USCS § 7801(26)(A), a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State, or of or for a combination of school districts or counties that is recognized in a State as an administrative agency for its public elementary schools or secondary schools.

“Marking period” --A portion of a school year between two dates, at the conclusion of which period students are graded or marked.

“McKinney-Vento” --The “McKinney-Vento Homeless Assistance Act of 1987”, as amended, Title VII, Subtitle B; 42 U.S.C. 11431-11435.

“OSSE” --The Office of the State Superintendent of Education.

“Partial school day” --At least twenty percent (20%) of the instructional hours regularly provided on a single school day, the failure of a student to attend which without an excused absence shall be deemed a full “absent” instructional day .

“Present” --A single school day on which the student is physically in attendance at scheduled periods of actual instruction at the educational institution in which s/he was enrolled and registered for at least 80% of the full instructional day, or in attendance at a school-approved activity that constitutes part of the approved school program for that student.

“Section 504” -- Section 504 of the “Rehabilitation Act of 1973”, approved September 26, 1973 (87 Stat 394; 29 U.S.C. § 794).

“STEM” --Educational instruction in science, technology, engineering, and mathematics.

“Truancy rate” --The number of students who are absent without valid excuse as defined by 5 DCMR A2102 on ten (10) or more occasions within a single school year divided by the total number of students enrolled for a single school year as determined by the final enrollment audit conducted by OSSE pursuant to D.C. Official Code § 38-203. Truancy rate may be calculated and reported at the school, LEA, and state levels.

Persons wishing to comment on this rule should submit their comments in writing to Office of the State Superintendent of Education, 810 First Street, NE, 9th Floor, Washington, D.C. 20002, Attention: Jamai Deuberry [phone number (202) 724-7756], Office of General Counsel, or to OSSEcomments.proposedregulations@dc.gov. All comments must be received no later than thirty (30) days after publication of this notice in the *D.C. Register*. Copies of this rulemaking may also be obtained from the OSSE website at www.osse.dc.gov or upon request at the above referenced location.

DEPARTMENT OF MENTAL HEALTH**NOTICE OF PROPOSED RULEMAKING**

The Director of the Department of Mental Health (Department), pursuant to the authority set forth in sections 104 and 105 of the Department of Mental Health Establishment Amendment Act of 2001, effective December 18, 2001 (D.C. Law 14-56; D.C. Official Code §§ 7-1131.04 and 7-1131.05 (2008 Repl.)), hereby gives notice of the proposed rulemaking to add a new chapter 54 (Private Hospital Probable Cause Hearing - Reimbursement) to subtitle A (Mental Health) of title 22 (Health) of the District of Columbia Municipal Regulations (DCMR).

The purpose of this new rule is to establish the rate to reimburse private hospitals in the District of Columbia which, pursuant to a contract with the Department, ensure involuntary patients are safely present in court for probable cause hearings pursuant to D.C. Official Code §21 – 525 (2008 Repl.), and that the patient’s hospital psychiatrist or qualified psychologist is also present and prepared to testify at such a hearing. The Department recognizes that transportation, security, the testimony of the attendant doctors and their absence from the hospital wards during time at court for a probable cause hearing mean costs incurred by the hospital and yet are a legal requirement for individuals who are under an order of involuntary hospitalization. Because it is beneficial to these individuals and to the District as a whole to be able to have private community hospitals accept these individuals when authorized by the Department, the Department recognizes the necessity to reimburse the hospitals for these costs.

The Director gives notice of the intent to take final rulemaking action to adopt the proposed rules in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Subtitle A, Mental Health, of Title 22 of the District of Columbia Municipal Regulations is amended by adding a new chapter 54 to read as follows:

**CHAPTER 54 PRIVATE HOSPITAL PROBABLE CAUSE HEARING —
REIMBURSEMENT****5400 PURPOSE**

5400.1 This chapter establishes the reimbursement rate for private hospitals in the District of Columbia which, pursuant to a contract with the Department of Mental Health (Department), accept patients who are involuntarily hospitalized pursuant to D.C. Official Code §21-524 and as a result may have a probable cause hearing at the D.C. Superior Court, which in turn will require the hospital to safely transport the patient from the hospital to the hearing and back, and also provide expert testimony for the hearing.

5400.2 Nothing in this chapter grants to a private hospital the right to reimbursement for costs of supporting a patient’s probable cause hearing. Eligibility for reimbursement for a probable cause hearing is determined solely by the contract

between the Department and the private hospital, and is subject to the availability of appropriated funds.

5401 REIMBURSEMENT RATE

5401.1 The Private Hospital Probable Cause Hearing Rate is as set forth below:

SERVICE	RATE	UNIT
Probable Cause Hearing	\$650.00	Per Event

5401.2 The Department shall not provide any other reimbursement for any cost incurred by a private hospital with a contract with the Department beyond the event rate cited in this rule.

5402 ELIGIBILITY

5402.1 Only a private hospital located in the District of Columbia who has entered into a contract with the Department to accept involuntary patients authorized by the Department for hospitalization may incur expenses eligible for reimbursement in accordance with its contract with the Department and may bill the Department under this chapter.

5402.2 A private hospital submitting a claim under this chapter may only submit claims for probable cause hearings that have actually occurred; that is, the hearing was called by a judge or magistrate judge of the D.C. Superior Court and the patient and expert witness from the hospital were present and prepared to proceed.

5402.3 The private hospital must comply with all contractual requirements in order to submit a claim for a probable cause hearing, including but not limited to the following:

- (a) Ensuring the safe and timely transport of the patient to the D.C. Superior Court or to whatever location the court has determined the hearing is to be held, and safe transport of the patient in returning to the hospital, unless there is a finding at the hearing of no probable cause and the patient elects not to return to the hospital;
- (b) Ensuring the patient’s attending psychiatrist, qualified psychologist, or other expert witness, as determined by the Office of the Attorney General (OAG), cooperates with the representative from the OAG who will be representing the Department for the probable cause hearing to prepare for the hearing. Such preparation may include reviewing and providing copies of records, answering questions, communicating with other individuals involved in the care and treatment of the patient while he or she was in the community, and discussing testimony; and

- (c) Ensuring the patient's attending psychiatrist, qualified psychologist, or other expert witness, as determined by the Office of the Attorney General (OAG), is present for the probable cause hearing at the time the hearing is called by the court; that the witness has the original treatment records present when giving testimony at the hearing; and that the witness remains for the hearing until released by the court or the representative from the Office of the Attorney General.

5403 SUBMISSION OF CLAIM; PAYMENT OF VOUCHER

- 5403.1 The private hospital shall submit all claims for probable cause hearings by invoice, pursuant to this chapter and the terms of the contract between the Department and the private hospital.
- 5403.2 The private hospital shall submit appropriate documentation to support all claims under its contract with the Department.
- 5403.3 The Department will reimburse a private hospital for a probable cause hearing claim that is determined by the Department to be eligible for reimbursement pursuant to the terms of the contract between the Department and the private hospital, and the rules of this chapter, subject to the availability of appropriated funds.

5404 AUDITS

- 5404.1 A private hospital shall, upon the request of the Department, cooperate in any audit or investigation concerning the claims for a probable cause hearing.

5499 DEFINITIONS

- 5499.1 When used in this chapter, the following terms shall have the meaning ascribed:

Private hospital – a nongovernmental hospital or institution, or part thereof, in the District of Columbia, equipped and qualified to provide inpatient care and treatment for a person with a physical or mental illness.

Probable cause hearing – a judicial proceeding in the D.C. Superior Court pursuant to D.C. Official Code §21-525 (2008 Repl.).

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with the Office of General Counsel for the Department of Mental Health at 64 New York Avenue, NE, 3rd Floor, Washington, D.C. 20002, or e-mailed to Suzanne Fenzel, Deputy Director, OSPPE, at Suzanne.Fenzel@dc.gov or (202) 671 - 4074. Copies of the proposed rules may be obtained from dmh.dc.gov or from the Department of Mental Health at the address above.

GOVERNMENT OF THE DISTRICT OF COLUMBIA**ADMINISTRATIVE ISSUANCE SYSTEM**

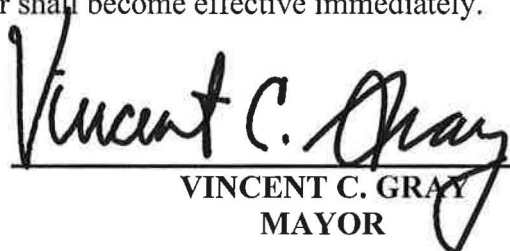
Mayor's Order 2012-230
December 21, 2012


SUBJECT: Appointment and Reappointment - Board of Dietetics and Nutrition

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Supp.), and in accordance with section 202 of the District of Columbia Health Occupations Revision Act, effective March 25, 1986, (D.C. Law 6-99; D.C. Official Code § 3-1202.02 (2007 Repl.)), it is hereby **ORDERED** that:

1. **MELISSA E. MUSIKER**, who was nominated by the Mayor on September 17, 2012, and was deemed approved by the Council pursuant to Proposed Resolution 19-0960 on November 4, 2012, is appointed, as a licensed dietitian member of the Board of Dietetics and Nutrition (hereinafter referred to as "Board"), for a term to end March 12, 2013.
2. **GOULDA A. DOWNER**, who was nominated by the Mayor on September 17, 2012, and was deemed approved by the Council pursuant to Proposed Resolution 19-0962 on November 4, 2012, is reappointed, as a licensed nutritionist member of the Board, for a term to end March 15, 2015.
3. **MELISSA E. MUSIKER** is designated as Chairperson of the Board and shall serve in that capacity at the pleasure of the Mayor.
4. **EFFECTIVE DATE:** This Order shall become effective immediately.


VINCENT C. GRAY
MAYOR

ATTEST: 
CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2012-231
December 21, 2012

SUBJECT: Appointments – Not-for-Profit Hospital Corporation Board of Directors

ORIGINATING AGENCY: Office of the Mayor


- I. By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Supp.), and in accordance with section 5115 of the Not-for-Profit Hospital Corporation Establishment Amendment Act of 2011, effective September 14, 2011, D.C. Law 19-21, D.C. Official Code § 44-951.04 (2012 Supp.), it is hereby **ORDERED** that:
 - a. **FREDERICK M. PERRY**, who was nominated by the Mayor on October 18, 2012 and, following a forty-five day period of review by the Council of the District of Columbia, whose nomination was deemed approved pursuant to Proposed Resolution 19-1059 on December 17, 2012, is appointed as a member of the Not-for-Profit Hospital Corporation Board of Directors (hereinafter referred to as "**Board**"), replacing Winifred Carson-Smith, for a term to end July 9, 2015.
 - b. **RICARDO A. BROWN**, who was nominated by the Mayor on October 18, 2012 and, following a forty-five day period of review by the Council of the District of Columbia, whose nomination was deemed approved pursuant to Proposed Resolution 19-1060 on December 17, 2012, is appointed as a member of the Board, replacing David Gragan, for a term to end July 9, 2015.
 - c. **W. CHRISTOPHER SMITH**, who was nominated by the Mayor on October 18, 2012 and, following a forty-five day period of review by the Council of the District of Columbia, whose nomination was deemed approved pursuant to Proposed Resolution 19-1061 on December 17, 2012, is appointed as a member of the Board, replacing Robin Eve Jasper, for a term to end July 9, 2014.
- II. Additionally, in accordance with section 5115(a)(1)(B) of the Not-for-Profit Hospital Corporation Establishment Amendment Act of 2011 (D.C. Official Code

§ 44-951.04 (a)(1)(B)) and Council Resolution 19-649, effective November 1, 2012, **SHANNON HADER** is recognized as a member of the Board, replacing Dr. Anthony E. Watkins, to fill the remainder of a 2-year term ending March 15, 2013.

III. **EFFECTIVE DATE:** This Order shall become immediately.



VINCENT C. GRAY
MAYOR

ATTEST: 

CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

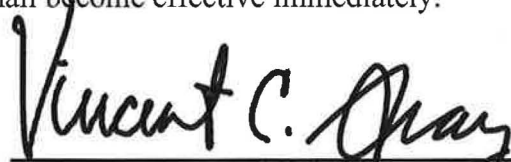
Mayor's Order 2012-232
December 21, 2012

SUBJECT: District Government Closure – Monday, December 24, 2012


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22 (11) (2012 Supp.), and pursuant to section 1201 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979, D.C. Law 2-139, D.C. Official Code § 1-612.01 (2012 Supp.), it is hereby **ORDERED** that:

1. Employees of the District of Columbia government (except those who, in the judgment of the department head, are required to maintain essential public services) are excused from duty on **Monday, December 24, 2012** without charge to leave.
2. Employees in the Career, Legal, Excepted, and Management Supervisory Services who are required to work on December 24, 2012 shall receive Administrative Closing Pay as authorized by 6B DCMR §§ 1123 and 1135. Uniformed members of the Metropolitan Police Department and the Fire and Emergency Medical Services Department who are required to work on December 24, 2012 are not entitled to, and shall not receive Administrative Closing Pay as referenced by E-DPM Bulletin No. 11B77 and 12-271.
3. **EFFECTIVE DATE:** This Order shall become effective immediately.



VINCENT C. GRAY
MAYOR

ATTEST: 

CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
CHANGE OF HOURS AGENDA

WEDNESDAY, JANUARY 9, 2013 AT 1:00 PM
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Monday through Sunday 7am-12am. No voluntary agreement. ANC 6C. **Harris Teeter**, 1201 1st Street, NE, Retailer's B, Lic.#: 085002.
2. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Monday through Sunday 7am-12am. No voluntary agreement. ANC 6C. **Harris Teeter**, 1350 Pennsylvania Avenue, SE, Retailer's B, Lic.#: 075692.
3. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Monday through Sunday 8am-10pm. No conflict with voluntary agreement. ANC 8B. **Shiple Supermarket**, 2283 Savannah Street, SE, Retailer's B, Lic.#: 087621.
4. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Monday through Saturday 7am-12am. No voluntary agreement. ANC 7E. **Dennies Market**, 5000 Benning Road, SE, Retailer's A, Lic.#: 083042.
5. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Monday through Saturday 7am-7pm. No voluntary agreement. ANC 5B. **Langdon Market**, 2409 Franklin Street, NE, Retailer's B, Lic.#: 011714.

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD**

**NOTICE OF MEETING
INVESTIGATIVE AGENDA**

**WEDNESDAY, JANUARY 9, 2013
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

On January 9, 2013 at 4:00 pm, the Alcoholic Beverage Control Board will hold a closed meeting regarding the matters identified below. In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will be closed “to plan, discuss, or hear reports concerning ongoing or planned investigations of alleged criminal or civil misconduct or violations of law or regulations.”

1. Case#12-251-00298 Red Lounge, 2013 A 14TH ST NW Retailer C Restaurant, License#: ABRA-076011

2. Case#12-251-00299 Red Lounge, 2013 A 14TH ST NW Retailer C Restaurant, License#: ABRA-076011

3. Case#12-CMP-00631 Queen Makeda, 1917 9TH ST NW Retailer C Restaurant, License#: ABRA-060510

4. Case#12-CMP-00641 Queen Makeda, 1917 9TH ST NW Retailer C Restaurant, License#: ABRA-060510

5. Case#12-CMP-00644 Mason Inn, 2408 WISCONSIN AVE NW Retailer C Tavern, License#: ABRA-079644

6. Case#12-CMP-00632 Sticky Rice, 1222 - 1224 H ST NE Retailer C Restaurant, License#: ABRA-072783

7. Case#12-CMP-00674 Sticky Rice, 1222 - 1224 H ST NE Retailer C Restaurant, License#: ABRA-072783

8. Case#12-CMP-00639 Teatism, 800 CONNECTICUT AVE NW B Retailer C Restaurant,
License#: ABRA-070916

9. Case#12-251-00147 Ozio Martini & Cigar Lounge, 1813 M ST NW Retailer C Nightclub,
License#: ABRA-023167

10. Case#12-CMP-00621 Smith Point, 1338 WISCONSIN AVE NW Retailer C Restaurant,
License#: ABRA-060131

11. Case#12-CC-00119 Towne Liquors, 1326 WISCONSIN AVE NW Retailer A Retail - Liquor
Store, License#: ABRA-060471

12. Case#12-CC-00114 Cafe Japone, 2032 P ST NW Retailer C Restaurant, License#: ABRA-
010581

13. Case#12-251-00338 Mr. Smith's, 3104 M ST NW Retailer C Restaurant, License#: ABRA-
000864

14. Case#12-CMP-00744 Jumbo Liquors, 1122 H ST NE Retailer A Retail - Liquor Store,
License#: ABRA-000420

15. Case#12-CMP-00562 Food Corner Kabob, 2029 P ST NW Retailer C Restaurant, License#:
ABRA-080108

16. Case#12-CMP-00634 Biergarten Haus, 1355 H ST NE Retailer C Tavern, License#: ABRA-
083695

17. Case#12-CMP-00640 Martin's Restaurant & Lounge, 1919 9th ST NW Retailer C Tavern,
License#: ABRA-084578

18. Case#12-CMP-00605 Wheeler Liquors, 4137 WHEELER RD SE Retailer A Retail - Liquor
Store, License#: ABRA-088122

19. Case#12-CMP-00643 Secret Lounge & Restaurant, 1414 9TH ST NW Retailer C Tavern,
License#: ABRA-090210

20. Case#12-251-00280 Corina's Restaurant, 831 KENNEDY ST NW Retailer C Restaurant,
License#: ABRA-079873

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
AGENDA

WEDNESDAY, JANUARY 9, 2013 AT 1:00 PM
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review of Manager's Application Emily L. Isbell. **

2. Review of Manager's Application Eduard M. Rodriguez. **

3. Review of Change of Hours Application to change Hours of Operation on Sunday. ***Current Sunday Hours of Operation:*** Sunday Closed. ***Proposed Sunday Hours of Operation:*** Sunday 5am-1am. No pending investigative matters. No outstanding fines/citations. No voluntary agreement. ANC 5A. ***DC Brau Brewing***, 3178-B Bladensburg Road NE Manufacturer B, Lic.#: 85083.

4. Review of Entertainment Endorsement Application for singers and occasional DJ. ***Proposed Hours of Entertainment:*** Sunday 10pm-1am, Monday through Thursday 8pm-1am, Friday and Saturday 9pm-1am. No pending investigative matters. No outstanding fines/citations. No voluntary agreement. ANC 1C. ***Libertine***, 2435 18th Street NW Retailer CR01, Lic.#: 86298.

5. Review of Application for License Class Change from a Class "C" Restaurant to a Class "C" Tavern License. No pending investigative matters. No outstanding fines/citations. No voluntary agreement. ANC 1B. ***Portico***, 1914 9th Street NW Retailer CR01, Lic.#: 82192.

6. Review of Safekeeping Application due to uncertainty of business operations and lease status. ANC 7A. ***Ray's the Steaks at East River***, 3905 Dix Street NE Retailer CR01, Lic.#: 83202.

7. Review of Safekeeping Application while business is being transferred to new owners. ANC 4C. ***J&B Food Market and Hot Deli Kitchen***, 233 Upshur Street NW Retailer B, Lic.#: 76407.

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8. Review of Safekeeping Application to resolve conflict between interested parties. ANC 4D. **Ras Restaurant & Lounge**, 4809 Georgia Avenue NW Retailer CT01, Lic.#: 85722.

9. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales/Service. **Current Hours of Operation and Hours of Alcoholic Beverage Sales/Service:** Sunday through Thursday 5pm-1:45am, Friday and Saturday 5pm-2:45am. **Proposed Hours of Operation and Hours of Alcoholic Beverage Sales/Service:** Sunday through Thursday 12pm-1:45am, Friday and Saturday 12pm-2:45am. No pending investigative matters. No outstanding fines/citations. Amendment to Voluntary Agreement submitted for review. ANC 2F. **Number Nine**, 1435 P Street NW Retailer CT*, Lic.#: 86354.

10. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales/Service. **Current Hours of Operation:** Sunday 3pm-1am, Monday through Thursday 3pm-2am, Friday & Saturday 12pm-5am. **Current Hours of Alcoholic Beverage Sales/Service:** Sunday 3pm-1am, Monday through Thursday 3pm-2am, Friday & Saturday 12pm-3am. **Proposed Hours of Operation:** Sunday through Thursday 12pm-2am, Friday & Saturday 12pm-5am. **Proposed Hours of Alcoholic Beverage Sales/Service:** Sunday through Thursday 12pm-2am, Friday and Saturday 12pm-3am. No pending investigative matters. No outstanding fines/citations. Amendment to Voluntary Agreement submitted for review. ANC 1B. **Town**, 2009 8th Street NW Retailer CN04, Lic.#: 76801.

11. Review of Change of Hours Application to change Hours of Operation and Hours of Entertainment. **Current Hours of Operation:** Sunday through Thursday 11am-2am, Friday & Saturday 11am-3am. **Current Hours of Entertainment:** Thursday 9pm-2am, Friday & Saturday 9pm-3am. **Proposed Hours of Operation:** Sunday through Thursday 7am-2am, Friday & Saturday 7am-3am. **Proposed Hours of Entertainment:** Sunday through Thursday 9pm-2am, Friday and Saturday 9pm-3am. No pending investigative matters. No outstanding fines/citations. Amendment to Voluntary Agreement submitted for review. ANC 1B. **Town**, 2009 8th Street NW Retailer CN04, Lic.#: 76801.

12. Review of letter, dated December 17, 2012, from Rachel Wainer requesting that the Board bring the sale to minor incidents from October 28, 2012 and December 1, 2012 to a Hearing, and allow a representative to speak on behalf of the Catholic University of America. Further, Ms. Wainer requests that the Board revoke My Brother's Place's license per § 25-781. **My Brother's Place**, 237 2nd Street NW Retailer CR02, Lic.#: 71593.

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13. Review of letter, dated December 13, 2012, from ANC 6B allowing Hank's Oyster Bar to apply for a change in hours of sales and/or operations. **Hank's Oyster Bar**, 633 Pennsylvania Avenue SE Retailer CR01, Lic.#: 89718.

14. Review of letter, dated December 4, 2012, and review of E-Complaint, dated December 17, 2012, regarding Sixth Engine's entity status revocation. DCRA's Corporate Registration database confirms that the corporate entity is revoked, as of December 13, 2012. **Sixth Engine**, 438 Massachusetts Avenue NW Retailer CT02, Lic.#: 84584.

15. Review of Petition for the Moratorium on Issuance of New Retailer's Licenses on the Historic 14th and U Street Corridor, dated December 10, 2012, from the Shaw-DuPont Citizens Alliance and the Residential Action Coalition..

16. Review of Protestant's Motion to Reconsider Findings of Fact, Conclusions of Law, and Order, dated December 3, 2012, from Commissioner Stuart Ross of ANC 3D. **Town Square Gourmet**, 4418 MacArthur Boulevard NW Retailer A, Lic.#: 78664.*

17. Review of letter, dated December 16, 2012, from ANC 2B supporting a waiver of Voluntary Agreement interior hours restrictions for any establishment in ANC 2B territory during Inauguration Week.

18. Review of letter, dated December 12, 2012, from ANC 6B supporting a waiver of the Voluntary Agreement for January 17, 2013 through January 20, 2013 to permit the establishment to operate until 4:00 am. **18th Amendment**, 613 Pennsylvania Avenue SE Retailer CT01, Lic.#: 72633.

19. Review of letter, dated December 12, 2012, from ANC 6B supporting a waiver of the Voluntary Agreement for January 18, 2013 through January 20, 2013 to permit the establishment to operate until 4:00 am. **Pour House**, 319 Pennsylvania Avenue SE Retailer CT02, Lic.#: 25897.

20. Review of letter, dated December 12, 2012, from ANC 6B supporting a waiver of the Voluntary Agreement for December 31, 2012 and January 15, 2013 through January 21, 2013 to permit the establishment to operate until 4:00 am. **Hank's Oyster Bar**, 633 Pennsylvania Avenue SE Retailer CR01, Lic.#: 89718.

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21. Review of letter, dated December 12, 2012, from ANC 6B supporting a waiver of the Voluntary Agreement for January 19, 2013 through January 20, 2013 to permit the establishment to operate until 4:00 am. **Trusty's Bar**, 1420 Pennsylvania Avenue SE Retailer CT01, Lic.#: 71352.

22. Review of Voluntary Agreement, dated January 11, 2012, between Rose's Luxury and ANC 6B. **Rose's Luxury**, 717 8th Street SE Retailer CR01, Lic.#: 90884.*

23. Review of Voluntary Agreement Amendment, dated November 20, 2012, between Town, ANC 1B, and the Cardozo-Shaw Neighborhood Association. **Town**, 2009 8th Street NW Retailer CN04, Lic.#: 76801.*

24. Review of Voluntary Agreement, dated November 14, 2012, between Number Nine, ANC 2F, the Logan Circle Community Association, and the Rhode Island West Neighborhood Association. The Rhode Island West Neighborhood Association withdrew itself as a party to the Voluntary Agreement in a letter submitted on November 29, 2012. **Number Nine**, 1435 P Street NW Retailer CT*, Lic.#: 86354.*

25. Review of Voluntary Agreement, dated November 19, 2012, between Firelake Grill and ANC 3F. **Firelake Grill**, 4200 Wisconsin Avenue NW Retailer CR03, Lic.#: 90725.*

26. Review of Voluntary Agreement, dated July 9, 2012, between Kruba and ANC 6D. **Kruba**, 301 Tingey Street SE Retailer CR02, Lic.#: 90630.*

27. Review of Voluntary Agreement, dated May 4, 2011, between Bistro 18, ANC 1C, and the Kalorama Citizens Association. **Bistro 18**, 2420 18th Street NW Retailer CR01, Lic.#: 86876.*

28. Review of letter, dated December 14, 2012, from Commissioner David Holmes of ANC 6A requesting clarification of the Board requested modifications to Voluntary Agreements, along with suggested language which would address the Board's concerns.*

29. Review and approval of the Civil Penalty Schedule Proposed Rulemaking.

Board's Agenda – January 9, 2013 - Page 5

30. Review and approval of the Alcohol Certification Provider Permit Proposed Rulemaking.

31. Review and approval of Full Service Grocery Store Definition Emergency and Proposed Rulemaking.

*** In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, this portion of the meeting will be closed for deliberation and to consult with an attorney to obtain legal advice. The Board's vote will be held in an open session, and the public is permitted to attend.**

**** In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, this portion of the meeting will be closed to plan, discuss, or hear reports concerning ongoing or planned investigations of alleged criminal or civil misconduct or violations of law or regulations. The Board's vote will be held in an open session, and the public is permitted to attend.**

OFFICE OF THE CHIEF FINANCIAL OFFICER
Office of Revenue Analysis

AMENDED NOTICE of INCREASES
in the 2013 STANDARD DEDUCTION,
PERSONAL EXEMPTION, HOMESTEAD DEDUCTION
and TRASH COLLECTION CREDIT AMOUNTS

I. The Standard Deduction Amounts

Per the D.C. Code § 47-1801, et seq., the annual Standard Deduction amount (pertaining to the Individual Income Tax) for calendar year 2013 is adjusted in the following manner

The Washington Area Average CPI value for Calendar Year 2011:	146.82
The Washington Area Average CPI value for Calendar Year 2012:	150.10
The percent change in the index during the above time period:	2.23%

Therefore, effective January 1, 2013:

- **the Standard Deduction for all filers (except for married couples filing separate) amount will be (rounded down to the nearest \$50,00) \$4,050.00**
- **the Standard Deduction for married couples filing separate amount will be (rounded down to the nearest \$50.00) \$2000.00**

II. The Personal Exemption Amount

Per the D.C. Code § 47-1806, et seq., the annual Personal Exemption amount (pertaining to the Individual Income Tax) for calendar year 2013 is adjusted in the following manner

The Washington Area Average CPI value for Calendar Year 2011:	146.82
The Washington Area Average CPI value for Calendar Year 2012:	150.10
The percent change in the index during the above time period:	2.23%

Therefore, effective January 1, 2013:

- **the Personal Exemption amount will be (rounded down to the nearest \$50.00) \$1,675.00¹**

¹ The original Notice Published at 59 DCR 15004 (December 21, 2012), incorrectly stated the Personal Exemption amount as \$1,700.00. This Amended Notice sets forth the correct Personal Exemption amount, effective January 1, 2013.

III. The Homestead Deduction Amount

Per the D.C. Code § 47-850, et seq., the annual Homestead Deduction amount (pertaining to the Real Property Tax) for tax year 2013 is adjusted in the following manner

The Washington Area Average CPI value for Tax Year 2011:	146.04
The Washington Area Average CPI value for Tax Year 2012:	149.59
The percent change in the index during the above time period:	2.43%

Therefore, effective Tax Year 2013 (beginning October 1, 2012):

- **the Homestead Deduction amount will be (rounded down to the nearest \$50.00) \$69,100.00**

IV. The Condominium and Cooperative Trash Collection Credit Amount

Per the D.C. Code § 47-872, et seq., the annual Trash Collection Credit amount (pertaining to the Real Property Tax) for tax year 2013 is adjusted in the following manner

The Washington Area Average CPI value for Calendar Year 2011:	146.82
The Washington Area Average CPI value for Calendar Year 2012:	150.10
The percent change in the index during the above time period:	2.23%

Therefore, effective Tax Year 2013 (beginning October 1, 2012):

- **the Trash Collection Trash Credit amount will be (rounded to the nearest whole dollar) \$103.00**

A Summary of CPI-Adjusted Deduction and Exemption Amounts for 2013 (Adjusted for Rounding)			
	2012 Amounts	CPI Adjustment Factor*	2013 Amounts
Standard Deduction	\$4,000.00	1.0223	\$4,050.00
Married Filing Separate	\$2,000.00	1.0223	\$2,000.00
Personal Exemption	\$1,675.00	1.0223	\$1,675.00
Homestead Deduction	\$67,500.00	1.0243	\$69,100.00
Trash Collection Credit	\$101.00	1.0222	\$103.00

* Source: U.S. Bureau of Labor Statistics, data accessed December 14, 2012

DISTRICT OF COLUMBIA

EDUCATION LICENSURE COMMISSION

NOTICE OF EDUCATION LICENSURE COMMISSION PUBLIC SESSIONS

The Education Licensure Commission (the “Commission”), pursuant to the Advisory Neighborhood Commission Act, CODE Ann., § 1-261 (1987), AND THE ADMINISTRATIVE PROCEDURE ACT, D.C. CODE ANN., § 1-1506 (1987), hereby gives notice of the dates for the Commission’s public meetings from January – December 2013.

Tuesday, January 15, 2013	10:30am
Tuesday , March 19, 2013	10:30am
Tuesday, May 21, 2013	10:30am
Tuesday, July 16, 2013	10:30am
Tuesday, September 17, 2013	10:30am
Tuesday, November 19, 2013	10:30am

Unless otherwise noted, meetings are held monthly at:

810 First Street NE
3rd Floor Conference Center
Washington, DC 20002

Please visit our website at www.osse.dc.gov to confirm times as changes may occur.

Should you have any questions regarding the public sessions, please contact Ms. Robin Jenkins, Executive Director, at (202) 724-2095.

BOARD OF ELECTIONS**CERTIFICATION OF ANC/SMD VACANCIES**

The District of Columbia Board of Elections and Ethics hereby gives notice that there are vacancies in twelve (12) Advisory Neighborhood Commission offices, certified pursuant to D.C. Official Code § 1-309.06(d)(2) (2001 & 2006 Repl.)

**VACANT: 2B05, 4A05, 5A04, 7D02, 7F07, 8C01, 8C02
8C04, 8C06, 8D05, 8E03 and 8E05**

Petition Circulation Period: **Monday, January 7, 2013 thru Monday, January 28, 2013**

Petition Challenge Period: **Thursday, January 31, 2013 thru Wednesday, February 6, 2013**

Candidates seeking the Office of Advisory Neighborhood Commissioner, or their representatives, may pick up nominating petitions at the following location:

**D.C. Board of Elections
441 - 4th Street, NW, Room 250N
Washington, DC 20001**

For more information, the public may call **727-2525**.

**DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY**

NOTICE OF MONTHLY MEETINGS FOR 2013

The District of Columbia Board of Ethics and Government Accountability (“BEGA”) will hold its monthly meetings in calendar year 2013 on the dates stated below. Unless otherwise specified, all meetings will be held in the BEGA Hearing Room at One Judiciary Square, 441 Fourth Street, N.W., Room 830 South, Washington, DC 20001. A draft agenda and hearing notice will be included in future editions of the D.C. Register for each meeting and will be posted in the BEGA Office, as well as on the BEGA website at www.bega.dc.gov.

Members of the public are welcome to attend. Questions about meetings may be directed to bega@dc.gov.

January 10, 2013

February 7, 2013

March 7 2013

April 4, 2013

May 2, 2013

June 6, 2013

July 11, 2013

August 4, 2013

September 5, 2013

October 3, 2013

November 7, 2013

December 5, 2013

**DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY**

NOTICE OF PUBLIC MEETING

The District of Columbia Board of Ethics and Government Accountability will hold a public meeting on Thursday, January 10, 2013 at 1:00 p.m. at One Judiciary Square, 441 Fourth Street, N.W., Room 830 South, Washington, DC 20001. Below is a draft agenda for this meeting. A final meeting agenda will be posted on the Board's website at www.bega.dc.gov.

Members of the public are welcome to attend. Questions about the meeting may be directed to bega@dc.gov.

DRAFT AGENDA

- I. Call to Order
- II. Ascertainment of Quorum
- III. Adoption of the Agenda
- IV. Adoption of the Minutes of any previous meetings of the Board not already adopted, including the Special Meeting of the Board on December 20, 2012.
- V. Public Symposium on "Best Practices" in Government Ethics
- VI. Report by the Director of Government Ethics
- VII. Update on Status of Board Operations
- VIII. Discussion: Rules Published for Public Comment – Public Comments invited
- IX. Staffing and Job Announcements
- X. Financial Disclosure and Lobbyist Registration Filing System
- XI. Adjournment

**DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY**

PUBLIC ANNOUNCEMENT

Public Symposium on Government Ethics “Best Practices”

The District of Columbia Board of Ethics and Government Accountability (“BEGA”) announced today that it will hold a symposium on government ethics “Best Practices” at its monthly public meeting on January 10, 2013, at 1:00 p.m. in the BEGA Hearing Room located at **441 4th Street, N.W., Suite 830 South.**

Members of the public, academia and government are invited to offer their views in writing or orally with regard to whether, and in what manner, the District’s Ethics laws or rules should be revised to reflect best practices.

The BEGA is tasked with preparing a detailed assessment of ethical guidelines and requirements for employees and public officials with recommendations to the Council concerning: 1) whether to adopt local laws that are similar in nature to federal ethics laws; 2) whether to adopt post-employment restrictions; 3) whether to adopt ethics laws pertaining to contracting and procurement; 4) whether to adopt nepotism and cronyism prohibitions; 5) whether to criminalize violations of ethics laws; 6) whether to expel a member of the Council for certain violations of the Code of Conduct; 7) whether to regulate campaign contributions from affiliated or subsidiary corporations; and 8) any other matter as determined by the BEGA.

For those who wish to appear personally, please contact the BEGA at 202-481-3411, or email us at bega@dc.gov, so that sufficient time may be set aside. For more information, please visit our website at bega.dc.gov.

OFFICE OF GAY, LESBIAN, BISEXUAL AND TRANSGENDER AFFAIRS**ADVISORY COMMITTEE****Notice of Public Meeting**

The Advisory Committee for the Mayor's Office of GLBT Affairs will hold a meeting on January 16th, 2013 at 6:30pm – 441 4th St. NW, 11th floor. The focus of the meeting will be for the committee members to engage in strategic planning for the New Year and to decide on which initiatives they would like to focus.

As per the District's Open Meetings law, this meeting is open to members of the public to attend. If time allows, community members will be allotted 1 minute each to speak to the Committee Members at the end of the meeting. **Registration is required in order to attend the meeting and there are a limited number of spaces available:** <http://glbtaffairsjanmtg.eventbrite.com/>

Written comments are encouraged and will be accepted until January 11th, 2013. If received, comments will be distributed to all Committee Members in advance of the meeting. Comments can be submitted via email to Amy.Loudermilk2@dc.gov or can be mailed to:

Office of GLBT Affairs
ATTN: Amy Loudermilk
1350 Pennsylvania Ave NW, Suite 327
Washington, DC 20004

DEPARTMENT OF HEALTH**PUBLIC NOTICE**

The District of Columbia Board of Marriage and Family Therapy (“Board”) hereby gives notice of its special meeting pursuant to § 405(b) of the District of Columbia Health Occupation Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1204.05 (b)) (2001) (“Act”).

The special meeting of the Board will be held on Wednesday, January 9, 2013 from 1:00PM to 3:00PM. The purpose of the meeting is to consider and discuss a variety of regulatory changes pertaining to the practice of marriage and family therapy and practices by graduates seeking qualification for licensure. In accordance with § 405 of the Open Meetings Amendment Act of 2010, the meeting will be open to the public.

The meeting will be held at 899 North Capitol Street, NE, Second Floor, Washington, DC 20002. Visit the Department of Health Events link at <http://doh.dc.gov/events> for additional information.

DEPARTMENT OF HEALTH**PUBLIC NOTICE**

The District of Columbia Board of Massage Therapy (“Board”) hereby gives notice of its regular meeting pursuant to § 405 of the District of Columbia Health Occupation Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1204.05 (b)) (2001) (“Act”).

The Board has resolved to meet bi-monthly on the third Thursday, starting on Thursday, January 17, 2012 at 1:30PM. The Board will consider and discuss a variety of matters including proposed regulatory changes pertaining to the practice of occupational therapy and practices by occupational therapy assistants and occupational therapy aides. The meeting will be open to the public from 1:30 pm until 2:30 pm to discuss various agenda items and any comments and/or concerns from the public. In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will be closed from 2:30 pm until 3:30 pm to plan, discuss, or hear reports concerning licensing issues, ongoing or planned investigations of practice complaints, and or violations of law or regulations.

The meeting will be held at 899 North Capitol Street, NE, Second Floor, Washington, DC 20002. Visit the Department of Health Events link at <http://doh.dc.gov/events> for additional information.

DEPARTMENT OF HEALTH**PUBLIC NOTICE**

The District of Columbia Board of Occupational Therapy (“Board”) hereby gives notice of its regular meeting pursuant to § 405 of the District of Columbia Health Occupation Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1204.05 (b)) (2001) (“Act”).

The regular quarterly meeting of the Board will be held on Tuesday, January 22, 2013 at 3:00PM. The Board will consider and discuss a variety of matters including proposed regulatory changes pertaining to the practice of occupational therapy and practices by occupational therapy assistants and occupational therapy aides. The meeting will be open to the public from 3:00 pm until 4:00 pm to discuss various agenda items and any comments and/or concerns from the public. In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will be closed from 4:00 pm until 5:00 pm to plan, discuss, or hear reports concerning licensing issues, ongoing or planned investigations of practice complaints, and or violations of law or regulations.

The meeting will be held at 899 North Capitol Street, NE, Second Floor, Washington, DC 20002. Visit the Department of Health Events link at <http://doh.dc.gov/events> for additional information.

DISTRICT OF COLUMBIA HOUSING FINANCE AGENCY

BOARD OF DIRECTORS

MEETING

January 8, 2013
815 Florida Avenue, NW
Washington, DC 20001

5:30 pm

AGENDA

- I. Call to order and verification of quorum.
- II. Election of Officers to the Agency's Board of Directors.
- III. Executive Director's Report.
- IV. Other Business.
- V. Adjournment.

KIPP DC

REQUEST FOR PROPOSALS

For Underwriter Services for KIPP DC

KIPP DC will receive bids until 1/15/2013 at 5:00pm.

KIPP DC is advertising the opportunity to bid on the serving as underwriter for the issuance of tax exempt revenue bonds.

Additional specifications outlined in the Request for Proposals (RFP) and may be obtained from:

David Endom
Director of Financial Planning, KIPP DC
1003 K Street NW – Suite 700, Washington, DC 20001
David.Endom@kipdc.org
202-223-4505

All bids not addressing all areas as outlined in the RFP will not be considered.

D.C. CORRECTIONS INFORMATION COUNCIL**NOTICE OF PUBLIC MEETING**

The DC Corrections Information Council (CIC), in accordance with the D.C. Official Code §1-207.42 and § 2-575, hereby gives notice that it has scheduled the following meeting: January 8, 2012 beginning at 6:30 PM. The Meeting will be held at the Martin Luther King Jr. Library located at 901 G Street Northwest, Washington, DC 20001 Conference Room A-9. For additional information, please contact Cara Compagni, CIC Program Analyst, at (202) 445-7623 or DC.CIC@dc.gov.

The CIC is an independent monitoring body established by the Revitalization Act of 1997 and expanded by the District of Columbia Jail Improvement Act of 2003. The CIC is mandated to inspect and monitor conditions of confinement at facilities operated by the Federal Bureau of Prisons (BOP), D.C. Department of Corrections (DOC) and their contract facilities where D.C. residents are incarcerated.

Below is the draft agenda for this meeting. A final agenda will be posted on the CIC's website, available at <https://sites.google.com/a/dc.gov/cic/>.

DRAFT AGENDA

- I. Call to Order (Board Chair)
 - II. Roll Call (Board Chair)
 - III. Overview of CIC
 - IV. Hope Village Update*
 - V. CIC and Federal Bureau of Prisons Memorandum of Understanding/Access Agreement
 - VI. Virginia Regional Jails: Northern Neck and Piedmont
 - VII. Questions/Comments
 - VIII. Schedule Next CIC Open Meeting and Set Open Meeting Schedule
 - IX. Vote to Close Remainder of Meeting, pursuant to DC Code 2-574(c)(1)
 - X. Closed Session of Meeting (if approved by majority of CIC Board)
 - XI. Adjournment (Board Chair)
-
- I. Closed Session of Meeting (if approved by majority of CIC Board)
 - II. Adjournment (Board Chair)

* The CIC would like to hear from recent Hope Village residents about their experiences while at the facility. The CIC will not release the names of individuals who share this information with the CIC. If you are willing to speak with our Program Analyst or complete a written survey, please contact Cara Compagni directly.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

COMMISSION MEETINGS

THE PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA (“COMMISSION”) HEREBY GIVES NOTICE, PURSUANT TO D.C. OFFICIAL CODE SECTION 2-576, OF THE COMMISSION’S 2013 SCHEDULE OF MEETINGS TO CONSIDER FORMAL CASE MATTERS AND OTHER APPLICATIONS THAT REQUIRE THE COMMISSION’S APPROVAL. THE PROPOSED AGENDA AND TIME FOR EACH MEETING WILL BE POSTED ON THE COMMISSION’S WEBSITE (www.dcpssc.org) AND IN THE OFFICE OF THE COMMISSION SECRETARY NOT LESS THAN 48 HOURS BEFORE EACH MEETING. THE MEETINGS ARE SCHEDULED TO CONVENE AT 11:00 A.M. AND WILL BE HELD IN THE COMMISSION’S HEARING ROOM, 1333 “H” STREET, NW, 7TH FLOOR, EAST TOWER, WASHINGTON, D.C. 20005:

JANUARY 16, 2013
 JANUARY 31, 2013

JULY 11, 2013
 JULY 25, 2013

FEBRUARY 14, 2013
 FEBRUARY 28, 2013

SEPTEMBER 5, 2013
 SEPTEMBER 19, 2013

MARCH 14, 2013
 MARCH 28, 2013

OCTOBER 10, 2013
 OCTOBER 24, 2013

APRIL 11, 2013
 APRIL 25, 2013

NOVEMBER 7, 2013
 NOVEMBER 21, 2013

MAY 9, 2013
 MAY 23, 2013

DECEMBER 5, 2013
 DECEMBER 19, 2013

JUNE 13, 2013
 JUNE 27, 2013

OFFICE OF THE SECRETARY OF THE DISTRICT OF COLUMBIA

NOTICE OF FUNDING AVAILABILITY

In January 2013, the Office of the Secretary of the District of Columbia will solicit applications from nonprofit [501(c)(3)] organizations with a history of promoting DC Self-Determination, Voting Rights and Statehood for the District of Columbia to receive grant funds for such activities during Fiscal Year 2013.

There is currently \$200,000 in District funds which will be available on a competitive basis. The Request for Applications (RFA) will be released no sooner than 14 days after the date that this Notice of Funding Availability is published in the *DC Register*. This grant process will conform to the guidelines established in the *Policy Manual of the Office of Partnerships and Grant Services*.

The RFA will be released on January 18, 2013 on the website of the Office of the Secretary of the District of Columbia: <http://os.dc.gov>, and on the Office of Partnerships and Grants Services website www.opgs.dc.gov, and will be available in hard copy at the three locations managed by the Office of the Secretary during normal business hours:

- The John A. Wilson Building, 1350 Pennsylvania Avenue NW, Suite 419
- 441 4th Street NW, Suite 520S AND Suite 810S
- 1300 Naylor Court NW – in the block bordered by N, O, 9th & 10th Streets NW.

You may also request an email version of the RFA by writing to secretary@dc.gov.

The deadline for applications will be 30 days from the date of the Request for Applications, February 18, 2013, at Noon.

**WASHINGTON CONVENTION AND SPORTS AUTHORITY
(T/A EVENTS DC)**

NOTICE OF PUBLIC MEETINGS

The Board of Directors of the Washington Convention and Sports Authority (t/a Events DC), in accordance with the District of Columbia Self-Government and Governmental Reorganization Act of 1973, D.C. Official Code §1-207.42 (2006 Repl., 2011 Supp.), and the District of Columbia Administrative Procedure Act of 1968, as amended by the Open Meetings Amendment Act of 2010, D.C. Official Code §2-576(5) (2011 Repl., 2011 Supp.), hereby gives notice that it has scheduled the following meetings for 2013:

January 10
February 14
March 14
April 11
May 9
June 13
July 11
September 12
October 10
November 14
December 12

Meetings are held in the Dr. Charlene Drew Jarvis Board Room of the Walter E. Washington Convention Center, 801 Mt. Vernon Place, N.W., Washington, D.C. 20001, beginning at 10:00 a.m. The Board's agenda includes reports from its Standing Committees.

For additional information, please contact:

Sean Sands
Chief of Staff
Washington Convention and Sports Authority

(202) 249-3012
sean.sands@eventsdc.com

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 18472 of Excel Academy, D.C. Public Charter School, pursuant to 11 DCMR § 3103.2, for a variance to reduce the off-street parking requirements under § 2101.1, for a school in the R-5-A District at premises 2501 through 2553 Martin Luther King, Jr., Avenue, S.E. (Square 5862, Lot 960).

HEARING DATE: December 18, 2012

DECISION DATE: December 18, 2012

SUMMARY ORDER

SELF CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 5.)

The Board of Zoning Adjustment (the "Board") provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to the Applicant, Advisory Neighborhood Commission ("ANC") 8C, and to all owners of property within 200 feet of the property that is the subject to this application. The subject property is located within the jurisdiction of ANC 8C, which is automatically a party to this application. On December 10, 2012, the Chair of ANC 8C submitted an undated letter in support of the application. The letter indicated that while the Applicant presented its application at a duly noticed, regularly scheduled ANC meeting on December 5, 2012, no quorum was present and no vote taken.¹ (Exhibit 26.) The Chair of the ANC also was present and testified at the hearing in support of the application.

The Office of Planning ("OP") submitted a timely report dated December 11, 2012, recommending approval of the requested areas of relief, subject to adoption of Transportation Demand Management ("TDM") and parking strategies. (Exhibit 27.) The District Department of Transportation ("DDOT") submitted a letter of no objection, subject to conditions listed in the DDOT report. (Exhibit 28.)

As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary under § 3103.2, to establish the case for a variance to reduce the off-street parking requirements under § 2101.1. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, and having given great weight to the OP report filed in this case, the Board concludes that the Applicant has met the burden of proving

¹ As no quorum was present nor a vote taken, the letter did not meet the requirements for the ANC to receive great weight.

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under 11 DCMR § 3103.2 that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirements of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that the application is hereby **GRANTED, SUBJECT TO THE FOLLOWING CONDITIONS:**

1. Approval shall be for a period of three years from the beginning of the 2013-2014 school year.
2. The Applicant shall designate a TDM Coordinator to oversee and implement the TDM measures.
3. At the beginning of the school year, the Applicant shall distribute information to faculty, staff, and students explaining the benefits of sustainable transportation practices.
4. The Applicant shall provide incentives to encourage more employees to carpool. The incentives shall include those listed in the TDM plan.
5. The Applicant shall work with Metropolitan Washington Council of Governments ("MWCOCG") to help parents to identify other parents to share vehicle trips to the site.
6. The Applicant shall allow employees to withhold funds from their paycheck for transit under the WMATA SmartBenefits program.
7. The Applicant shall monitor the trip generation and mode split for employees and students and report this information on an annual basis to DDOT in order to monitor the progress of the TDM program.
8. The Applicant shall restripe the existing parking areas to accommodate additional vehicle spaces.
9. The Applicant shall finalize the parking agreement between Excel Academy and Matthews Memorial Baptist Church across Martin Luther King, Jr., Avenue to

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lease 15 spaces with an option to increase the number of leased spaces, as necessary.

- 10. The Applicant shall complete a trip generation analysis of existing and future conditions associated with the population increase.
- 11. The Applicant shall maintain a comparable site trip generation rate for future conditions.
- 12. The Applicant shall develop and implement the student drop-off and pick-up plan presented as part of the TDM strategies in the December 18, 2012 Technical Memorandum in Exhibit 30.
- 13. The Applicant shall install at least five inverted bicycle U-racks at the main building entrance.
- 14. The Applicant shall install at least 10 inverted bicycle U-racks in an accessible and secured location within the building.
- 15. The Applicant shall implement the TDM strategies as outlined in Conditions 2 – 6 above.

VOTE: **4-0-1** (Lloyd J. Jordan, Nicole C. Sorg, Jeffrey L. Hinkle, and Peter G. May to approve; third Mayoral appointee vacant.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: December 27, 2012

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN SIX MONTHS AFTER IT BECOMES EFFECTIVE UNLESS THE USE APPROVED IN THIS ORDER IS ESTABLISHED WITHIN SUCH SIX-MONTH PERIOD.

PURSUANT TO 11 DCMR § 3205, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS

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IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 18476 of 1617 14th Street, LLC pursuant to 11 DCMR § 3103.02 and 3104.1, for special exception approval for roof structure relief pursuant to §§ 1902.1 and 411.5 and a variance from the parking requirements in §§2101.1 and 2115.1 in order to permit a mixed-use project that consists of ground floor retail and residential use above in the ARTS/C-3-A District at 1617 14th Street, NW (Lot 160, Square 240).

HEARING DATE: December 18, 2012
DECISION DATE: December 18, 2012

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2 (Exhibit 6.)

The Board of Zoning Adjustment (“Board”) provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission (“ANC”) 2F, and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2F, which is automatically a party to this application. ANC 2F submitted a report dated November 19, 2012 in support of the application. The ANC report indicated that at a regularly scheduled and duly noticed meeting on November 7, 2012, with a quorum present, the ANC voted 4-0-0 to support the Applicant’s request. (Exhibit 22.) The Office of Planning (“OP”) submitted a report in support dated November 28, 2012 (Exhibit 27) and testified at the hearing in support of the application. The District Department of Transportation (“DDOT”) submitted a letter of no objection. (Exhibit 28.)

Special Exception Relief:

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for special exception relief from roof structure requirements under §§ 1902.1 and 411.5. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party. Based upon the record before the Board and having given great weight to the OP and ANC reports filed in this case, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR § 3104.1, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

BZA APPLICATION NO. 18434**PAGE NO. 2**Variance Relief:

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case, pursuant to § 3103.2, for area variances from the parking requirements in §§ 2101.1 and 2115.1. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports filed in this case, the Board concludes that in seeking variances from §§ 2101.1 and 2115.1, the Applicant has met the burden of proving under 11 DCMR § 3103.2, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application be **GRANTED**, **SUBJECT** to the following **CONDITIONS**:

1. The Property shall be developed in accordance with the highlighted plans titled "14th & Corcoran BZA Package" dated December 18, 2012, marked as Exhibit 24 of the record.
2. The project includes the following transportation demand management measures:
 - a. A member of the property management team will be designated as the Transportation Management Coordinator (TMC). The TMC will be responsible for ensuring that information is disseminated to tenants of the building.
 - b. The TMC will prepare a package of information identifying programs and incentives for encouraging retail and residential tenants to use alternative modes of transportation. Packages will include information regarding Capital Bikeshare, ZipCar, Commuter Connections Rideshare Program, Commuter Connections Guaranteed Ride Home and Commuter Connections Pools Program.
 - c. Links to CommuterConnections.com and goDCgo.com will be provided on the property management websites.
 - d. Convenient and covered secure bike parking facilities will be provided.

VOTE: **4-0-1** (Lloyd L. Jordan, Nicole C. Sorg, Jeffrey L. Hinkle, and Peter G. May)

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to APPROVE; third Mayoral appointee vacant.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

The majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: _____

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

PURSUANT TO 11 DCMR § 3205, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE,

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MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

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