



District of Columbia

REGISTER

HIGHLIGHTS

- DC Council passes Act 20-290, Electric Company Infrastructure Improvement Financing Act of 2014
- DC Council schedules a public hearing on Bill 20-670, District of Columbia Coding Camps for Kids Act of 2014
- DC Council schedules a public hearing on Bill 20-671, Wage Theft Prevention Act of 2014
- Department of Housing and Community Development schedules the FY 2015 Annual Action Plan Community Needs Assessment hearings
- District Department of Transportation announces funding availability for the Highway Safety Behavioral Grant Program and the Tree Canopy Expansion Program
- Public Service Commission clarifies the commission's rules of practice and procedure pertaining to confidential or proprietary information

DISTRICT OF COLUMBIA REGISTER

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AN ACT

D.C. ACT 20-288

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 28, 2014

To amend the Homeless Services Reform Act of 2005 to add definitions, to include the Office of Gay, Lesbian, Bisexual, and Transgender Affairs in the Interagency Council on Homelessness, to require the Interagency Council on Homelessness to include in its annual report recommendations relating to the services and capacity needed to effectively assist homeless youth who identify themselves as lesbian, gay, bisexual, transgender, gender nonconforming, or queer or who question their sexual orientation or gender identity and expression, to require the Interagency Council on Homelessness to include recommendations on how to address the needs of this population as part of the Interagency Council on Homelessness' annual plan, to require homeless service providers to implement best practices for the culturally competent care of this population, to provide cultural competency training for providers serving this population, and to establish a minimum number of beds for this population; and to amend the Office of Gay, Lesbian, Bisexual, and Transgender Affairs Act of 2006 to permit additional employees to perform the office's duties, to authorize grant-making authority for the office, and to establish a grant program to train homeless service providers to effectively assist this population.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "LGBTQ Homeless Youth Reform Amendment Act of 2014".

Sec. 2. The Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-751.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 4-751.01) is amended as follows:

(1) A new paragraph (25A) is added to read as follows:

"(25A) "LGBTQ" means a person who self-identifies as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or questioning their sexual orientation or gender identity and expression."

(2) A new paragraph (43) is added to read as follows:

"(43) "Youth" means a person who is under 24 years of age."

(b) Section 4(b)(2) (D.C. Official Code § 4-752.01(b)(2)) is amended as follows:

(1) Subparagraph (K) is amended by striking the word "and".

(2) Subparagraph (L) is amended by striking the semicolon and inserting the phrase "; and" in its place.

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(3) A new subparagraph (M) is added to read as follows:

“(M) Office of Gay, Lesbian, Bisexual, and Transgender Affairs;”.

(c) Section 5 (D.C. Official Code § 4-752.02) is amended as follows:

(1) Subsection (b) is amended as follows:

(A) Paragraph (1) is amended by striking the phrase “existing data” and inserting the phrase “existing data, including the number of homeless youth and the number of LGBTQ homeless youth in the District,” in its place.

(B) Paragraph (3) is amended to read as follows:

“(3) Prepare an annual plan detailing how the District intends to provide or arrange for services within the Continuum of Care that takes into account existing data and community input, including an assessment of the need for services among subpopulations of homeless individuals or families, including LGBTQ youth;”.

(2) A new subsection (b-1) is added to read as follows:

“(b-1) Beginning 5 years from the effective date of the LGBTQ Homeless Youth Reform Amendment Act of 2014, passed on 2nd reading on February 4, 2014 (Enrolled version of Bill 20-51), and every 2 years thereafter, the Interagency Council shall evaluate the service needs of the District’s LGBTQ homeless youth as compared to homeless youth in the general population. If the Interagency Council determines, based on data, that the needs of LGBTQ homeless youth are being met at a rate equal to or higher than the needs of homeless youth in the general population, the provisions of section 28(c) shall expire.”.

(d) Section 7 (D.C. Official Code § 4-753.01) is amended as follows:

(1) Subsection (b) is amended as follows:

(A) Paragraph (5) is amended by striking the period and inserting the phrase “; and” in its place.

(B) A new paragraph (6) is added to read as follows:

“(6) Services designed to alleviate the high risk of homelessness faced by LGBTQ youth.”.

(2) A new subsection (g) is added to read as follows:

“(g) The annual Point-in-Time survey conducted pursuant to regulations of the Department of Housing and Urban Development shall include data collection regarding the sexual orientation and gender identity of each individual counted, subject to the individual’s discretion to decline to provide that information.”.

(e) Section 3 (D.C. Official Code § 4-753.02) is amended as follows:

(1) Subsection (c) is amended as follows:

(A) A new paragraph (1B) is added to read as follows:

“(1B) Intake workers shall provide the following for each individual seeking services:

“(A) An overview of the shelter’s policies in regards to the protection of residents based upon actual or perceived sexual orientation and gender identity;

“(B) The opportunity for the individual to disclose whether he or she requests special placement or care based on safety concerns due to actual or perceived sexual orientation status or gender identity; and

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“(C) The opportunity to disclose, voluntarily and only following a discussion of the shelter's policies and accommodations for LGBTQ populations and ability to safeguard confidential information, the individual's sexual orientation and gender identification and expression; provided, that the intake worker and all staff shall conduct this discussion in a culturally competent manner.”.

(B) Paragraph (4) is amended by striking the phrase “housing and age” and inserting the phrase “housing, age, and whether an individual is an LGBTQ homeless youth” in its place.

(2) Subsection (d) is amended by designating the existing text as paragraph (1) and adding a new paragraph (2) to read as follows:

“(2) Intake providers shall enter the information provided pursuant to subsection (c)(1B) of this section in the computerized information system.”.

(f) Section 9 (D.C. Official Code § 4-754.11) is amended as follows:

(1) Paragraph (17) is amended by striking the word “and”.

(2) Paragraph (18) is amended by striking the period and inserting the phrase “; and” in its place.

(3) A new paragraph (19) is added to read as follows:

“(19) Be treated in all ways in accordance with the individual's gender identity and expression, including:

“(A) Use of gender-specific facilities including restrooms, showers, and locker rooms;

“(B) Being addressed in accordance with the individual's gender identity and expression;

“(C) Having documentation reflect the individual's gender identity and expression;

“(D) Being free from dress codes that are in conflict with the individual's gender identity and expression;

“(E) Confidentiality of information regarding the individual's gender identity and expression; and

“(F) Being free from discrimination in the provision of health care and mental health services related to the individual's gender identity and expression.”.

(g) Section 12 (D.C. Official Code § 4-754.21) is amended as follows:

(1) Paragraph (15) is amended by striking the word “and” at the end.

(2) Paragraph (16) is amended by striking the period at the end and inserting a semicolon in its place.

(3) New paragraphs (17) and (18) are added to read as follows:

“(17) Publicly display information regarding the ability to seek redress under the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.01 *et seq.*); and

“(18) Develop a system for reporting bullying and harassment in accordance with the Youth Bullying Prevention Act of 2012, effective September 14, 2012 (D.C. Law 19-167; D.C. Official Code § 2-1535.01 *et seq.*)”.

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(h) A new section 12a is added to read as follows:

“Sec. 12a. Training standards for all providers.

“All homeless service workers, including intake workers, shall be trained in cultural competence, including, with regard to the LGBTQ population, the following:

“(1) Vocabulary and best practices for data collection, privacy, storage, and use;

“(2) Current social science research and common risk factors for LGBTQ youth;

“(3) Information about the coming out process and its impact on LGBTQ youth;

“(4) Best practices for supporting LGBTQ youth in shelter, housing, and supportive services;

“(5) Suicide awareness and prevention; and

“(6) Legal requirements for providers for homeless youth.”.

(i) A new section 16a is added to read as follows:

“Sec. 16a. Additional standards for providers of shelter or supportive housing for LGBTQ homeless youth.

“Providers of shelter or supportive housing for LGBTQ homeless youth shall implement research-based family acceptance interventions that are designed to educate families on the impact of rejection towards their LGBTQ children and negative outcomes for LGBTQ youth associated with rejection, including depression, suicidal behavior, drug use, and unprotected sex. Family acceptance interventions may include individual and family sessions, assessment tools, and resources for families that promote acceptance by parents and positive well-being and development of LGBTQ youth.”.

(j) Section 20(a) (D.C. Official Code § 4-754.34(a)) is amended as follows:

(1) Paragraph (1) is amended by striking the word “or”.

(2) Paragraph (2) is amended by striking the period and inserting the phrase “; or” in its place.

(3) A new paragraph (3) is added to read as follows:

“(3) The client is a non-LGBTQ-identified youth occupying a bed established pursuant to section 28(c)(1) and an LGBTQ-identified homeless youth has presented a need for shelter.”.

(k) Section 28 (D.C. Official Code § 4-755.01) is amended by adding a new subsection (c) to read as follows:

“(c)(1) Notwithstanding subsections (a) and (b) of this section, a minimum of 10 beds shall be established for LGBTQ homeless youth through a 2-year grant program to establish and maintain facilities for these beds. LGBTQ-identified homeless youth shall have priority preference for the beds established through the 2-year grant program. If beds are not in use by a LGBTQ-identified homeless youth, they may be filled by a non-LGBTQ-identified homeless youth until an LGBTQ-identified homeless youth presents the need for a bed and the non-LGBTQ-identified homeless youth has been transferred pursuant to section 20(a).

“(2) Eligibility criteria shall be established to receive a grant. Eligible grantees shall:

“(A) Be community organizations based in the District;

“(B) Have expertise in systems of care for LGBTQ homeless youth; and

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“(C) Establish or maintain facilities through these grants that protect the safety of LGBTQ homeless youth through facilities that are specifically for LGBTQ youth and separate from any existing homeless services for the general population.

“(3) At least 30% of the grant funding shall be allocated to support proposals received for social innovation and other demonstration projects that may address the needs of this population with new, promising prevention and service-delivery models; provided, that the number of beds established for LGBTQ youth is no lower than 10.

“(4) This subsection shall expire if the Interagency Council determines that the needs of LGBTQ homeless youth are being met at a rate equal to or higher than the needs of homeless youth in the general population pursuant to section 5(b-1).”.

(l) Section 31 (D.C. Official Code § 4-756.02) is amended as follows:

(1) The existing text is designated as subsection (a).

(2) A new subsection (b) is added to read as follows:

“(b) Within 90 days of the effective date of the LGBTQ Homeless Youth Reform Amendment Act of 2014, passed on 2nd reading on February 4, 2014 (Enrolled version of Bill 20-51), the Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), and subject to the Council review period of subsection (a) of this section, shall issue rules to implement the provisions of this act, including:

“(1) The data collection requirements of section 8(c);

“(2) The training requirements of section 12a; and

“(3) The grant-making requirements of section 28.”.

Sec. 3. The Office of Gay, Lesbian, Bisexual, and Transgender Affairs Act of 2006, effective April 4, 2006 (D.C. Law 16-89; D.C. Official Code § 2-1381 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 2-1381) is amended by adding a new paragraph (1A) to read as follows:

“(1A) “Fund” means the LGBTQ Homeless Youth Training Grant Fund established in section 4a.”.

(b) Section 4 (D.C. Official Code § 2-1383) is amended as follows:

(1) Subsection (a)(2) is amended by striking the phrase “2 full-time employees” and inserting the phrase “sufficient full-time employees to perform the Office’s duties, with a minimum of 2 full-time employees” in its place.

(2) Subsection (b) is amended as follows:

(A) Paragraph (9) is amended by striking the word “and” at the end.

(B) Paragraph (10) is amended by striking the period at the end and inserting a semicolon in its place.

(C) New paragraphs (11) and (12) are added to read as follows:

“(11) Issue grants to organizations that provide services to LGBTQ residents of the District of Columbia or in furtherance of the mission of the Office or the purposes of this act; and

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“(12) Implement the grant program created by section 4a.”.

(c) A new section 4a is added to read as follows:

“Sec. 4a. LGBTQ Homeless Youth Training Grant Fund.

“(a) There is established as a special fund the LGBTQ Homeless Youth Training Grant Fund ("Fund") which shall be administered by the Office of Gay, Lesbian, Bisexual, and Transgender Affairs in accordance with subsection (c) of this section.

“(b) The Fund shall consist of the revenue from the following sources:

“(1) Appropriated funds; and

“(2) Funds transferred to the Department of Human Services from other District agencies for the purpose of providing services to homeless LGBTQ youth.

“(c) The Fund shall be used for the following purposes:

“(1) The Fund shall be continually available to the Office for the purpose of providing grants to fund trainings on cultural competency for providing services to LGBTQ homeless youth for providers throughout the District. Each grant shall be a 2-year grant.

“(2) The Office shall establish criteria for eligibility to receive a grant; provided, that the cultural competency training conducted through this grant:

“(A) Is conducted by community organizations based in the District with demonstrated ability and expertise in this field;

“(B) Follows best practices in this field regarding content and delivery;

“(C) Includes best practices for data collection pertaining to LGBTQ homeless youth;

“(D) Includes evidence-based family acceptance interventions that shall be youth and family driven, culturally diverse, and tailored to meet the different needs of families from different cultural backgrounds and religions;

“(E) Includes suicide awareness and prevention training; and

“(F) Is subject to a biannual evaluation.

“(d)(1) The money deposited into the Fund, and any interest earned, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time.

“(2) Subject to authorization in an approved budget and financial plan, any funds appropriated into the Fund shall be continually available without regard to fiscal year limitation.”.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

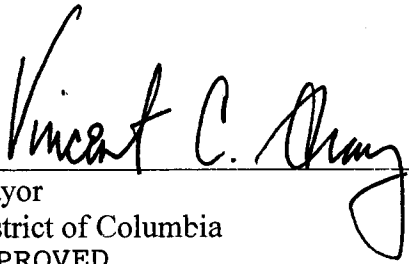
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as

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provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02 (c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
February 28, 2014

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AN ACT
D.C. ACT 20-289

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 28, 2014

To amend An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and fourteen, and for other purposes, to change the calculation of the terms for Public Service Commissioners, and to clarify the pay scale of Public Service Commissioners; and to amend An Act To provide a People's Counsel for the Public Service Commission in the District of Columbia, and for other purposes, to extend the term of the People's Counsel from 3 years to 4 years.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Public Service Commission and People's Counsel Terms of Service Harmonization Amendment Act of 2014".

Sec. 2. Paragraph 97(a) of section 8 of An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and fourteen, and for other purposes, approved March 4, 1913 (37 Stat. 995; D.C. Official Code § 34-801), is amended as follows:

(a) Strike the sentence "The Mayor may appoint a new member to serve until the expiration of the term of the member so removed." and insert the sentence "The Mayor may appoint a new member to serve until the expiration of the term of the member removed or for a new 4-year term." in its place.

(b) Strike the sentence "The terms of office of all successors shall expire 4 years after the expiration of the terms for which their predecessors were appointed; but any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the unexpired term of his predecessor." and insert the sentence "The terms of office for all successors shall be 4 years after being confirmed by the Council or the duration of the predecessor's term at the discretion of the Mayor." in its place.

(c) Strike the sentences "The Chairperson shall receive a salary equivalent to that received by an employee compensated at grade 17, step 10 pursuant to Title VIII 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 § 1-608.01). The Commissioners shall receive a salary equivalent to that received by an employee compensated at grade 17, step 8 pursuant to Title VIII 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 § 1-608.01 *et seq.*)." and insert the sentences "The Commissioners shall receive a salary equivalent to that received by an employee

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compensated at the midpoint of the E5 level pursuant to Title X-A of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective June 10, 1998 (D.C. Law 12-124; D.C. Official Code § 1-610.51 *et seq.*)(“Title X-A”). The Chairperson shall receive a salary equivalent to 5% higher than the midpoint of the E5 level pursuant to Title X-A. The Chairperson and Commissioners shall receive cost-of-living adjustments and other base salary increases equivalent to those received by an employee compensated pursuant to Title VIII 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 § 1-608.01 *et seq.*)” in their place.

Sec. 3. Section 1(b) of An Act To provide a People’s Counsel for the Public Service Commission in the District of Columbia, and for other purposes, approved January 2, 1975 (88 Stat. 1975; D.C. Official Code § 34-804(b)), is amended by striking the phrase “and who shall serve for a term of 3 years” and inserting the phrase “and who shall serve for a term of 4 years” in its place.

Sec. 4. Applicability.

Section 2(a) and (b) and section 3 of this act shall apply to nominations made on or after the effective date of this act.

Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia

APPROVED

February 28, 2014

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AN ACT

D.C. ACT 20-290

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 3, 2014

To authorize and provide for the issuance of revenue Bonds in an aggregate principal amount not to exceed \$375 million to finance the construction by the District Department of Transportation of underground facilities to be used by the Potomac Electric Power Company in connection with the undergrounding of certain electric power lines and their ancillary facilities, including the costs of issuing and delivering the Bonds and the retention of a financial advisor for the Public Service Commission of the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Electric Company Infrastructure Improvement Financing Act of 2014".

TITLE I. DEFINITIONS AND FINDINGS

Sec. 101. Definitions.

For the purposes of this act, the term:

(1) "Ancillary agreement" means any bond insurance policy, letter of credit, reserve account, surety bond, swap arrangement, hedging arrangement, liquidity or credit support arrangement, or other similar arrangement designed to promote the credit quality and marketability of the Bonds or to mitigate the risk of an increase in interest rates.

(2) "Authorized delegate" means the City Administrator, the Chief Financial Officer, the Treasurer, the Deputy Mayor for Planning and Economic Development, or any officer or employee of the executive office of the Mayor to whom the Mayor has delegated any of the Mayor's functions under this act pursuant to section 422(6) of the Home Rule Act and who has been designated as an authorized delegate for purposes of this act.

(3) "Bonds" means the revenue Bonds, notes, or other obligations (including refunding Bonds, notes, and other obligations), in one or more series, authorized to be issued pursuant to this act.

(4) "Bond counsel" means a firm or firms of attorneys designated as bond counsel from time to time by the Mayor.

(5) "Chief Financial Officer" means the Chief Financial Officer of the District of Columbia.

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(6) "Closing documents" means all documents and agreements other than financing documents that may be necessary and appropriate to issue, sell, and deliver the Bonds contemplated thereby, and includes agreements, certificates, letters, opinions, forms, receipts, and other similar instruments.

(7) "Commission" means the Public Service Commission of the District of Columbia as it may be constituted from time to time and any successor agency exercising the same or similar functions.

(8) "Debt service" means payment of principal, premium, if any, and interest on the Bonds.

(9) "DDOT" means the District Department of Transportation.

(10) "DDOT Underground Electric Company Infrastructure Improvements" means underground conduits and duct banks for the distribution of electricity within the District, electrical vaults, manholes, transformer pads, and similar facilities, including facilities ancillary to the foregoing, designed by the electric company, constructed or to be constructed by DDOT, and transferred to, owned, and maintained by the electric company after certain inspections and approvals by the electric company for the exclusive use of the electric company in the distribution of electricity within the District.

(11) "DDOT Underground Electric Company Infrastructure Improvement Activity" means the civil engineering for and the construction and installation of DDOT Underground Electric Company Infrastructure Improvements.

(12) "DDOT Underground Electric Company Infrastructure Improvement Annual Revenue Requirement" means that amount of revenue required by the District to pay the financing costs, to fund any required reserves with respect to the Bonds and to maintain any coverage ratios required by the financing documents.

(13) "DDOT Underground Electric Company Infrastructure Improvement Charge" means a non-bypassable adjusting surcharge, which surcharge shall be adjusted periodically, as set forth in the pertinent financing order, collected by the electric company in an agency capacity, and paid by certain customers of the electric company pursuant to a financing order issued by the Commission for the payment of financing costs of Bonds issued by the District pursuant to this act and the cost of the Commission's financial advisor, which surcharge shall be calculated to ensure timely recovery of amounts sufficient to provide timely payment of the scheduled principal of and interest on the pertinent Bonds and all other financing costs contemplated by the financing order, whether or not the DDOT Underground Electric Company Infrastructure Improvements are constructed.

(14) "DDOT Underground Electric Company Infrastructure Improvement Costs" means any cost incurred by DDOT, including capitalized costs relating to an underground electric plant, capitalized costs associated with design and engineering work, expenses that DDOT incurs for the development of annual construction plans, and other expenses incurred or expected to be incurred by or for the account of DDOT in undertaking DDOT Underground Electric Company Infrastructure Improvement Activity, including preliminary expenses and investments and other costs that reasonably may be incurred in support of the DDOT Underground Electric Company Infrastructure Improvement Activity.

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(15) "DDOT Underground Electric Company Infrastructure Improvement Fund" means the fund established by section 201.

(16) "DDOT Underground Electric Company Infrastructure Improvement Property" means the property rights and interests created in the District pursuant to this act and the pertinent financing order, including, without limitation, the right, title, and interest in and to:

(A) The DDOT Underground Infrastructure Improvement Charges, as the same may adjusted from time to time in accordance with procedures established in the pertinent financing order;

(B) All revenues, collections, claims, payments, money, or proceeds of or arising from the DDOT Underground Infrastructure Improvement Charges including DDOT Underground Electric Company Infrastructure Improvement Revenue or constituting DDOT Underground Infrastructure Improvement Charges, regardless of whether such revenues, collections, claims, payments, money, or proceeds are billed, received, or maintained together with or commingled with other revenues, collections, claims, payments, money, or proceeds; and

(C) All rights to obtain adjustments to the DDOT Underground Infrastructure Improvement Charges.

(17) "DDOT Underground Electric Company Infrastructure Improvement Revenue" means the aggregation of receipts, collections, payments, moneys, claims, or other proceeds derived from DDOT Underground Electric Company Infrastructure Improvement Charges.

(18) "Electric company" shall have the same meaning as provided in section 8 of the Public Utilities Commission Act (D.C. Official Code § 34-207) and as used in this act shall mean the Potomac Electric Power Company, and its permitted successors and assigns.

(19) "Electric Company Infrastructure Improvements" means underground electrical cable, fuses, switches, transformers, and ancillary facilities, including above-ground pad-mounted transformers, and other equipment, constructed or to be constructed by the electric company, including the electric company's portion of conduit not included in DDOT Underground Electric Company Infrastructure Improvements that is required in conjunction with constructing and operating new underground facilities to be used for the distribution of electricity, but does not include the construction of a new underground electric plant when the costs associated with the construction and operation of such an underground electric plant, including capital costs, are to be recovered through rates, as approved by the Commission pursuant to section 8 of the Public Utilities Commission Act (D.C. Official Code § 34-901) and not through the DDOT Underground Electric Company Infrastructure Improvement Charges or Underground Project Charges.

(20) "Electric Company Infrastructure Improvement Activity" means the civil and electrical engineering for, and acquisition, construction and installation of, Electric Company Infrastructure Improvements and the removal of overhead electric distribution facilities no longer used, or useful, in providing electric distribution service in the District due to the construction of Electric Company Infrastructure Improvements.

(21) "Electric Company Infrastructure Improvement Costs" means any costs incurred by the electric company, including the amortization of regulatory assets and capitalized costs relating to electric plant including depreciation expense and design and engineering work

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incurred, or expected to be incurred, by the electric company in undertaking Electric Company Infrastructure Improvement Activity, and the unrecovered value of electric company property that is retired, together with any demolition cost or similar cost that exceeds the salvage value of the property. The term includes preliminary expenses and investments associated with Electric Company Infrastructure Improvement Activity that are incurred by the electric company prior to receipt of an order applicable to costs incurred with respect to the Electric Company Infrastructure Improvement Activity in addition to expenses that may be incurred for development of annual construction plans, customer communication, and other expenses that may develop in support of the Electric Company Infrastructure Improvement Activity.

(22) "Electric Company Infrastructure Improvement Revenue" means the aggregation of receipts, collections, payments, moneys, claims, and other proceeds derived from Underground Project Charges.

(23) "Electric plant" shall have the same meaning as provided in section 8 of the Public Utilities Commission Act (D.C. Official Code § 34-206).

(24) "Financial advisor" means an entity whose services are retained by the Commission to assist the Commission in the issuance, amendment, or administration of a financing order.

(25) "Financing costs" means the costs to issue, service, repay, or refinance Bonds issued under this act, whether incurred upon issuance of or over the life of the Bonds, and approved for recovery in the pertinent financing order. Without limitation, "Financing Costs" may include, as applicable:

(A) Debt service on Bonds;

(B) Any payment required under an ancillary agreement and any amount required to fund or replenish a debt service reserve account or other account established under any indenture, trust agreement, ancillary agreement, or other financing document relating to the Bonds;

(C) Any federal, state, or local taxes, payments in lieu of taxes, franchise fees, or license fees imposed on DDOT Underground Electric Company Infrastructure Improvement Revenues; and

(D) Any cost related to issuing the Bonds, administering and servicing DDOT Underground Electric Company Infrastructure Improvement Property and the Bonds, including, without limitation, costs of calculating adjustments of the DDOT Underground Electric Company Infrastructure Improvement Charge, servicing fees and expenses, trustee fees and expenses, legal fees and expenses, accounting fees and expenses, administrative fees and expenses, placement fees, underwriting fees, fees and expenses of the District's or the Commission's advisors and outside counsel, if any, rating agency fees, and any other related cost.

(26) "Financing documents" means the documents other than closing documents that relate to the financing or refinancing of transactions to be affected through the issuance, sale, and delivery of the Bonds, including any required collection agreement, indenture, offering document, ancillary agreement, and any required supplements to any such documents.

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(27) "Financing order" means an order of the Commission pursuant to this act that grants, in whole or in part, an application filed pursuant to this act by the electric company and that, among its other provisions, authorizes the creation of the DDOT Underground Electric Company Infrastructure Improvement Property and the imposition and periodic true-up of DDOT Underground Electric Company Infrastructure Improvement Charges.

(28) "Gas company" shall have the same meaning as provided in section 8 of the Public Utilities Commission Act (D.C. Official Code § 34-209) and as used in this act shall mean the Washington Gas Light Company, and any successor thereto.

(29) "Gas plant" shall have the same meaning as provided in section 8 of the Public Utilities Commission Act (D.C. Official Code §34-210).

(30) "Home Rule Act" means the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*).

(31) "Indenture" means the trust indentures (including a master trust indenture and any supplemental trust indenture) pursuant to which one or more series of the Bonds are issued pursuant to this act.

(32) "Lateral feeder" means a 1-kV to 35-kV (phase-to-phase) line tapped off of a distribution mainline primary feeder for supplying loads, which may be protected by a fuse at the interconnection point to the mainline primary feeder, and may have one phase, 2 phases, or 3 phases.

(33) "Mainline primary feeder" means a 1-kV to 35-kV (phase-to-phase) distribution line originating at the substation distribution bus that supplies lateral feeders and distribution transformers that convert voltage to customer service levels, which are normally 3-phase circuits.

(34) "Mayor" means the Mayor of the District of Columbia or an Authorized Delegate.

(35) "Ongoing financing costs" means financing costs that are not upfront financing costs and any upfront financing costs not paid from the proceeds of Bonds.

(36) "OPC" means the Office of the People's Counsel for the District of Columbia and any successor thereto.

(37) "Public Utilities Commission Act" means An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and fourteen, and for other purposes, approved March 4, 1913 (37 Stat. 974; D.C. Official Code § 34-201 *et seq.*).

(38) "Secondary feeder" means the portion of an electric distribution circuit originating at the low-voltage secondary winding of a distribution transformer and transmitting power at customer service voltage levels to interconnect with a customer service drop line, which has voltages less than 1000 V, often 480/277 V, 208/120 V, or 120/240 V and can be single phase or 3 phase.

(39) "Servicing agreement" means an agreement between the District and the electric company relating to the collection and remittance of the DDOT Underground Electric Company Infrastructure Improvement Revenue.

(40) "Trustee" means a trustee under any indenture.

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(41) "Underground Infrastructure Improvement Projects Plan" means a construction plan prepared by DDOT and the electric company that identifies DDOT Underground Electric Company Infrastructure Improvement Activity and the Electric Company Infrastructure Improvement Activity to be undertaken.

(42) "Underground Project Charge" means an annually adjusted surcharge paid by certain customers of the electric company for its recovery of the Electric Company Infrastructure Improvement Costs, together with the electric company's rate of return as approved by the Commission.

(43) "Upfront financing costs" means the expenses associated with the structuring, marketing, and issuance of the Bonds, including, but not limited to, the funding of one or more debt service reserve funds, but not including scheduled debt service or other ongoing financing costs to the extent such ongoing financing costs are payable from DDOT Underground Electric Company Infrastructure Improvement Revenue.

Sec. 102. Findings.

The Council finds that:

(1) Global climate change has increased the frequency and severity of destructive weather patterns. Accordingly, electric power distribution service in the District of Columbia is vulnerable to equipment failures on the overhead electric distribution system of the electric company for many reasons, including high winds, flooding, lightning strikes, snow and ice accumulations, foreign contact between overhead equipment and animals, trees, and other objects, and other causes. In the past, this damage has caused the loss of electric power over extended time periods to residential and commercial customers; which damage and power loss have created economic losses for the District and its citizens, including critical infrastructure customers and other high-priority users of electricity. It can be expected that similar outages on the electric company's overhead distribution system will continue to occur absent taking additional intensified outage-prevention measures.

(2) Electric system modernization is necessary to establish 21st century electric distribution systems to promote the public interest through increased system reliability, resiliency, reliability, and flexibility during all types of weather events, including major storms. The frequency of electric power outages within the District can be expected to decrease when overhead power lines in vulnerable locations are relocated underground. Consequently, selectively undergrounding certain overhead power lines can be expected to increase system reliability and reduce the economic, social, and other impacts on the District's electricity users caused by repeated power outages.

(3) Section 490 of the Home Rule Act provides that the Council may by act authorize the issuance of District Bonds to borrow money to finance, refinance, or reimburse, and to assist in the financing, refinancing, or reimbursing of, the cost of capital projects or undertakings (including utility facilities) that will contribute to the health, welfare, or safety of residents of the District, as determined by the Council.

(4) The authorization, issuance, sale, and delivery of securitized Bonds, the proceeds of which shall be used by DDOT to finance the construction of certain underground

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facilities that will be used by the electric company in connection with undergrounding particularly vulnerable electric power lines and their ancillary facilities, thus, contributing to the health, welfare, and safety of residents of the District, are in the public interest and will accomplish the purposes and intent of section 490 of the Home Rule Act.

(5) Electric system modernization will require an unprecedented investment by the District and the electric company, which consequently, will be paid by District ratepayers through the DDOT Underground Electric Company Infrastructure Improvement Charge and the Underground Project Charge.

(6) A special financing structure to support this unprecedented improvement to the electricity distribution infrastructure requires a specific legislative framework, and this legislation establishes that framework. The additional charges authorized by this legislation will be used solely to finance the construction and implementation of improvements to the distribution system to increase system reliability.

(7) The Council finds that the Mayor and the electrical company should make every practical effort to ensure that District residents are hired for newly created jobs funded by any mechanism wherein the costs of such funding are recovered through the DDOT Underground Electric Company Infrastructure Improvement Charge or the Underground Project Charge, with a goal being that at least 100% of all related jobs are filled by District residents and 100% of the construction contracts are awarded to District businesses, where qualified to perform such work. Moreover, the Mayor and the electric company should make every practical effort to increase the use of District apprentices when executing contractor and subcontractor agreements to implement electric system modernization.

(8) By December 31, 2015, and by each December 31st and June 30th thereafter until December 31, 2027, or the sooner completion of the work contemplated by this act, the Mayor and the electric company shall issue written reports to the Council that describe and evaluate their respective efforts in meeting the stated goals of this act, where applicable, to identify, hire, and train District residents, where qualified to perform such work, and award construction contract to District businesses.

(9) The Mayor and the electric company will be expected to make every practical effort to achieve these goals through contracting and hiring procedures that award additional preference points to qualified businesses and labor resources that advance the goals of this legislation.

**TITLE II. ISSUANCE OF BONDS; SECURITY INTEREST IN DDOT
UNDERGROUND ELECTRIC COMPANY INFRASTRUCTURE IMPROVEMENT
REVENUE**

Sec. 201. Establishment of the DDOT Underground Electric Company Infrastructure Improvement Fund.

(a)(1) There is established as a special nonlapsing fund, separate and apart from the General Fund, the DDOT Underground Electric Company Infrastructure Improvement Fund ("Fund"). The funds deposited in the Fund, and any interest earned on those funds, shall not

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revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time.

(2) The Fund shall be used solely for the purposes of this act.

(b) The DDOT Underground Electric Company Infrastructure Improvement Revenue shall be collected by the electric company acting as agent in accordance with the servicing agreement and remitted to the trustee (or to a fund or account designated by the financing documents) for application by the trustee in accordance with this act and the indenture. All DDOT Underground Electric Company Infrastructure Improvement Revenue collected, or to be collected, by the electric company or any affiliate or agent thereof shall upon receipt by the electric company or any affiliate or agent, as the case may be, be held in trust for the benefit of the trustee and shall be deemed collected and transferred to the trustee in accordance with this act and the servicing agreement. All DDOT Underground Electric Company Infrastructure Improvement Revenue so collected, wherever held or deposited and whether having been remitted to the trustee or not, shall automatically be pledged at the time of receipt to the repayment of the Bonds pursuant to this act and the indenture. The electric company shall have no rights in or to the DDOT Underground Electric Company Infrastructure Improvement Revenue. The sole responsibility of the electric company shall be to act in an agency capacity for the collection of the DDOT Underground Electric Company Infrastructure Improvement Revenue and to remit the DDOT Underground Electric Company Infrastructure Improvement Revenue to a trustee in accordance with the servicing agreement. In the event of the electric company's failure to collect and remit the DDOT Underground Electric Company Infrastructure Improvement Revenue to the trustee, the District may remove the electric company under and in accordance with the servicing agreement, but the District shall have no recourse against the assets of the electric company. The electric company shall have no responsibility with respect to the DDOT Underground Electric Company Infrastructure Improvement Revenue after remittance to the trustee in accordance with the servicing agreement.

(c) The Commission's financing order shall provide that the electric company shall collect and remit to the trustee payments received by the electric company for the DDOT Underground Electric Company Infrastructure Improvement Revenue promptly following receipt of such payment in accordance with the servicing agreement. The DDOT Underground Electric Company Infrastructure Improvement Revenue is pledged pursuant to section 203(b) to pay the debt service on and retirement of the Bonds without further action by the Council, as permitted by section 490(f) of the Home Rule Act, which security interest shall attach at the time of receipt of the DDOT Underground Electric Company Infrastructure Improvement Revenue by the electric company.

(d) The trustee shall receive, hold, and invest the DDOT Underground Electric Company Infrastructure Improvement Revenue and shall deposit all such revenues upon receipt into the DDOT Underground Electric Company Infrastructure Improvement Fund to be held, invested, and used as specified in the financing documents and this act.

(e) All amounts deposited in the DDOT Underground Electric Company Infrastructure Improvement Fund, plus all investments or earnings on those amounts, are irrevocably dedicated and pledged to the payment of debt service on the Bonds and other financing costs as provided in this act.

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(f) If, at the end of any fiscal year of the District following the issuance of the Bonds authorized by this act, the value of cash and investments in the DDOT Underground Electric Company Infrastructure Improvement Fund exceeds the amount of all payments authorized by this act and the financing documents, including required and discretionary deposits into reserve funds, amounts to be set aside for additional series of Bonds issued under this act, and any coverage requirements required by the indenture, during the upcoming fiscal year, the excess shall be used in accordance with the provisions of the pertinent financing order.

Sec. 202. Bond authorization.

(a) The Council approves and authorizes the issuance of one or more series of Bonds in a total principal amount not to exceed \$375 million. The Bonds, which may be issued at any time and from time to time during the 10-year period immediately following the effective date of this act, in one or more series, shall be tax-exempt or taxable as the Mayor shall determine and shall be payable and secured as provided in section 203.

(b) The proceeds of the Bonds shall be used:

(1) To pay the upfront financing costs relating to issuing and delivering the Bonds, including, but not limited to, the Commission's costs of retaining a financial advisor; and

(2) To pay or reimburse DDOT Underground Electric Company Infrastructure Improvement Costs; provided, that no bond proceeds shall be provided to DDOT pursuant to this act until the Commission shall have first approved the Underground Infrastructure Improvement Projects Plan.

(c) The aggregate principal amount of the Bonds issued in connection with financing DDOT Underground Electric Company Infrastructure Improvement Activity shall not, at any time, exceed the total planned cost of the portion of the DDOT Underground Electric Company Infrastructure Improvement Activity and the upfront financing costs approved in the pertinent financing order.

(d) By December 31 of each year during which the Bonds authorized by this act have been issued and continuing until the net proceeds of the Bonds have been fully disbursed, DDOT shall file with the Commission an accounting report depicting DDOT's cumulative receipt of the Bond proceeds during the previous fiscal year and DDOT's cumulative expenditures of those proceeds.

Sec. 203. Payment and security.

(a) Except as may be otherwise specifically provided in this act, debt service on the Bonds shall be payable solely from proceeds received from the sale of the Bonds, income realized from the temporary investment of those proceeds, DDOT Underground Electric Company Infrastructure Improvement Revenue, income realized from the temporary investment of the DDOT Underground Electric Company Infrastructure Improvement Revenue before payment to the bond holders, and other moneys that, as provided in the financing documents, may be made available for payment of the Bonds from sources other than the District or the electric company, all as provided for in the financing documents.

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(b) The DDOT Underground Electric Company Infrastructure Improvement Revenue is irrevocably pledged as security for the repayment of the Bonds and any financing costs. Payment of the Bonds shall be secured as provided in this act and the financing documents and by an assignment by the District of certain of its rights under the financing documents and closing documents to the trustee for the benefit of the bond holders.

(c) The trustee is authorized to deposit, invest, and disburse the proceeds received from the sale of the Bonds pursuant to the financing documents.

Sec. 204. Bond details.

(a) The Mayor is authorized to take any action reasonably necessary or appropriate in accordance with this act in connection with the preparation, execution, issuance, sale, delivery, security for, and payment of the Bonds of each series, including, but not limited to, determinations of:

(1) The final form, content, designation, and terms of the Bonds, including a determination that the Bonds may be issued in certificated or book-entry form;

(2) The principal amount of the Bonds to be issued and the denominations of the Bonds;

(3) The rate or rates of interest or the method for determining the rate or rates of interest on the Bonds;

(4) The date or dates of issuance, sale, and delivery of, and the payment of interest on the Bonds, and the maturity date or dates of the Bonds;

(5) The terms under which the Bonds may be paid, optionally or mandatorily redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before their respective stated maturities;

(6) Provisions for the registration, transfer, and exchange of the Bonds and the replacement of mutilated, lost, stolen, or destroyed Bonds;

(7) The creation of any reserve fund, sinking fund, or other fund with respect to the Bonds;

(8) The time and place of payment of interest on the Bonds and for repayment of the Bonds;

(9) Procedures for monitoring the use of the proceeds received from the sale of the Bonds, a copy of which shall be provided to the Commission, to ensure that the proceeds are properly applied and used to accomplish the purposes of the Home Rule Act and this act;

(10) Actions necessary to qualify the Bonds under blue sky laws of any jurisdiction where the Bonds are marketed; and

(11) The terms and types of credit enhancement under which the Bonds may be secured.

(b) The Bonds shall contain a legend which shall provide that the Bonds do not constitute an indebtedness of the District, that the Bonds are not general obligations of the District and are not secured by the faith and credit or the taxing power of the District. The legend shall further state that the Bonds are special limited obligations of the District payable solely from the revenues derived from the collection of DDOT Underground Electric Company Infrastructure Improvement Revenue.

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The legend shall also state that the Bonds do not constitute lending of the public credit for private undertakings, as prohibited in section 602(a)(2) of the Home Rule Act.

(c) The Bonds shall be executed in the name of the District and on its behalf by the manual or facsimile signature of the Mayor and attested by the Secretary of the District by the Secretary's manual or facsimile signature.

(d) The official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the Bonds.

(e) The Bonds of any series may be issued in accordance with the terms of an indenture to be entered into by the District and a trustee to be selected by the Mayor, and may be subject to the terms of one or more agreements entered into by the District pursuant to section 490(a) (4) of the Home Rule Act.

(f) The Bonds may be issued at any time or from time to time during the 10-year period specified in section 202(a) in one or more issues and in one or more series.

(g) The Bonds are declared to be issued for essential public and governmental purposes. The Bonds and the interest on the Bonds and the income from the Bonds, and all monies pledged or available to pay or secure the payment of the Bonds, shall at all times be exempt from taxation by the District, except for estate, inheritance, and gift taxes.

(h) The District covenants and agrees that it will not limit or alter the DDOT Underground Electric Company Infrastructure Improvement Revenue pledged to secure the Bonds or the basis on which the DDOT Underground Electric Company Infrastructure Improvement Revenue is collected or allocated, will not take any action to impair the contractual obligations of the District to fulfill the terms of any agreement made with the holders of the Bonds, and will not in any way impair the rights or remedies of the holders of the Bonds, until the Bonds, together with interest on the Bonds, and all costs and expenses in connection with any suit, action, or proceeding by or on behalf of the holders of the Bonds, are fully met and discharged. This covenant and agreement of the District shall be included as part of the contract between the District and the holders of the Bonds.

(i) This act constitutes a contract between the District and the holders of the Bonds. To the extent that any acts or resolutions of the Council may be in conflict with this act, this act shall be controlling.

(j) Consistent with section 490(a)(4)(B) of the Home Rule Act:

(1) Upon the effective date of the pertinent financing order, there is hereby granted a first priority statutory lien to the trustee for the benefit of the holders of the Bonds on all DDOT Underground Electric Company Infrastructure Improvement Property then existing or thereafter arising pursuant to the terms of the financing order;

(2) A pledge made and security interest granted in the DDOT Underground Electric Company Infrastructure Improvement Property created in respect of the Bonds or pursuant to any related financing document shall be valid, binding, and perfected from the time the security interest is created, with or without physical delivery of any funds or any property and with or without any further action;

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(3) The lien of the pledge shall be valid, binding, and perfected as against all parties having any claim of any kind in tort, contract, or otherwise against the District, whether or not such party has notice; and

(4) The security interest shall be valid, binding, and perfected whether or not any statement, document, or instrument relating to the security interest is recorded or filed.

Sec. 205. Sale of the Bonds.

(a) The Bonds of any series may be sold at negotiated or competitive sale at, above, or below par, to one or more persons or entities, and upon terms that the Mayor considers to be in the best interest of the District.

(b) The Mayor may execute offering documents in connection with each sale of the Bonds, may deem final any such offering document for purposes of compliance with federal laws and regulations governing such matters, and may authorize the distribution of the documents in connection with the Bonds being sold.

(c) The Mayor is authorized to deliver the executed and sealed Bonds for authentication, and, after the Bonds have been authenticated, to deliver the Bonds to the original purchasers of the Bonds upon payment of the purchase price.

(d) The Bonds shall not be issued until the Mayor receives an approving opinion from bond counsel as to the validity of the Bonds of such series and, if the interest on the Bonds is expected to be exempt from federal income taxation, the treatment of the interest on the Bonds for purposes of federal income taxation.

(e) The Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law § 18-723; D.C. Official Code § 2-351.01 *et seq.*), and subchapter III-A of Chapter 3 of Title 47 of the District of Columbia Official Code shall not apply to any contract the Mayor may from time to time enter into or determine to be necessary or appropriate for purposes of this act.

Sec. 206. Financing and closing documents.

(a) The Mayor is authorized to prescribe the final form and content of all financing documents and all closing documents that may be necessary or appropriate to issue, sell, and deliver the Bonds.

(b) The Mayor is authorized to execute the financing documents and any closing documents by the Mayor's manual or facsimile signature.

(c) The Mayor's execution and delivery of the financing documents and the closing documents to which the District is a party shall constitute conclusive evidence of the Mayor's approval of the final form and content of the executed financing documents and the executed closing documents.

(d) The Mayor is authorized to deliver the executed and sealed financing documents and closing documents before or simultaneously with the issuance, sale, and delivery of the Bonds and to ensure the due performance of the obligations contained in the executed, sealed, and delivered financing documents and closing documents.

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(a) The Bonds shall not constitute an indebtedness of the District. The Bonds are not general obligations of the District and are not secured by a pledge of or involve the faith and credit or the taxing power of the District. The Bonds are the special limited obligations of the District payable solely from the DDOT Underground Electric Company Infrastructure Improvement Property. Nothing contained in the Bonds, or in the related financing documents and closing documents, shall create an obligation on the part of the District to make payments with respect to the Bonds from sources other than the DDOT Underground Electric Company Infrastructure Improvement Revenue. The Bonds do not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(b) No person, including, but not limited to, any bondholder, shall have any claims against the District or any of its elected or appointed officials, officers, employees, or agents for monetary damages suffered as a result of the failure of the District to perform any covenant, undertaking, or obligation under this act, the Bonds, the financing documents, or the closing documents, or as a result of the incorrectness of any representation in or omission from the financing documents or the closing documents.

(c) The District and the electric company shall take such actions as may be reasonably necessary so that the Bonds are not treated as debt on the electric company's books and records under United States generally accepted accounting principles or by a major United States rating agency, and the Commission shall not take any action or issue any order that may have a contrary effect.

(d) Nothing contained in this act shall obligate the electric company to take any action or execute any document that would have the effect of causing the Bonds to be treated as debt on the electric company's books and records under United States generally accepted accounting principles or by a major United States rating agency.

Sec. 208. Legal investment.

The Bonds shall be legal instruments in which public officers and public bodies of the District, insurance companies, insurance company associations, and other persons carrying on an insurance business, banks, bankers, banking institutions, including savings and loan associations, building and loan associations, trust companies, and other persons carrying on a banking business, administrators, guardians, executors, trustees and other fiduciaries, and other persons authorized to invest in Bonds or other obligations of the District, may legally invest funds, including capital, in their control. The Bonds are also securities that legally may be deposited with and received by public officers and public bodies of the District or any agency of the District for any purpose for which deposit of Bonds or other obligations of the District is authorized by law.

Sec. 209. DDOT Underground Electric Company Infrastructure Improvement Property.

(a) Upon the effective date of the pertinent financing order, the DDOT Underground Electric Company Infrastructure Improvement Property created by the financing order shall constitute an existing, present property right of the District. The District's property right in the DDOT Underground Electric Company Infrastructure Improvement Revenue shall not be

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affected by the fact that the collection and remittance to the trustee of DDOT Underground Electric Company Infrastructure Improvement Charges by the electric company, in an agency capacity in accordance with the servicing agreement, depends on the electric company continuing to provide electric distribution services to customers in the District or continuing to perform servicing functions relating to the collection of DDOT Underground Electric Company Infrastructure Improvement Charges. DDOT Underground Electric Company Infrastructure Improvement Property shall exist whether or not the DDOT Underground Electric Company Infrastructure Improvement Charges have been billed, have accrued, or have been collected and notwithstanding the fact that the value or amount of the DDOT Underground Electric Company Infrastructure Improvement Revenue may be dependent on the electric company's provision of future service to its customers.

(b) All DDOT Underground Electric Company Infrastructure Improvement Charges shall continue to be collected until the Bonds have been paid in full and financing costs related to the Bonds have been paid in full.

(c) All or any portion of the DDOT Underground Electric Company Infrastructure Improvement Property may be transferred or assigned by the District for the limited purpose of pledging the same as security for the repayment of Bonds issued to provide financing for the DDOT Underground Electric Company Infrastructure Improvement Activities and other financing costs authorized by this act and approved in the pertinent financing order. All the DDOT Underground Electric Company Infrastructure Improvement Property is pledged for the repayment of the Bonds or payment of financing costs. No transfer, sale, conveyance, assignment, or grant of security interest in or pledge of DDOT Underground Electric Company Infrastructure Improvement Property shall require authorization from the Commission.

(d) If the electric company defaults on any required remittance of DDOT Underground Electric Company Infrastructure Improvement Revenue to the trustee, a court, upon application of an interested party and without limiting any other remedies available to the applying party, shall order the sequestration of the DDOT Underground Electric Company Infrastructure Improvement Revenue with a trustee selected by the District for the benefit of the District and the bondholders and any financing parties. The court's order shall remain in full force and effect notwithstanding any bankruptcy, reorganization, or other insolvency proceeding with respect to the electric company or any affiliate thereof.

(e) The DDOT Underground Electric Company Infrastructure Improvement Revenue and the interests of the District, the bondholders, any financing party are not subject to setoff, counterclaim, surcharge, or defense by the electric company, any affiliate thereof, or any other person or in connection with the bankruptcy, reorganization, or other insolvency proceeding of the electric company, any affiliate thereof, or any other entity.

(f) Any successor to the electric company shall be bound by the requirements of this section and shall perform and satisfy all obligations of, and have the same rights and obligations as, the electric company under the financing order and this act in the same manner and to the same extent as the electric company, including, without limitation, the obligation to collect the DDOT Underground Electric Company Infrastructure Improvement Revenue and remit the revenue to the trustee.

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Sec. 210. District's interest in DDOT Underground Electric Company Infrastructure Improvement Property.

The District's property ownership interest in the DDOT Underground Electric Company Infrastructure Property shall be effective and perfected against all third parties and shall not be affected or impaired by, among other things, the occurrence of any one or more of the following:

(1) Comingling of DDOT Underground Electric Company Infrastructure Improvement Charges or DDOT Underground Electric Company Infrastructure Improvement Revenue with other amounts;

(2) Any recourse that the electric company may have against the District;

(3) The obligation of the electric company acting in an agency capacity in accordance with the servicing agreement to collect DDOT Underground Electric Company Infrastructure Improvement Revenue and to remit the DDOT Underground Electric Company Infrastructure Improvement Revenue so collected to the trustee; and

(4) Any subsequent order of the Commission amending the financing order pursuant to this act.

Sec. 211. Exemption from District taxes.

The imposition, collection, and receipt of DDOT Underground Electric Company Infrastructure Improvement Charges shall not be subject to taxation by the District.

Sec. 212. Bonds not electric company liability.

The Bonds shall not constitute an indebtedness of the electric company.

TITLE III. COMMISSION AUTHORIZATIONS

SUBTITLE A. FINANCING ORDERS.

Sec. 301. Commission authorizations.

(a) The Commission is authorized to issue financing orders upon application by the electric company. All financing orders, among their other provisions, shall:

(1) Specify the maximum amount of Bonds that are authorized for issuance, the amount not to exceed the limitations set forth in this act, including the maturities, scheduled maturities, or interest rates, or interest rate determination methods and other details of the Bonds as the Commission determines appropriate;

(2) Describe the DDOT Underground Electric Infrastructure Improvement Activities to be paid through the issuance of the Bonds and recovered through DDOT Underground Electric Company Infrastructure Improvement Charges;

(3) Specify the qualitative or quantitative limitations on financing costs to be recovered (not to impair the ability to pay and service the Bonds in accordance with their terms);

(4) Assess DDOT Underground Electric Company Infrastructure Improvement Charges among the distribution service customer classes of the electric company in accordance with the distribution service customer class cost allocations approved by the Commission for the electric company and in effect pursuant to the most recent base rate case; provided, that no such charges shall be assessed against the electric company's residential aid discount customer class

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or any succeeding customer class approved by the Commission for the purpose of providing economic relief to a specified low-income customer class. DDOT Underground Electric Company Infrastructure Improvement Charges shall be billed to customers by the electric company as a volumetric surcharge;

(5) Describe the true-up mechanism to reconcile actual collections of DDOT Underground Electric Company Infrastructure Improvement Charges with forecasted collection on at least an annual basis to ensure that the collections of DDOT Underground Electric Company Infrastructure Improvement Charges are adequate to pay debt service on the associated Bonds when due pursuant to the expected amortization schedule, to fund all debt service reserve accounts to the required levels, and to pay when due all other expected ongoing financing costs as provided in section 314;

(6) Authorize the creation of the DDOT Underground Electric Company Infrastructure Improvement Property;

(7) Authorize the imposition, billing, and collection of DDOT Underground Electric Company Infrastructure Improvement Charges to pay debt service on the Bonds and other ongoing financing costs;

(8) Describe the DDOT Underground Electric Company Infrastructure Improvement Property that will be created and that may be used to pay and secure the payment of the debt service of the Bonds and other ongoing financing costs;

(9) Authorize the execution and delivery of one or more servicing or collection agreements with the applicant electric company, including, without limitation, provisions for fixing the servicing fee, arrangements for an alternate servicer of the DDOT Underground Electric Company Infrastructure Improvement Charges, requiring the electric company to collect and remit the resulting DDOT Underground Electric Company Infrastructure Improvement Charges in its entirety to the trustee, as provided in section 201, and requiring that any successor to the electric company, whether pursuant to any reorganization, bankruptcy, or other insolvency proceeding, any merger or acquisition, sale or other business combination, or transfer by operation of law, as a result of utility restructuring or otherwise, shall perform and satisfy all obligations of the electric company under the servicing agreement and the pertinent financing order in the same manner and to the same extent as the electric company, including collecting and paying to the person entitled to receive the revenues, collections, payments, or proceeds of the DDOT Underground Electric Company Infrastructure Improvement Charges;

(10) Prescribe the filing of billing and collection reports relating to the DDOT Underground Electric Company Infrastructure Improvement Charges; and

(11) Consistent with this act, contain such other findings, determinations, and authorizations as the Commission shall consider appropriate.

(b) All financing orders shall be operative and in full force and effect from the time fixed for them to become effective by the Commission.

(c) The financing order shall provide that except to implement any true-up mechanism as provided in section 314, the Commission may not amend, modify, or terminate the financing order by any subsequent action or reduce, impair, postpone, terminate, or otherwise adjust the

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DDOT Underground Electric Company Infrastructure Improvement Charges approved in the financing order.

Sec. 302. Application for financing order.

(a) Within 60 days from the effective date of this act, the District shall provide the electric company with estimates of the DDOT Underground Electric Company Infrastructure Improvement Annual Revenue Requirements that will enable the District to pay the debt service and other financing costs associated with Bonds issued pursuant to this act and such other information as may be in the possession of the District as may be necessary or reasonably desirable to submit an application for a financing order. For good cause, the electric company and the District may mutually agree upon a later date of delivery and shall jointly inform the Commission of their agreement.

(b) Within 30 days of the receipt of the estimates and information required pursuant to subsection (a) of this section, the electric company shall file for the Commission's consideration and decision, an application for a financing order with respect to the repayment of Bonds for DDOT Underground Electric Company Infrastructure Improvement Activities to be funded pursuant to this act. The financing order application, and all subsequent applications by the electric company for a financing order, shall contain:

(1) A statement from the District containing a description of the Bond issue or issues, including the principal amount or amounts, expected financing costs, expected interest rate or rates, forecasted average term and retirement schedule, and estimates of the DDOT Underground Electric Company Infrastructure Improvement Annual Revenue Requirements that will enable the District to pay the debt service and financing costs associated with Bonds issued pursuant to this act;

(2) A calculation by the electric company of the estimated DDOT Underground Electric Company Infrastructure Improvement Charges, the level of the expected charge by distribution service customer class, and the calculated amount estimated to be sufficient to generate an amount at least equal to the DDOT Underground Electric Company Infrastructure Improvement Annual Revenue Requirement as provided by the District;

(3) A proposed form of the servicing agreement between the District, the electric company, and the Trustee;

(4) The proposed methodology for allocating DDOT Underground Electric Company Infrastructure Improvement Charges among the electric company's distribution service customer classes subject to that allocation; and

(5) A proposed form of public notice of the application suitable for publication by the Commission.

Sec. 303. Consideration of applications; financing order.

(a) (1) The Commission shall publish notice to the public of the application before deciding upon an application for a financing order and provide for a period of no less than 14 days for public comment and filing of motions to intervene. The electric company shall provide notice of the application to its customers in the District as provided in section 8 of the Public

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Utilities Commission Act (D.C. Official Code § 34-909), as this section reads as of the effective date of this act or as amended or superseded.

(2) The District, OPC, and DDOT shall be a party to the Commission proceeding on the application, as a matter of right.

(3) Any other person desiring to be heard on the application shall file a motion to intervene with the Commission requesting to be made a party to the proceeding. The applicant and any party to the proceeding may file an answer to support or oppose the granting of the motion. The Commission shall, by order, approve or deny the motion at its reasonable discretion.

(b) The Commission shall decide upon an application for a financing order based upon the pleadings in the matter and, if no protest or objection is filed in response to the Commission's public notice of the application, at its discretion, without a hearing. A formal evidentiary hearing shall only be required if contested issues of material fact are present and those issues cannot be resolved by the Commission on the basis of the pleadings and discovery responses filed, if any, in the matter. In its decision, the Commission may approve, approve with conditions, modify, or reject the application in whole or in part, as it considers necessary and appropriate.

(c) The Commission is authorized to issue a financing order if the Commission finds that the DDOT Underground Electric Company Infrastructure Improvement Charges are just and reasonable.

(d) The District shall file an issuance advice letter with the Commission by 5:00 pm on the next business day after the sale of Bonds authorized by the Commission pursuant to a financing order. The issuance advice letter shall describe the DDOT Underground Electric Company Infrastructure Improvement Annual Revenue Requirement for the Bonds issued pursuant to the financing order, the average term, and the retirement schedules. If the DDOT Underground Electric Company Infrastructure Improvement Annual Revenue, based on the information in the issuance advice letter, is less than the estimated DDOT Underground Electric Company Infrastructure Improvement Annual Revenue Requirement in the related financing order, the Commission shall adjust the DDOT Underground Electric Company Infrastructure Improvement Charges.

(e) No DDOT Underground Electric Company Infrastructure Improvement Charges authorized by the Commission in a financing order may be billed by the electric company to customers before the issuance of Bonds by the District pursuant to Title II of this act.

(f) The Commission shall expedite its consideration of applications for financing orders. The Commission shall issue its decision on the electric company's application no later than 60 days following the closing of the period for public comment upon the application; provided, that if a protest or objection to the application that can be resolved without an evidentiary hearing is timely filed with the Commission, this period for the Commission's decision shall be extended by an additional 15 days. This time may be tolled, at the Commission's reasonable discretion, for periods in which it determines the electric company's application is deficient. In the event that an evidentiary hearing is required, the Commission shall issue a decision no more than 60 days following the close of the hearing record.

(g)(1) The Commission is authorized to retain the services of a financial advisor to assist in its consideration of an application for a financing order, and in the formulation and

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administration of a financing order. The reasonable fees of the financial advisor shall be paid by the District from Bond proceeds; provided, that the District shall have no responsibility for payments to the financial advisor from any other source.

(2) Invoices by the financial advisor for such payments shall be tendered through the Commission, which shall verify the content of the invoice before forwarding the invoice to the District for payment.

(3) Payments for services made to the financial advisor shall be deemed to be DDOT Underground Electric Company Infrastructure Improvement Costs. Funds for payments to the financial advisor by the Commission are to be sourced in a similar manner as other DDOT Underground Electric Company Infrastructure Improvement Costs.

Sec. 304. Irrevocability of financing order.

A financing order is irrevocable and the Commission may not reduce, impair, or terminate the DDOT Underground Electric Company Infrastructure Improvement Property approved in the financing order or impair the collection or recovery of the DDOT Underground Electric Company Infrastructure Improvement Charges or DDOT Underground Electric Company Infrastructure Improvement Revenue until the Bonds issued pursuant to this act and the pertinent financing order have been paid in full.

Sec. 305. Effect of financing order.

(a) A financing order shall remain in effect until the Bonds have been paid in full and all financing costs relating to the Bonds have been paid in full.

(b) A financing order shall remain in effect and unabated notwithstanding the bankruptcy, reorganization, or insolvency of the electric company or any affiliate thereof or the commencement of any judicial or non-judicial proceeding therefore.

(c) For so long as the Bonds are outstanding and the related DDOT Underground Electric Company Infrastructure Improvement Costs and the related financing costs have not been paid in full, the DDOT Underground Electric Company Infrastructure Improvement Charge shall be non-bypassable and shall apply to all of the electric company's customers located within the District and receiving electric distribution service, other than members of the electric company's residential aid discount customer class or any succeeding discount customer class.

Sec. 306. Limitation on Commission action.

If the Commission issues a financing order, the Commission, in the exercise of its powers and carrying out its duties, may not thereafter consider:

(1) The Bonds described in the financing order to be the debt of the electric company;

(2) The DDOT Underground Electric Company Infrastructure Improvement Charges approved in the financing order to be revenue of the electric company or the property or an asset of the electric company, or the payment of such collections to the trustee to be an expense of the electric company; or

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(3) The DDOT Underground Electric Company Infrastructure Improvement Costs or the financing or other costs incurred by the District in connection with Bonds issued pursuant to this act to be an obligation of the electric company or to be costs included in the cost of service of the electric company.

SUBTITLE B. SELECTION AND CONSTRUCTION OF UNDERGROUND INFRASTRUCTURE IMPROVEMENT PROJECTS.

Sec. 307. Underground infrastructure improvement projects plan.

(a) Within 45 days of the effective date of this act, and no later than September 30, 2016, September 30, 2019, and September 30, 2022, the electric company and DDOT shall jointly file with the Commission and concurrently serve upon the OPC an application for approval of their triennial Underground Infrastructure Improvement Projects Plan.

(b) No later than September 30 of each year in which an application for approval of a triennial Underground Infrastructure Improvements Project Plan is not filed, the electric company and DDOT shall file a status report on the completion during the previous year and the scheduled completion during the next year of Electric Company Infrastructure Improvement Activity contained in the current triennial Underground Infrastructure Improvement Projects Plan, or an amendment to an Underground Infrastructure Improvements Project Plan as approved by the Commission pursuant to section 310.

(c) As part of the initial application for approval of the triennial Underground Infrastructure Improvement Projects Plan filed pursuant to subsection (a) of this section, the electric company shall request authority to impose and collect specified Underground Project Charges from its electric distribution service customers to recover the Electric Company Infrastructure Improvement Costs associated with the Underground Infrastructure Improvement Projects Plan.

Sec. 308. Content of application and plan.

(a) An application to the Commission by the electric company and DDOT for approval of the triennial Underground Infrastructure Improvement Projects Plan shall include:

(1) The ranking reliability performance of individual feeders as follows:

(A) A measurement and ranking of the reliability performance of each of the electric company's overhead and combined overhead-underground mainline primary and lateral feeders in the District over the preceding 3 years, using the primary selection criteria set forth in paragraph (2) of this subsection; and

(B) On the basis of the foregoing rankings, an identification of the electric company's recommended selection of mainline primary and lateral feeders that will utilize DDOT Underground Electric Company Infrastructure Improvements identified in the plan;

(2) Primary selection criteria as follows: With respect to all sustained interruptions (inclusive of major service outages and District major event days) occurring on each overhead and combined overhead-underground mainline primary and lateral feeder circuits in the District, the most recent 3 calendar years average of the following, weighted equally:

(A) Number of outages per feeder;

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- (B) Duration of the outages occurring on the feeder; and
- (C) Customer minutes of interruption on the feeder; and
- (3) Additional content to be included in the plan by the electric company as

follows:

(A) In addition to the measurements, rankings, and selections required by paragraphs (1) and (2) of this subsection, the Underground Infrastructure Improvements Projects Plan shall include for each mainline primary and lateral feeder recommended by the electric company to be placed underground an identification and description of the feeder number and the feeder location (by street address, ward, and neighborhood);

(B) Overhead electrical cables, fuses, switches, transformers, and ancillary equipment, including poles, to be relocated underground or removed;

(C) Overhead primary and lateral feeders that are currently located parallel to the selected primary and lateral feeders that the electric company recommends to be placed underground;

(D) Overhead secondary feeder circuits and ancillary facilities, and telecommunications and cable television cables and ancillary aboveground equipment, including poles, that will not be relocated underground or removed;

(E) Proposed Electric Company Infrastructure Improvements and DDOT Underground Electric Company Infrastructure Improvements funded by DDOT Underground Electric Company Infrastructure Improvement Charges;

(F) New distribution automation devices and segmentation capability to be obtained thereby;

(G) Interties that will enable the feeder to receive power from multiple directions or sources; and

(H) The capability to meet current load and future load projections.

(b) Within 90 days after the Underground Infrastructure Improvements Projects Plan is approved by the Commission, the electric company and DDOT shall identify the estimated start date and projected end date for each project approved in the plan. In determining the construction start date and projected end date, the electric company and DDOT shall consider the following secondary criteria:

(1) The ability to coordinate the DDOT Electric Company Infrastructure Improvement Activities with DDOT roadwork and other projects that involve disruption to and subsequent restoration of road surface or that otherwise impede the flow of traffic along the roadway where the undergrounding work is to occur;

(2) The estimated economic value or other benefits to be gained by the electric company's customers from the projected reductions in outage frequencies and durations when the Electric Company Infrastructure Improvements are completed; and

(3) For Electric Company Infrastructure Improvement Activity involving a cross-jurisdictional feeder circuit, a showing of the means by which the electric company has storm-hardened its distribution system or has otherwise improved the resilience of service to its District customers on the cross-jurisdictional feeder with respect to major service outage events

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occurring outside the District's boundaries on the portion of the cross-jurisdictional feeder located outside of the District.

(c) The electric company and DDOT shall include the following information for the Underground Infrastructure Improvements Project Plan in the application:

(1) An itemized estimate of the project plan's Electric Company Infrastructure Improvement Costs and the proposed Underground Project Charges for the costs shown;

(2) An itemized estimate of the DDOT Underground Electric Company Infrastructure Improvement Costs;

(3) An assessment of potential obstacles to the timely completion of a project, including, but not limited to, the need to obtain environmental or other permits or private easements, the existence of historically sensitive sites, required tree removal, and significant traffic disruptions;

(4) A description of the efforts taken to identify District residents to be employed by the electric company and DDOT contractors during the construction of the DDOT Underground Electric Company Infrastructure Improvements and the Electric Company Infrastructure Improvements contained in the annual Underground Infrastructure Improvement Projects Plan;

(5) An explanation of the availability of alternate funding sources, if any, for relocation of the overhead equipment and ancillary facilities that will utilize DDOT Underground Electric Company Infrastructure Improvements, such as contributions in aid of construction, the grant of federal highway or economic development funds, and other sources;

(6)(A) An exhibit setting forth the proposed Underground Project Charges, work papers calculating the derivation of these charges, the proposed allocation of billing responsibility among the electric company's distribution service customer classes for the Underground Project Charges, and a worksheet depicting the:

(i) Projected total expenses;

(ii) Capital costs;

(iii) Depreciation expenses;

(iv) Annual revenue requirement, rate of return on equity, as set by the Commission in the most recently decided rate base case; and

(v) Allocation of billing responsibility utilized in these calculations.

(B) This exhibit shall include the proposed accounting treatment for the costs to be recovered through these charges, which shall provide that no costs recovered through Underground Project Charges shall also be afforded rate base or other treatment that would incorporate recovery of Underground Project Charges into the design of the electric company's base tariff rates until such time as the electric company shall request the transfer of these costs into rate base and the discontinuance of the costs being recovered in the Underground Project Charge;

(7) Other information the electric company or DDOT considers material to the Commission's consideration of the application;

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(8) Identification and contact information of one or more individuals who may be contacted by the Commission with formal or informal requests for clarification of any material set forth in the application or requests for additional information;

(9) A proposed form of public notice of the application suitable for publication by the Commission; and

(10) A protocol to be followed by the electric company and DDOT to provide notice and to coordinate engineering, design, and construction work performed pursuant to this act with the gas company, water utility, and other utilities that own or plan to construct, as approved by the Commission where applicable, facilities that may be affected by DDOT Underground Electric Company Infrastructure Improvement Activity or Electric Company Infrastructure Improvement Activity.

(d) Notwithstanding the primary selection criteria set forth in subsection (a) of this section, the Commission may, on its own motion or upon request by the electric company, OPC, or any other party, waive the application of these criteria as to the selection of a particular mainline primary and lateral feeder when to do so is required to relieve an emergency or to correct or forestall a gross inequity or disparity in the customer impacts associated with past, current, or anticipated electric distribution service outages or when actual field conditions or coordination with other projects or such other considerations as the Commission may find reasonably justifies modification of the selection criteria.

(e) Notwithstanding the foregoing, nothing in this section shall require the electric company to obtain Commission authorization to construct and operate a new underground electric plant or impair the Commission's authority to determine just and reasonable rates with respect to the electric company's recovery of costs associated with the construction and operation of the underground electric plant, including capital costs, when such costs are to be recovered through rates, as approved by the Commission pursuant to section 8 of the Public Utilities Commission Act (D.C. Official Code § 34-901), and not through the DDOT Underground Electric Utility Infrastructure Improvement Charges or Underground Project Charges.

Sec. 309. Consideration of triennial Underground Infrastructure Improvement Projects Plan.

(a)(1) Before deciding upon an application for an order approving the triennial Underground Infrastructure Improvement Projects Plan, the Commission shall first publish notice to the public of the application and provide for a period of no less than 60 days for public comment and filing of motions to intervene. The electric company shall provide notice of the application to its customers in the District as provided in section 8 of the Public Utilities Commission Act (D.C. Official Code § 34-909), as this section reads as of the effective date of this act, or as amended or superseded.

(2) The District, OPC, and DDOT shall be a party to the Commission proceeding on the application as a matter of right.

(3) Any other person desiring to be heard on the application shall file a motion to intervene with the Commission requesting to be made a party to the proceeding. The applicant

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and any party to the proceeding may file an answer to support or oppose the granting of the motion. The Commission shall, by order, approve or deny the motion at its reasonable discretion.

(b)(1) Within 30 days of the effective date of this act, the Commission shall issue an order establishing an expedited discovery schedule that shall be used in all proceedings commenced following the filing of an application for approval of a triennial Underground Infrastructure Improvement Projects Plan pursuant to section 307. The period for discovery shall commence on the date that the application is filed with the Commission and shall continue for 60 days; provided, that the Commission, in its discretion, may toll the time for periods if it determines that a party has not complied with the discovery rules established pursuant to this section. Any Commission order extending the 60-day discovery period shall also provide for an extension of equal length to the deadline for public comments on the application. The discovery process established by the Commission pursuant to this section shall provide for submission of information requests and reasonable periods for responses on shortened timelines consistent with the 60-day discovery period and the use of all reasonable procedures for expediting the discovery process, such as discovery conferences.

(2) The discovery process shall:

(A) Permit parties to such proceedings to inspect all the relevant data, documents, studies, analyses, and work papers that form the basis of the triennial Underground Infrastructure Improvement Projects Plan and any revenue requirements or charges provided therein; and

(B) Afford the parties the rights provided under Chapter 1 of Title 15 of the District of Columbia Municipal Regulations.

(c)(1) The Commission shall decide upon an application for an order approving a triennial Underground Infrastructure Improvement Projects Plan based upon the pleadings in the matter and, if no protest or objection is filed in response to the Commission's public notice of the application, at its discretion, without a hearing.

(2) A formal evidentiary hearing shall be required if contested issues of material fact are present and those issues cannot be resolved by the Commission on the basis of the pleadings and discovery responses filed, if any, in the record of the matter.

(3) The Commission shall, in addition to any other hearing or procedures, convene a public community hearing to receive the testimony and comments of the public. In its decision, the Commission may approve, approve with conditions, or reject the application, in whole or in part, as it considers necessary and appropriate.

(d) The Commission shall expedite its consideration of an application seeking an order approving a triennial Underground Infrastructure Improvement Projects Plan. The Commission shall issue its decision on the application no later than 45 days following the deadline for public comment on the application; provided, that if a protest or objection to the application is timely filed with the Commission and can be resolved without an evidentiary hearing, this period for the Commission's decision is extended by an additional 15 days. The computation of this time may be tolled, at the Commission's discretion, for periods in which it determines the electric company and DDOT's joint application is deficient. If an evidentiary hearing is required, the hearing

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shall, in the Commission's discretion and based upon the Commission's evaluation of all relevant factors, commence on the date set by the Commission and be concluded within 45 days of the close of discovery and the Commission shall issue a decision no more than 60 days of the close of the hearing record.

Sec. 310. Commission order.

(a) Upon making the findings described in subsection (b) of this section, the Commission shall issue an order approving or denying the application and triennial Underground Infrastructure Improvement Projects Plan to authorize the proposed DDOT Underground Electric Company Infrastructure Improvement Activity, Electric Company Infrastructure Activity, and the subsequent imposition of Underground Project Charges. The Commission shall have the authority to impose in its order and to condition the electric company's exercise of the rights granted therein on such reasonable terms and conditions as it determines necessary to further the purposes of this act. If the Commission denies all or part of a triennial Underground Infrastructure Improvement Project Plan or related cost recovery, the electric company shall be allowed to recover all prudent and reasonable expenses and costs associated with the development of the Underground Infrastructure Improvement Projects Plan, including preliminary engineering design work required to fulfill the requirements of the application in its Underground Project Charge.

(b) For the electric company to recover expenses and costs pursuant to subsection (a) of this section, the Commission shall find that:

- (1) The electric company's application satisfies the applicable requirements of section 308;
- (2) The proposed Electric Company Underground Infrastructure Improvements are appropriately designed and located;
- (3) The intended reliability improvements will accrue to the benefit of the electric company's customers;
- (4) The projected costs associated with the proposed Electric Company Underground Infrastructure Improvement Activity are prudent;
- (5) The projected DDOT Underground Electric Company Infrastructure Improvement Costs funded by DDOT Underground Electric Company Infrastructure Improvement Charges are prudent;
- (6) The electric company's proposed Underground Project Charges will be just and reasonable; and
- (7) The grant of the authorizations and approvals sought by the electric company and DDOT in their joint application is otherwise in the public interest.

(c) In addition to other terms and conditions considered necessary and appropriate by the Commission, the Commission's order shall include:

- (1) Authorization for the electric company to impose and collect the Underground Project Charges from its distribution service customers in the District in accordance with the distribution service customer class cost allocations approved by the Commission for the electric company and in the electric company's most recent base rate case;

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provided, that no such charges shall be assessed against customers served under the electric company's residential aid discount or a succeeding discount program;

(2) Authorization for the electric company to bill the Underground Project Charges to customers as a volumetric surcharge;

(3) Approval of the annual revenue requirement, which shall include the rate of return on equity as set by the Commission in the most recently decided rate base case used in calculating the Underground Project Charges; and

(4) A description of the frequency of project construction update reports for the DDOT Underground Electric Company Infrastructure Improvements funded by DDOT Underground Electric Company Infrastructure Improvement Charges and the Electric Company Infrastructure Improvements as set forth in the triennial Underground Infrastructure Improvement Projects Plan, as approved by the Commission, to be filed by DDOT and the electric company with the Commission and with a copy concurrently served upon OPC.

(d) Notwithstanding the foregoing, the Commission shall have no authority to issue any order that would cause the total amount of Electric Company Infrastructure Improvements Costs recovered through Underground Project Charges to exceed \$500 million; provided, that this limit shall not apply to the recovery of the electric company's rate of return, as approved by the Commission, included in the calculation of the Underground Project Charges. The electric company shall have no obligation to incur Electric Company Infrastructure Improvement Costs in excess of the aggregate amount approved for current recovery through the Underground Project Charge pursuant to one or more final orders of the Commission.

Sec. 311. Use of DDOT Underground Electric Company Infrastructure Improvements.

(a) Upon completion of construction by DDOT and acceptance by the electric company, the District shall transfer legal title to the DDOT Underground Electric Company Infrastructure Improvements to the electric company for the sum of one dollar.

(b) DDOT Underground Electric Company Infrastructure Improvements shall be for exclusive use by the electric company. The electric company shall not earn a return on or of investment with respect to the DDOT Underground Electric Company Infrastructure Improvements transferred to the electric company as provided in this section. Taxes and fees, if any, on the transfer shall be recoverable by the electric company in rates as approved by the Commission.

Sec. 312. Content of an application to amend an Underground Infrastructure Improvement Projects Plan.

An application to the Commission by the electric company or DDOT to amend an existing Underground Infrastructure Improvement Projects Plan, approved by the Commission pursuant to section 310, shall describe the purpose to be accomplished by the proposed amendment, the financial impacts, if any, to the electric company's customers that are likely to result from the amendment, if approved, and include each item set forth in section 308; provided, that for good cause shown in its application, the electric company may omit the material required in one more of the items listed in section 308.

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Sec. 313. Application to amend order authorizing Underground Project Charges.

An application to amend an existing Commission order authorizing the electric company to impose and collect Underground Project Charges shall describe the purpose to be accomplished by the proposed amendment, the financial impacts, if any, to the electric company's customers that are likely to result from the amendment, if approved, and shall include each item set forth in section 308(c). The application to amend shall apply only to future Underground Project Charges and any approval of an application shall allow for recovery by the electric company through Underground Project Charges of any prudent and reasonable expenses or costs for any project previously approved by the Commission.

Sec. 314. Approval of schedule provisions applying the true-up mechanism to DDOT Underground Electric Company Infrastructure Improvement Charge.

(a) Following the issuance of a series of Bonds, the electric company, or other person as may be designated by the Commission, shall file with the Commission, no later than April 1 of each year, or more frequently as necessary and as provided in the financing order, a request for approval of a schedule applying the true-up mechanism to the DDOT Underground Electric Company Infrastructure Improvement Charges authorized under the financing order, based on factors set forth in the financing order.

(b) A request for approval of a schedule filed pursuant to this section shall include, at a minimum, a narrative description of the proposed adjustments, a proposed form of public notice of the request suitable for publication by the Commission and the following exhibits, as applicable:

(1) A showing that the allocation of DDOT Underground Electric Company Infrastructure Improvement Charges among the electric company's distribution service customer classes conforms to the distribution service customer class cost allocations approved by the Commission in the electric company's most recent base rate case; provided, that no such charges shall be assessed against customers served under the electric company's residential aid discount or a succeeding discount program;

(2) Billing and collection data that show the proposed adjustment is expected to generate payments that correspond to the DDOT Underground Electric Company Infrastructure Improvement Annual Revenue Requirement;

(3) A showing that the proposed adjustment is expected to result in neither a net over-collection nor under-collection of the DDOT Underground Electric Company Infrastructure Improvement Annual Revenue Requirement; and

(4) Accounting work papers showing the electric company's prior year's receipts and disbursements of the DDOT Underground Electric Company Infrastructure Improvement Charges.

(c) The Commission's review of a request for approval of a schedule filed pursuant to subsection (a) of this section shall be limited to a determination of whether there is any mathematical error in the application of the true-up mechanism to the DDOT Underground Electric Company Infrastructure Improvement Charges.

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(d) Any interested party may file comments with the Commission with respect to the mathematical accuracy of the electric company's calculations in the application of the true-up mechanism within 10 days of the filing of the electric company's request for approval of a schedule applying the true-up mechanism to the DDOT Underground Electric Company Infrastructure Improvement Charges. The Commission shall act upon a request for approval of a schedule filed pursuant to subsection (a) of this section within 20 days of the end of the comment period. If the Commission does not act within this 20-day period to correct any mathematical error, the request for approval of a schedule filed pursuant to subsection (a) of this section shall be deemed approved. The DDOT Underground Electric Company Infrastructure Improvement Charges set forth in the schedule shall take effect, subject to refund and adjustment, on the date the schedule is filed with the Commission.

(e) No schedule applying the true-up mechanism to the DDOT Underground Electric Company Infrastructure Improvement Charges that is approved or deemed approved under this section shall in any way affect the irrevocability of the pertinent financing order approved pursuant to section 301.

Sec. 315. Application for approval of annual adjustment of Underground Project Charges.

(a) No later than April 1 of each year following issuance of an order authorizing the imposition and collection of Underground Project Charges and for as long as such order remains in effect, the electric company shall file with the Commission an application for approval of the electric company's proposed adjustment to set the Underground Project Charges until the next proposed adjustment is approved by the Commission; except, that the Commission may approve any such adjustment sooner in an order approving a triennial Underground Infrastructure Improvement Projects Plan.

(b) Concurrent with filing an application for approval of an annual adjustment that would adjust the level and, if applicable, the allocation between distribution service customer classes of the Underground Project Charges, the electric company shall provide notice to its customers of the application, in the manner provided in section 8 of the Public Utilities Commission Act (D.C. Official Code § 34-909).

(c) An application filed pursuant to this section shall include, at a minimum, a narrative description of the proposed adjustments, a proposed form of public notice of the application suitable for publication by the Commission and, as applicable:

(1) A description of the Electric Company Infrastructure Improvement Activity initiated or completed during the previous calendar year, the costs of which are to be recovered through the Underground Project Charges as approved by a Commission order issued pursuant to section 310;

(2) The estimated cost of the Electric Company Infrastructure Improvement Activity;

(3) A calculation or re-calculation of the electric company's annual revenue requirement to take into account the effects of accumulated depreciation and changes as to any

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cost component due to the adoption of new base tariff rates in the prior calendar year as well as any actual or estimated under-collection or over-collection;

(4) A demonstration that the Underground Project Charges, authorized pursuant to section 310, are calculated to meet the electric company's annual revenue requirement for Electric Company Infrastructure Improvement Costs;

(5) A demonstration that the allocation of Underground Project Charges among the electric company's distribution service customer classes conforms to the distribution service customer class cost allocations approved by the Commission in the electric company's most recent base rate case; provided, that no such charges shall be assessed against customers served under the electric company's residential aid discount or a succeeding discount program;

(6) The period of time over which the Underground Project Charges are to be collected; and

(7) Accounting work papers showing the electric company's prior year's receipts and disbursements of Underground Project Charges.

(d)(1) Protests may be filed in opposition to the electric company's application to adjust the Underground Project Charges within 10 days of the publication of the public notice; provided, that protests shall be limited to the proposed adjusted Underground Project Charge and materials submitted in support thereof, and whether the proposed adjustment is consistent with the underlying order authorizing the imposition and collection of the Underground Project Charge, as most recently approved by the Commission. Protests shall not challenge the scope and composition of the Electric Company Infrastructure Improvement Activity unless, and only to the extent that, changes in the scope and composition of the Electric Company Infrastructure Improvement Activity are proposed in the application to adjust the Underground Project Charges submitted pursuant to this section.

(2) If a timely protest is filed objecting to the proposed adjustment of the Underground Project Charges, the Commission shall rule upon the protest no later than 20 days from the date of the publication of the public notice.

(e) The proposed adjusted Underground Project Charges shall take effect, subject to refund and adjustment, on the date of filing with the Commission. If no objection is timely filed, or having been timely filed, is denied by the Commission, the proposed charges shall become final and no longer subject to refund or adjustment on the date of a final decision as set forth in subsection (f) of this section, unless the Commission rules otherwise before such date.

(f)(1) The Commission shall decide an uncontested annual adjustment application within 45 days from the date filed. If a protest is filed, the time for the Commission's decision is extended by 30 days.

(2) The Commission's decision in an annual adjustment proceeding shall not re-open or amend, modify, or otherwise alter a previously issued order authorizing the imposition and collection of Underground Project Charges or amendments thereto.

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SUBTITLE C. EXPEDITION; RECONSIDERATION; JUDICIAL REVIEW; REVIEW AND ANALYSIS.

Sec. 316. Expedition.

The Commission shall expedite its consideration of applications pursuant to sections 312 and 313. In proceedings to consider the applications, the Commission's decision shall be issued no later than 120 days of the close of the period for public comment upon the application; provided, that if a protest or objection to the application is timely filed with the Commission, the period for the Commission's decision is extended by 45 days. When calculating the time required to issue its decision, the Commission may omit any time interval for which it has determined the application to be deficient and in which a formal request for material to cure that deficiency was pending.

Sec. 317. Reconsideration of Commission orders. Within 120 days of the effective date of this act, the Commission shall amend its rules of practice and procedure to establish rules to expedite the reconsideration of any Commission order that will be issued to decide a matter put before it pursuant to Title III.

Sec. 318. Judicial review of Commission orders.

A financing order, an order approving an Underground Infrastructure Improvement Projects Plan, an order amending an Underground Infrastructure Improvement Projects Plan, or an order approving an annual adjustment to the Underground Project Charges are each a final order of the Commission. Any party aggrieved by the issuance of any such Commission order may apply to the Commission for reconsideration of the order in accordance with section 8 of the Public Utilities Commission Act (D.C. Official Code § 34-604) and, thereafter, appeal to the District of Columbia Court of Appeals in accordance with section 8 of the Public Utilities Commission Act (D.C. Official Code §§ 34-605 through 34-609). The Court of Appeals shall proceed to hear and determine the appeal as expeditiously as practicable and give the appeal precedence over other matters not accorded similar precedence by law.

Sec. 319. Review and analysis.

(a)(1) By December 31, 2019, the Mayor, the Commission, the OPC, and the electric company shall issue a jointly written report to the Council that:

(A) Evaluates the effectiveness of the DDOT Underground Electric Company Infrastructure Improvement Activity and the Electric Company Infrastructure Improvement Activity in improving the reliability of electric power distribution service and reducing the frequency of electric power outages;

(B) Evaluates the impact of the DDOT Underground Electric Company Infrastructure Improvement Activity and the Electric Company Infrastructure Improvement Activity on tree canopy;

(C) Evaluates the impact of the DDOT Underground Electric Company Infrastructure Improvement Charges and the Underground Project Charges on the electric

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company's residential customers weighing the cost implications of the Underground Project Charge compared to the savings to the customers from improved reliability and the cost reductions from reducing overhead line maintenance and vegetation management;

(D) Provides recommendations regarding whether the Council should:

(i) Authorize the issuance, sale, and delivery of Bonds at an amount above the limit set forth in section 202(a);

(ii) Adjust the limit of the electric company's investment to be recovered through the Underground Project Charges; or

(iii) Expand the undergrounding of feeders to include all or a portion of the remaining overhead mainline primary and lateral feeders or other alternatives such as to begin full undergrounding of feeders pursuant to amended selection criteria, relative to the primary and secondary selection criteria set forth in section 308.

(2) By December 31, 2027, the Mayor, the Commission, the OPC, and the electric company shall issue a jointly written report to the Council that:

(A) Evaluates the effectiveness of the DDOT Underground Electric Company Infrastructure Improvement Activity and the Electric Company Infrastructure Improvement Activity in improving the reliability of electric power distribution service and reducing the frequency of electric power outages;

(B) Evaluates the impact of the DDOT Underground Electric Company Infrastructure Improvement Activity and the Electric Company Infrastructure Improvement Activity on tree canopy;

(C) Evaluates the impact of the DDOT Underground Electric Company Infrastructure Improvement Charges and the Underground Project Charges on the electric company's residential customers weighing the cost implications of the Underground Project Charge compared to the savings to the customers from improved reliability and the cost reductions from reducing overhead line maintenance and vegetation management;

(D) Provides recommendations regarding whether the Council should:

(i) Authorize the issuance, sale, and delivery of additional Bonds;

(ii) Adjust the limit of the electric company's investment to be recovered through the Underground Project Charges;

(iii) Expand the undergrounding of overhead feeders to include the secondary lines pursuant to new primary and secondary selection criteria to be established at that time; or

(iv) Expand the undergrounding of overhead feeders to include all secondary and service electric power lines and the removal of associated poles.

(3) The reports required by paragraphs (1) and (2) of this subsection shall include any separate statements of the Mayor, the Commission, the OPC, or the electric company that the Mayor, the Commission, the OPC, or the electric company requests be included in a report.

(b) The Council shall conduct a public hearing in each quadrant of the District regarding the reports, findings, and recommendations that were filed pursuant to subsection (a) of this section within 90 days of the filing of each report.

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TITLE IV. COMMISSION AND OPC FUNDING; COMMISSION RULES AND REGULATIONS

Sec. 401. Commission and OPC funding.

(a) The costs to be incurred by the Commission and the OPC, respectively, with respect to the implementation, administration, and enforcement of this act and any proceedings under this act shall constitute expenses that are recoverable from the Public Service Commission Agency Fund and the Office of People's Counsel Agency Fund, as provided by section 8 of the Public Utilities Commission Act (D.C. Official Code § 34-912).

(b) For the purpose of funding the participation of OPC in the proceedings provided for by this act and in light of the expedited nature of those proceedings, it is necessary to ensure that OPC has available at the commencement of those proceedings the funds necessary for its participation in those proceedings. Therefore, to effect this result, any proceedings for which a commencement date or timeline is specified by this act shall be deemed to begin for purposes of section 8(a)(2) of the Public Utilities Commission Act (D.C. Official Code § 34-912(a)(2)) no less than 60 days before the date specified by this act for commencement of the proceedings.

Sec. 402. Commission rules and regulations.

Nothing in this act shall be construed to limit the Commission's authorization under paragraph section 8 of the Public Utilities Commission Act (D.C. Official Code § 34-802) to adopt rules and regulations consistent with the provisions of this act.

Sec. 403. Waiver of certain permitting fees; acceptance of Bonds in lieu of cash deposits.

(a) A public inconvenience fee and steel plate fee shall not apply to Electric Company Infrastructure Improvement Activity or to the gas company for any natural gas infrastructure relocation required under the Underground Infrastructure Improvement Projects Plan for the first 60 days of construction and installation of Electric Company Infrastructure Improvements or any natural gas infrastructure relocation in the applicable portion or segment of the public space or public right-of-way where the Electric Company Infrastructure Improvements are being constructed and installed or the natural gas infrastructure is being relocated.

(b) The electric company may submit a Bond to DDOT in lieu of a cash deposit for any Electric Company Infrastructure Improvement Activity that is subject to a public space permit.

Sec. 404. Gas company recovery of gas plant relocation costs.

(a) The gas company may establish a regulatory asset for the operating and capital-related costs of any gas plant relocation that is necessary for the completion of DDOT Underground Electric Company Infrastructure Improvement Activity incurred by the gas company between base rate cases and that are not recovered by any other means; provided, that:

(1) The gas plant relocation work is pursuant to a written communication from DDOT informing the gas company that the relocation of certain of the gas company's gas plant is necessary for the completion of DDOT Underground Electric Company Infrastructure Improvement Activity; and

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(2) The gas plant relocation work is in addition to work performed and costs incurred by the gas company in the ordinary course of business.

(b) The regulatory asset shall accrue a pre-tax rate of return at the gas company's authorized rate of return approved by the Commission in the most recent base rate case.

(c) The creation of a regulatory asset for the gas company's gas plant relocation costs shall not affect the authority of the Commission to review the prudence of costs associated with the relocation of any gas plant due to DDOT Underground Electric Company Infrastructure Improvement Activity. In any Commission proceeding reviewing the gas company's costs for any gas plant relocation that is necessary for the completion of any DDOT Underground Electric Company Infrastructure Improvement Activity, the gas company shall have the burden to prove that:

(1) The gas plant relocation was necessary for the DDOT Underground Electric Company Infrastructure Improvement Activity to be completed; and

(2) All of the gas plant relocation costs were prudently incurred.

TITLE V. GENERAL PROVISIONS

Sec. 501. Applicability.

The DDOT Underground Electric Company Infrastructure Improvement Charge, authorized by section 301, and the Underground Project Charge, authorized by section 310, shall apply upon the inclusion of their fiscal effect upon the District government in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

Sec. 502. Fiscal impact statement.


The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(3)).

Sec. 503. Effective date.

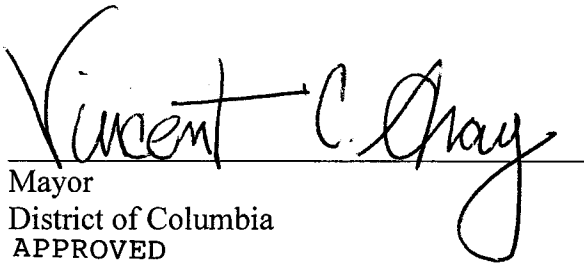
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02 (c) (1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
March 3, 2014

COUNCIL OF THE DISTRICT OF COLUMBIA
NOTICE OF INTENT TO ACT ON NEW LEGISLATION

The Council of the District of Columbia hereby gives notice of its intention to consider the following legislative matters for final Council action in not less than **15 days**. Referrals of legislation to various committees of the Council are listed below and are subject to change at the legislative meeting immediately following or coinciding with the date of introduction. It is also noted that legislation may be co-sponsored by other Councilmembers after its introduction.

Interested persons wishing to comment may do so in writing addressed to Nyasha Smith, Secretary to the Council, 1350 Pennsylvania Avenue, NW, Room 5, Washington, D.C. 20004. Copies of bills and proposed resolutions are available in the Legislative Services Division, 1350 Pennsylvania Avenue, NW, Room 10, Washington, D.C. 20004 Telephone: 724-8050 or online at www.dccouncil.us.

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COUNCIL OF THE DISTRICT OF COLUMBIA	PROPOSED LEGISLATION
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BILLS

B20-689 Criminal Penalties for the Theft of Newspapers Act of 2014

Intro. 02-20-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary and Public Safety

B20-690 N Street Village, Inc. Tax and TOPA Exemption Amendment Act of 2014

Intro. 02-26-14 by Councilmember Evans and referred to the Committee on Finance and Revenue

B20-694 Driver Safety Clarification Amendment Act of 2014

Intro. 02-27-14 by Councilmember Evans and referred to the Committee on Transportation and the Environment

PROPOSED RESOLUTIONS

PR20-659 Ambulatory Surgical Facility Licensing Resolution of 2014

Intro. 02-18-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health

PROPOSED RESOLUTIONS CON'T

- PR20-660 Chief Medical Examiner Roger Mitchell Confirmation Resolution of 2014
Intro. 02-18-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary and Public Safety
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- PR20-661 Board of Architecture and Interior Designers Cametrick A. H. Nesmith Resolution of 2014
Intro. 02-18-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business, Consumer, and Regulatory Affairs
-
- PR20-662 Board of Psychology Dr. Maia Coleman King Confirmation Resolution of 2014
Intro. 02-19-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health
-
- PR20-663 Commission on the Arts and Humanities Antoinette Ford Confirmation Resolution of 2014
Intro. 02-19-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Finance and Revenue
-
- PR20-665 Board of Industrial Trades Audrick Payne Confirmation Resolution of 2014
Intro. 02-24-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business, Consumer, and Regulatory Affairs
-
- PR20-666 Board of Massage Therapy Louis Ferguson Confirmation Resolution of 2014
Intro. 02-25-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health
-
- PR20-667 Board of Massage Therapy Pamela L. Birchett Confirmation Resolution of 2014
Intro. 02-25-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health
-
- PR20-668 District of Columbia Board of Library Trustees Neil Albert Confirmation Resolution of 2014
Intro. 02-26-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Education
-

PROPOSED RESOLUTIONS CON'T

PR20-669 Board of Architecture and Interior Designers Kerry Touchette Resolution of 2014

Intro. 02-26-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business, Consumer, and Regulatory Affairs

PR20-670 Sense of the Council in Support of Comprehensive Health Care Delivery for New Hampshire's Veterans Resolution of 2014

Intro. 02-26-14 by Councilmember Catania and Chairman Mendelson and referred to the Committee of the Whole

PR20-678 Budget Autonomy Litigation Authorization Resolution of 2014

Intro. 03-04-14 by Chairman Mendelson and retained by the Council

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT
MARY M. CHEH, CHAIR

REVISED

NOTICE OF PUBLIC HEARING ON

**Bill 20-620, the Free Transportation for Summer Youth Amendment Act of 2013
Bill 20-670, the District of Columbia Coding Camps for Kids Act of 2014**

Monday, March 17, 2014
at 2:30 p.m.
in Room 412 of the
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

On Monday, March 17, 2014, Councilmember Mary M. Cheh, Chairperson of the Committee on the Transportation and the Environment, will hold a public hearing on Bill 20-620, the Free Transportation for Summer Youth Amendment Act of 2013, and Bill 20-670, the District of Columbia Coding Camps for Kids Act of 2014. The hearing will begin at 2:30 p.m. in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

Bill 20-620 would provide free Metrobus and DC Circulator transportation to participants in the Summer Youth Employment Program. Bill 20-670 would require the Department of Parks and Recreation to offer summer camps related to computer science.

The Committee invites the public to testify or to submit written testimony, which will be made a part of the official Hearing Record. Anyone wishing to testify should contact Ms. Aukima Benjamin, staff assistant to the Committee on Transportation and the Environment, at (202) 724-8062 or via e-mail at abenjamin@dccouncil.us. Persons representing organizations will have five minutes to present their testimony. Individuals will have three minutes to present their testimony. Witnesses should bring 8 copies of their written testimony and should submit a copy of their testimony electronically to abenjamin@dccouncil.us.

If you are unable to testify in person, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to Ms. Aukima Benjamin, staff assistant to the Committee on Transportation and the Environment, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 108, Washington, D.C. 20004. They may also be e-mailed to abenjamin@dccouncil.us or faxed to (202) 724-8118. The record will close at the end of the business day on March 31, 2014.

This time for this hearing has changed to 2:30 p.m. This hearing will be held concurrently with the annual performance oversight hearing for the Bicycle Advisory Council, the Pedestrian Advisory Council, and the District Department of Transportation, which was originally scheduled for March 3, 2014, and cancelled due to the snowstorm.

**Council of the District of Columbia
Committee on Business, Consumer, and Regulatory Affairs
Notice of Public Hearing**

John A. Wilson Building 1350 Pennsylvania Avenue, NW, Ste. G-6 Washington, DC 20004

Revised and Abbreviated

**COUNCILMEMBER VINCENT B. ORANGE, SR., CHAIR
COMMITTEE ON BUSINESS, CONSUMER, AND REGULATORY AFFAIRS**

ANNOUNCES A PUBLIC HEARING ON

B20-671, the “WAGE THEFT PREVENTION ACT OF 2014”

**Friday, March 14, 2014, 9:00 a.m.
John A. Wilson Building, Room 120
1350 Pennsylvania Ave., NW
Washington, D.C. 20004**

Councilmember Vincent B. Orange, Sr. announces the rescheduling of a public hearing of the Committee on Business, Consumer, and Regulatory Affairs that was cancelled due to the weather closing of the District government on Monday, March 3, 2014. The public hearing on B20-671, the “Wage Theft Prevention Act of 2014” is rescheduled for Friday, March 14, 2014 at 10:00 a.m. in Room 120 of the John A. Wilson Building located at 1350 Pennsylvania Ave., N.W., Washington, DC 20004. ***This notice is revised to announce the rescheduling of the hearing for Friday, March 14, 2014 at 9:00 a.m., Room 120. The hearing notice is abbreviated in order to provide timely notice to the public.***

B20-671, the “Wage Theft Prevention Act of 2014” proposes to amend the Wage Payment and Collections Act and the Minimum Wage Revision Act, to strengthen applicable remedies, fines, and administrative penalties when an employer fails to pay earned wages. It also provides for the suspension of business licenses of employers that are delinquent in paying wage judgments or agreements, to clarify administrative procedures and legal standards for adjudicating wage disputes, to require the employer to provide written notice to each employee of the terms of their employment and to maintain appropriate employment records.

Individuals and representatives of organizations who wish to testify at the public hearing are asked to contact Ms. Faye Caldwell or Gene Fisher of the Committee on Business, Consumer, and Regulatory Affairs at (202) 727-6683 or by email at fcaldwell@dccouncil.us or gfisher@dccouncil.us. Witnesses are asked to furnish their names, addresses, telephone number, email address, and organizational affiliation, if any, by the close of business, Wednesday, March 12, 2014. Each witness is requested to bring 20 copies of his/her written testimony. Representatives of organizations and government agencies will be limited to 5 minutes in order to permit each witness an opportunity to be heard. Individual witnesses will be limited to 3 minutes.

If you are unable to testify at the hearing, written statements are encouraged and will be made part of the official record. The official record will remain open until the close of business of Monday, March 24, 2014. Copies of written statements should be submitted to the Committee on Business, Consumer, and Regulatory Affairs, Council of the District of Columbia, Suite G-6, of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

**Council of the District of Columbia
Committee on Finance and Revenue
Notice of Public Roundtable**

John A. Wilson Building, 1350 Pennsylvania Avenue, N.W. Washington, D.C. 20004

**COUNCILMEMBER JACK EVANS, CHAIR
COMMITTEE ON FINANCE AND REVENUE**

ANNOUNCES A PUBLIC ROUNDTABLE ON THE MATTER OF:

The Ingleside Presbyterian Retirement Community Inc. Revenue Bonds Project

Wednesday, March 12, 2014

9:45 a.m.

**Room 120- John A. Wilson Building
1350 Pennsylvania Avenue, NW, Washington, D.C. 20004**

Councilmember Jack Evans, Chairman of the Committee on Finance and Revenue, announces a public roundtable to be held on Wednesday, March 12, 2014 at 9:45 a.m. in Room 120 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

The Ingleside Presbyterian Retirement Community Inc. Revenue Bonds Project would authorize and provide for the issuance, sale and delivery in an aggregate principal amount not to exceed \$30 million of the District of Columbia revenue bonds in one or more series and to authorize and provide for the loan of the proceeds of the bonds to assist The Ingleside Presbyterian Retirement Community, Inc. ("Ingleside at Rock Creek") in the financing, refinancing or reimbursing of cost associated with an authorized project pursuant to section 490 of the District of Columbia Home Rule Act. The project is located at several properties located on Military Road N.W., in Ward 4, and includes the refunding of a series 1998 issuance, and the financing of pre-development costs for renovation, construction and expansion of facilities.

The Committee invites the public to testify at the roundtable. Those who wish to testify should contact Sarina Loy, Committee Aide at (202) 724-8058 or sloy@dccouncil.us, and provide your name, organizational affiliation (if any), and title with the organization by 9:45 a.m. on Tuesday, March 11, 2014. Witnesses should bring 15 copies of their written testimony to the hearing. The Committee allows individuals 3 minutes to provide oral testimony in order to permit each witness an opportunity to be heard. Additional written statements are encouraged and will be made part of the official record. Written statements may be submitted by e-mail to sloy@dccouncil.us or mailed to: Council of the District of Columbia, 1350 Pennsylvania Ave., N.W., Suite 114, Washington D.C. 20004.

COUNCIL OF THE DISTRICT OF COLUMBIA
CONSIDERATION OF TEMPORARY LEGISLATION

B20-693, “Driver Safety Clarification Temporary Amendment Act of 2014”, **B20-699**, “Kelsey Gardens Redevelopment Temporary Act of 2014”, **B20-701**, “Transportation Infrastructure Mitigation Temporary Act of 2014”, **B20-703**, “Department of Parks and Recreation Fee-based Use Permit Authority Clarification Temporary Act of 2014” and **B20-705**, “Tobacco Product Manufacturer Reserve Fund Temporary Amendment Act of 2014”, were adopted on first reading on March 4, 2014. These temporary measures were considered in accordance with Council Rule 413. A final reading on these measures will occur on April 8, 2014.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: March 07, 2014
Petition Date: April 21, 2014
Hearing Date: May 05, 2014
Protest Date: June 25, 2014

License No.: ABRA-094478
Licensee: Ima Pizza Store 3, LLC
Trade Name: & Pizza
License Class: Retailer’s Class “C” Restaurant
Address: 666 Monroe Street, NE
Contact: Paul Pascal, Esq 202-544-2200

WARD 5

ANC 5E

SMD 5E01

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 on the hearing date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the petition date. The Protest Hearing Date is scheduled for 1:30 pm on June 25, 2014.

NATURE OF OPERATION

Pizza Restaurant with 43 seats. Total occupancy load of 85. Summer Garden with 36 seats.

HOURS OF OPERATION

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

HOURS OF ALCOHOLIC BEVERAGES SALES/SERVICE/CONSUMPTION

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

HOURS OF OPERATION ON SUMMER GARDEN

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

HOURS OF ALCOHOLIC BEVERAGES SALES/SERVICE/CONSUMPTION ON SUMMER GARDEN

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF PUBLIC HEARINGS
CALENDAR

WEDNESDAY, MARCH 12, 2014
2000 14TH STREET, N.W., SUITE 400S
WASHINGTON, D.C. 20009

Ruthanne Miller, Chairperson
Members: Nick Alberti, Donald Brooks, Herman Jones
Mike Silverstein, Hector Rodriguez, James Short

- Protest Hearing (Status)** **9:30 AM**
Case # 13-PRO-00173; Caribbean Vibes, Inc., t/a Club Timehri, 2439 18th Street NW, License #77730, Retailer CT, ANC 1C
Renewal Application
- Protest Hearing (Status)** **9:30 AM**
Case # 13-PRO-00180; Chloe, LLC, t/a District, 2473 18th Street NW, License #92742, Retailer CR, ANC 1C
Renewal Application
- Show Cause Hearing (Status)** **9:30 AM**
Case # 13-AUD-00055; Saigon Bistro, LLC, t/a Saigon Bistro, 2153 P Street NW, License #81175, Retailer CR, ANC 2B
Failed to File Quarterly Statements (1st Quarter 2013)
- Show Cause Hearing (Status)** **9:30 AM**
Case # 13-AUD-00065; BL Restaurant Operations, LLC, t/a Bar Louie, 701 7th Street NW, License #84428, Retailer CR, ANC 2C
Failed to File Quarterly Statements (2nd Quarter 2013)
- Show Cause Hearing (Status)** **9:30 AM**
Case # 13-CMP-00306; The Johnny Rockets Group, LLC, t/a Johnny Rockets 3131 M Street NW, License #81606, Retailer CR, ANC 2E
Failed to Maintain Books and Records
- Show Cause Hearing (Status)** **9:30 AM**
Case # 13-AUD-00057; The Johnny Rockets Group, LLC, t/a Johnny Rockets 3131 M Street NW, License #81606, Retailer CR, ANC 2E
Failed to File Quarterly Statements (1st Quarter 2013)

Board's Calendar
March 12, 2014

- Show Cause Hearing (Status)** **9:30 AM**
Case # 12-CMP-00228; Soloman Enterprises, LLC, t/a Climax Restaurant and Hookah Bar, 900 Florida Ave NW, License #88290, Retailer CT, ANC 1B
Failed to Comply with Board Order No. 2013-370
- Show Cause Hearing (Status)** **9:30 AM**
Case # 13-CMP-00501; Acacia Skylan, Inc., t/a Acacia Wellness Bistro, 4340 Connecticut Ave NW, License #80916, Retailer CR, ANC 3F
Failed to Post License in a Conspicuous Place
- Fact Finding Hearing*** **9:30 AM**
Temporary License Application, Date of Event: March 15, 2014, Event: Shamrock Beer Festival, Applicant: James S. Martens, on behalf of Drink the District, Neighborhood: 1300 1st Street SE (1st & N Street SE)
Size of Event: 1,250 attendees
- Summary Suspension Status Hearing*** **9:30 AM**
Case # 14-251-00045; Jasper Ventures, LLC, t/a Capitale, 1301 K Street NW License #72225, Retailer CN, ANC 2F
Update from Licensee on Compliance with Board Order
- Show Cause Hearing*** **10:00 AM**
Case # 12-AUD-00006(NCBO); Esteban Ramirez & Franciso Nunez, t/a Carolina Palace, 3700 14th Street NW, License #21055, Retailer CR, ANC 4C
Failed to Comply With the Terms of its Offer in Compromise dated May 1, 2013
- Show Cause Hearing*** **10:00 AM**
Case # 12-CMP-00568; Mama Chuy DC, Inc., t/a Mama Chuy, 2620 Georgia Ave NW, License #86892, Retailer CR, ANC 1B
Failure to Pay a Fine Pursuant to an OIC dated July 10, 2013
- Show Cause Hearing*** **11:00 AM**
Case # 12-CMP-00456; Mama Chuy DC, Inc., t/a Mama Chuy, 2620 Georgia Ave NW, License #86892, Retailer CR, ANC 1B
Failure to Pay a Fine Pursuant to an OIC dated July 10, 2013

Board's Calendar
March 12, 2014

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

Protest Hearing* **1:30 PM**

Case # 13-PRO-00128; JC 7, LLC, t/a NY NY Diva, 2406 18th Street NW
License #92380, Retailer CR, ANC 1C

Renewal Application

This hearing has been continued to April 23, 2014 at 4:30 p.m., at the request of the parties.

Protest Hearing* **1:30 PM**

Case # 13-PRO-00149; Acott Ventures, LLC, t/a Shadow Room, 2131 K Street NW, License #75871, Retailer CN, ANC 2A

Renewal Application

Protest Hearing* **4:30 PM**

Case # 13-PRO-00122; Sami Restaurant, LLC, t/a Bistro 18, 2420 18th Street NW, License #86876, Retailer CR, ANC 1C

Termination of Settlement Agreement

***The Board will hold a closed meeting for purposes of deliberating these hearings pursuant to D.C. Official Code §2-574(b)(13).**

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: March 7, 2014
Petition Date: April 21, 2014
Hearing Date: May 5, 2014
Protest Hearing Date: June 25, 2014

License No.: ABRA-094426
Licensee: El El Camino, LLC
Trade Name: El Camino
License Class: Retailer’s Class “C” Restaurant
Address: 108 Rhode Island Avenue, NW
Contact: Anthony Dundas-Lucca 781-704-6098

WARD 5 ANC 5E SMD 5E07

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. The Protest Hearing Date is scheduled for June 25, 2014 at 1:30 pm.

NATURE OF OPERATION

Full service sit down restaurant and bar. The food will be Mexican, Latin, and American. Entertainment will be DJs and small live bands of four or fewer members. Total # of seats is 40 and the occupancy Load is 49. Total # of sidewalk cafe seats is 12.

HOURS OF OPERATION

Sunday through Thursday 11 am – 2 am Friday through Saturday 11 am – 3 am

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday through Thursday 11 am – 2 am Friday and Saturday 11 am -3 am

HOURS OF OPERATION FOR ENTERTAINMENT ENDORSEMENT

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

HOURS OF OPERATION FOR THE SIDEWALK CAFÉ

Sunday through Thursday 11 am – 2 am Friday and Saturday 11 am – 3 am

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

Sunday through Thursday 11 am – 2 am Friday and Saturday 11 am -3 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: March 07, 2014
Petition Date: April 21, 2014
Hearing Date: May 05, 2014
Protest Date: June 25, 2014

License No.: ABRA-094010
Licensee: G Street Food 15 LLC
Trade Name: G Street Food
License Class: Retail Class "C" Restaurant
Address: 1030 15th Street, N.W.
Contact: Bernard Dietz 202 548-8000

WARD 2 ANC 2B SMD 2B05

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. The Protest Hearing Date is scheduled for 1:30pm on June 25, 2014.

NATURE OF OPERATION

New Restaurant. Standard American/International quick service. Entertainment. Occupancy load is 110. Sidewalk Cafe

HOURS OF OPERATON

Sunday through Saturday 7am - 10 pm

HOURS OF SALES/SERVICE/CONSUMPTION

Sunday through Saturday 9 am - 10 pm

HOURS OF OPERATON FOR SIDEWALK CAFE (30 SEATS)

Sunday through Saturday 7am - 10 pm

HOURS OF SALES/SERVICE/CONSUMPTION OF SIDEWALK CAFE

Sunday through Saturday 9 am - 10 pm

HOURS OF ENTERTAINMENT INSIDE AND SIDEWALK CAFÉ

Sunday through Saturday 12 pm - 10 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: March 7, 2014
Petition Date: April 21, 2014
Hearing Date: May 5, 2014
Protest Hearing Date: June 25, 2014

License No.: ABRA-093180
Licensee: Le Caprice DC Café Bakery, Inc.
Trade Name: Le Caprice DC Café Bakery
License Class: Retailer’s Class “D” Restaurant
Address: 3460 14th Street, NW
Contact: Amad Erfani: 202-290-3109

WARD 1

ANC 1A

SMD 1A02

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. The Protest Hearing Date is scheduled for June 25, 2014 at 1:30pm.

NATURE OF OPERATION

New Café Bakery Restaurant serving beer and wine. Occupancy Load is eight (8) with Sidewalk Café seating # fifty-two (52) chairs.

HOURS OF OPERATION

Sunday: 8AM-8PM, Monday through Saturday: 7AM-9PM

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday through Saturday: 11AM-9PM

SIDEWALK CAFÉ HOURS OF OPERATION

Sunday: 8AM-8PM, Monday through Saturday: 7AM-9PM

SIDEWALK CAFÉ HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday: 11AM-8PM, Monday-Saturday: 11AM-9PM

HOURS OF OPERATION/ HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE

Sunday through Saturday 9am to 10pm

Correction

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: February 28, 2014
Petition Date: April 14, 2014
Hearing Date: April 28, 2014

License No.: ABRA-092705
Licensee: SANDOVAN INC.
Trade Name: SANDOVAN RESTAURANT & LOUNGE
License Class: Retail Class "C" Restaurant
Address: 4809 Georgia Avenue NW
Contact: *Ronald Austin* 202-829-6120

WARD 4

ANC 4D

SMD 4D06

Notice is hereby given that this licensee has applied for a substantial change to its license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the hearing date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the petition date.

Licensee requests the following substantial change to its nature of operation:

Request a class change from Class "C" Restaurant license to Class "C" Tavern license

HOURS OF OPERATION

Sunday through Thursday 8am to 2am, Friday and Saturday 7am to 3am

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday through Saturday 11am to 2am, Friday and Saturday 11am to 3am

HOURS OF LIVE ENTERTAINMENT OCCURRING OR CONTINUING AFTER 6PM

Sunday through Thursday 10pm to 2am, Friday and Saturday 10pm to 3am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**NOTICE OF PUBLIC HEARING**

Posting Date: March 07, 2014
Petition Date: April 21, 2014
Hearing Date: May 05, 2014
Protest Date: June 25, 2014

License No.: ABRA-094158
Licensee: ICHPROP, LLC
Trade Name: The Public Option
License Class: Retail Class "C" Tavern
Address: 1601 Rhode Island Avenue, N.E.
Contact: William Perry 202 397-5129

WARD 5

ANC 5C

SMD 5C06

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. The Protest Hearing Date is scheduled for 1:30m on June 25, 2014.

NATURE OF OPERATION

New Tavern/Brew Pub. Growler, soups, flat breads, and salad. Entertainment with dancing, small ensemble, music including acoustic setting, jazz and bluegrass. Occupancy load is 134. Sidewalk Cafe

HOURS OF OPERATON

Sunday through Saturday 8 am – 2 am

HOURS OF SALES/SERVICE/CONSUMPTION

Sunday through Saturday 8 am – 2 am

HOURS OF OPERATON FOR SIDEWALK CAFÉ (45 SEATS)

Sunday through Saturday 8 am – 2 am

HOURS OF SALES/SERVICE/CONSUMPTION OF SIDEWALK CAFE

Sunday through Saturday 8 am – 2 am

HOURS OF ENTERTAINMENT INSIDE AND SIDEWALK CAFÉ

Sunday through Saturday 6 pm – 2 am

**DC DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
COMMUNITY NEEDS ASSESSMENT HEARINGS**

Michael P. Kelly, Director of the DC Department of Housing and Community Development (DHCD), announces a series of public hearings to discuss “Housing and Community Development Needs in the District of Columbia”. The hearings will help form a basis for developing the District’s draft “*Fiscal Year 2015 Action Plan*” and the spending priorities utilizing federal entitlement funds. DHCD, the Department of Human Services and the Department of Health will each provide input into the plan.

Residents and stakeholders are strongly encouraged to come out and participate in the development of policies and programs in the following areas: **1)** affordable housing; **2)** special needs housing; **3)** homelessness; **4)** homeownership; and, **5)** community development and public service activities. The Department is also interested in receiving community feedback on innovative strategies to enhance community participation during this planning process.

SCHEDULED PUBLIC HEARINGS:

Wednesday, March 19, 2014 ~ 6:30 pm

1800 Martin Luther King Jr, Avenue, SE, 1st Floor Conference Room

Thursday, March 20, 2014 ~ 6:30 pm

Israel Baptist Church, lower level
1251 Saratoga Avenue, Northeast

Tuesday, March 25, 2014 ~ 10:00 am

Focus: Special Needs Housing

(includes housing needs for the homeless, persons with disabilities and persons living with AIDS)

1800 Martin Luther King Jr, Avenue, SE, 1st Floor Conference Room

Thursday, March 27, 2014 ~ 6:30 pm

Frank D. Reeves Municipal Building
2000 14th Street, NW, 2nd Floor Community Room

District of Columbia residents who would like to present oral testimony are encouraged to register in advance either by e-mail at DHCD.EVENTS@dc.gov or by calling 202.442.7251. Please provide your name, address, telephone number, and organization affiliation, if any.

Telecommunications Device for the Deaf (TDD) relay service is available by calling (800) 201-7165. A sign language interpreter will be provided upon request by calling (202) 442-7251 five days prior to the hearing date.

Residents who require language interpretation should specify which language (Spanish, Vietnamese, Chinese-Mandarin/Cantonese, Amharic, or French). Interpretation services will be provided to pre-registered persons only. Deadline for requesting services of an interpreter is five days prior to the hearing date. Bilingual staff will provide services on an availability basis to walk-ins without registration.

Written statements may be submitted for the record at the hearing, or until close of business, Friday, April 4, 2014. Mail written statements to: Michael P. Kelly, Director, DHCD, 1800 Martin Luther King Jr., Avenue, SE, Washington, DC 20020.

WE NEED TO HEAR FROM YOU!

**BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
TUESDAY, MAY 6, 2014
441 4TH STREET, N.W.
JERRILY R. KRESS MEMORIAL HEARING ROOM, SUITE 220-SOUTH
WASHINGTON, D.C. 20001**

TO CONSIDER THE FOLLOWING: The Board of Zoning Adjustment will adhere to the following schedule, but reserves the right to hear items on the agenda out of turn.

9:30 A.M. MORNING HEARING SESSION

A.M.

WARD THREE

18745
ANC-3G **Application of Evan V. Goitein**, pursuant to 11 DCMR § 3104.1, for a special exception for a rear addition to a one-family detached dwelling under section 223, not meeting the rear yard requirements under section 404, in the R-1-B District at premises 2950 Legation Street, N.W. (Square 2298, Lot 802).

WARD TWO

18744
ANC-2B **Application of SB-Urban LLC**, pursuant to 11 DCMR §§ 3104.1 and 3103.2, for a variance from the court width requirements under subsection 536.3, variances from the parking requirements under subsections 2101.1 and 2100.10, and a special exception from the roof structure setback and uniform enclosing wall height requirements under subsection 411.11, for an apartment building in the DC/SP-1 District at premise 15 Dupont Circle, N.W. (Square 136, Lot 34).

WARD ONE

18746
ANC-1C **Application of Jubilee Housing Inc.**, pursuant to 11 DCMR § 3104.1, for a special exception to allow an Adult Rehabilitation Home for ten (10) men in an existing building under sections 732.1(d) and 358.2 – 358.7, in the C-2-B District at premises 2448 18th Street, N.W. (Square 2551, Lot 42).

WARD ONE

18747
ANC-1C **Application of Jubilee Housing Inc.**, pursuant to 11 DCMR § 3104.1, for a special exception to allow an Adult Rehabilitation Home for ten (10) women in an existing building under sections 732.1(d) and 358.2 – 358.7,

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and 358.9, in the R-5-B District at premises 2720 Ontario Road, N.W. (Square 2580, Lot 420).

WARD ONE

18748 **Application of Rob and Linda Low**, pursuant to 11 DCMR § 3103.2, for
ANC-1D a variance from the prohibition of having two principal structures on a
 single lot under subsection 3202.3, and a variance from the rear yard
 requirements under section 404, to use a carriage house as a one-family
 dwelling in the R-4 District at premises 1827 Park Road, N.W. (Square
 2614, Lot 801).

WARD ONE**THIS APPLICATION WAS POSTPONED FROM THE JANUARY 7, 2014, AND
FEBRUARY 25, 2014, PUBLIC HEARING SESSIONS:**

18687 **Application of William L. Ricks**, pursuant to 11 DCMR § 3103.2, for a
ANC-1A variance from the lot area requirements under subsection 401.3, a variance
 from the rear yard requirements under section 404, and a variance from
 the open court requirements under section 406, to allow a three unit
 apartment house in the R-4 District at premises 3007 11th Street, N.W.
 (Square 2851, Lot 99).

PLEASE NOTE:

Failure of an applicant or appellant to appear at the public hearing will subject the application or appeal to dismissal at the discretion of the Board.

Failure of an applicant or appellant to be adequately prepared to present the application or appeal to the Board, and address the required standards of proof for the application or appeal, may subject the application or appeal to postponement, dismissal or denial. The public hearing in these cases will be conducted in accordance with the provisions of Chapter 31 of the District of Columbia Municipal Regulations, Title 11, and Zoning. Pursuant to Subsection 3117.4, of the Regulations, the Board will impose time limits on the testimony of all individuals. Individuals and organizations interested in any application may testify at the public hearing or submit written comments to the Board.

Except for the affected ANC, any person who desires to participate as a party in this case must clearly demonstrate that the person's interests would likely be more significantly, distinctly, or uniquely affected by the proposed zoning action than other persons in the general public. **Persons seeking party status shall file with the Board, not less than 14 days prior to the date set for the hearing, a Form 140 – Party Status Application Form.** This form may be obtained from the Office of Zoning at the address stated below

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or downloaded from the Office of Zoning's website at: www.dcoz.dc.gov. All requests and comments should be submitted to the Board through the Director, Office of Zoning, 441 4th Street, NW, Suite 210, Washington, D.C. 20001. Please include the case number on all correspondence.

FOR FURTHER INFORMATION, CONTACT THE OFFICE OF ZONING AT (202) 727-6311.

**LLOYD J. JORDAN, CHAIRMAN, S. KATHRYN ALLEN, VICE
CHAIRPERSON, MARNIQUE Y. HEATH, JEFFREY L. HINKLE AND A
MEMBER OF THE ZONING COMMISSION ----- BOARD OF ZONING
ADJUSTMENT, CLIFFORD W. MOY, SECRETARY TO THE BZA, SARA A.
BARDIN, DIRECTOR, OFFICE OF ZONING.**

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
THIRD NOTICE OF FURTHER HEARING

TIME AND PLACE: Monday, April 21, 2014, @ 6:00 p.m. (Wards 7&8 and All Wards)
Thursday, April 24, 2014, @ 6:00 p.m. (All Wards)

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 08-06A (Title 11, Zoning Regulations – Comprehensive Text Revisions)

The Zoning Commission for the District of Columbia (“Commission”) hereby gives notice of further public hearings on the above-referenced case that will be limited to testimony from individuals, organizations, or associations that have not previously testified before the Commission on this case. Those persons who have previously testified, but still want to provide the Commission with additional comments, may do so by submitting comments in writing by 3:00 p.m. on Friday, April 25, 2014. Written comments may be submitted as indicated below.

The further hearings will be held as follows:

Date/Time	Wards	Location
Monday, April 21, 2014 6:00 p.m.	7 & 8, then All Other Wards	Thurgood Marshall Academy 2427 Martin Luther King, Jr. Avenue, SE
Thursday, April 24, 2014 6:00 p.m.	All Wards	Jerrily R. Kress Memorial Hearing Room 441 4 th Street, N.W., Suite 220-South

At the time that the Commission voted to set down this case for public hearing, it also voted to hear witnesses in the order in which the Office of Zoning was notified of their intent to testify. Therefore, at the April 24th hearing, the Commission will first hear from those individuals, organizations, or associations who notified the Office of Zoning of their intent to present testimony based upon the date and time that the notice of intent to testify was received by the Office of Zoning. The Commission will then hear from persons in the audience who did not submit notice of intent to testify. The same process will apply at the April 21st hearing, except that, the Commission will first hear from those who reside in Wards 7 and 8 and then hear from those who reside in any other Ward. In order to proceed in this manner, the Commission waived the following provision of Title 11 DCMR:

3021.5 The order of procedure at the hearing shall be as follows: ...

- (g) Persons in support of the application or petition; and
- (h) Persons in opposition to the application or petition.

The text of the proposed land use subtitles refers to new zone districts that the Office of Planning proposes to replace the current districts and overlays. The proposed mapping of these new districts is not the subject of these hearings. The Office of Planning will formally propose the

Z.C. THIRD NOTICE OF FURTHER HEARINGS
Z.C. CASE NO. 08-06A
PAGE 2

new zones as part of a subsequent map amendment proceeding for which notice and hearing will be provided in accordance with the Zoning Act and Regulations.

Finally, the Commission requests that the public's testimony focus on the substance of the proposed subtitles rather than the wording used. After this hearing process is concluded, the Office of Planning and the Office of the Attorney General will provide a revised text responding to any changes requested by the Commission and will also make any editorial modifications needed to assure clarity and consistency in the text. The public will have an opportunity to comment upon the word choices used during the comment period following the issuance of any notice of proposed rulemaking.

The full and official text of the proposed amendments is available for viewing on line at www.dcoz.dc.gov by clicking the following icon that appears on the home page:



Direct access to the proposed text is also available at <http://www.dcoz.dc.gov/ZRR/ZRR.shtm>.

A copy of the official text on compact disk may be requested from either the Office of Planning at zoningupdate@dc.gov or the Office of Zoning and will be provided at no charge.

Additionally, paper copies have been provided to the District of Columbia Public Library system for distribution to every public library.

Proposed amendments to the Zoning Regulations of the District of Columbia are authorized pursuant to the Zoning Act of June 20, 1938, (52 Stat. 797), as amended, D.C. Official Code § 6-641.01, *et seq.*

The public hearings on this case will be conducted as a rulemaking in accordance with the provisions of 11 DCMR § 3021. Pursuant to that section, the Commission will impose time limits on testimony presented to it at the public hearing.

All individuals, organizations, or associations wishing to testify in this case are encouraged to inform the Office of Zoning their intent to testify prior to the hearing date. This can be done by mail sent to the address stated below, e-mail (donna.hanousek@dc.gov), or by calling (202) 727-0789. As noted, those persons who have submitted an intention to testify prior to a hearing date will be permitted to testify first and in the order in which their intention was received, subject to the Ward specific process applicable to the April 24th hearing. For this reason, it is important that all communications indicate Case No. 08-06A and the specific hearing date at which testimony will be given.

Z.C. THIRD NOTICE OF FURTHER HEARINGS
Z.C. CASE NO. 08-06A
PAGE 3

Written statements, in lieu of personal appearances or oral presentations, may be submitted for inclusion in the record.

Individuals are encouraged to submit written testimony through the Interactive Zoning Information System (IZIS) at <http://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by mail to 441 4th Street, N.W., Suite 200-S, Washington, DC 20001; by e-mail to zcsubmissions@dc.gov; or by fax to (202) 727-6072. Please include on your submissions Case No. 08-06A and the subtitle for which you are submitting written statements. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

**ANTHONY J. HOOD, MARCIE I. COHEN, ROBERT E. MILLER PETER G. MAY,
AND MICHAEL G. TURNBULL ----- ZONING COMMISSION FOR THE DISTRICT
OF COLUMBIA, BY SARA A. BARDIN, DIRECTOR, AND BY SHARON SCHELLIN,
SECRETARY TO THE ZONING COMMISSION.**

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in An Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 774; D.C. Official Code § 1-307.02 (2012 Repl. & 2013 Supp.)), and Section 6(6) of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2012 Repl.)), hereby gives notice of the adoption of an amendment to Section 1915, entitled “Host Home Services”, of Chapter 19 (Home and Community Based Waiver Services for Individuals with Intellectual and Developmental Disabilities) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

These final rules establish standards governing reimbursement of host home services provided to participants in the Home and Community-Based Waiver Services for Individuals with Intellectual and Developmental Disabilities (ID/DD Waiver) and conditions of participation for providers.

The ID/DD Waiver was approved by the Council of the District of Columbia and renewed by the U.S Department of Health and Human Services, Centers for Medicaid and Medicare Services, for a five-year period beginning November 20, 2012. Host home without transportation services provide essential supports whereby a homeowner assists the person with multiple activities, including activities of daily living, to enable him/her to live successfully in the community. These rules amend the previously published final rules by: (1) clarifying words and/or phrases to reflect more person-centered language and simplify interpretation of the rule, and (2) establishing that the person’s acuity level will be determined by DDS based on the results of the Level of Need (LON) assessment and screening tool, instead of the Support Intensity Scale.

A Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on September 20, 2013 at 60 DCR 13205, and a Notice of Second Emergency and Proposed Rulemaking was published in the *D.C. Register* on January 17th, 2014 at 61 DCR 00442. One comment was received and no substantive changes have been made. These rules were adopted on February 20, 2014 and shall become effective on the date of publication on this notice in the *D.C. Register*.

Section 1915 (Host Home) of Chapter 19 (Home and Community Based Waiver Services for Individuals with Intellectual and Developmental Disabilities) of Title 29 (Public Welfare) of the DCMR is amended to read as follows:

1915 HOST HOME WITHOUT TRANSPORTATION SERVICES

1915.1 The purpose of this section is to establish standards governing Medicaid eligibility for host home without transportation services under the Home and Community-Based Waiver Services for Individuals with Intellectual and

Developmental Disabilities (ID/DD Waiver), and to establish conditions of participation for providers of host home services.

- 1915.2 Host home without transportation services enable a person to retain or improve skills related to: health; activities of daily living; money management; community mobility; recreation; cooking; shopping; use of community resources; community safety; and to develop other adaptive skills needed to live in the community.
- 1915.3 To be eligible for Medicaid reimbursement of host home without transportation services, each person shall demonstrate a need for support for up to twenty-four (24) hours per day, and the services shall be:
- (a) Provided in a private home, referred to as “host home”, which may be leased or owned by the principal care provider; and
 - (b) Identified as a need in the person’s Individual Support Plan (ISP) and Plan of Care.
- 1915.4 The total number of persons living in the host home (including those served in the ID/DD Waiver), who are unrelated to the principal care provider cannot exceed three (3).
- 1915.5 In order to be reimbursed by Medicaid, the principal care provider shall:
- (a) Use the Department of Disabilities Services (“DDS”) approved person-centered thinking tools to develop an assessment that includes what is important to and for the person, within the first month of the person residing in the home;
 - (b) Participate in the development of the ISP and Plan of Care to ensure the ISP goals are clearly defined;
 - (c) Assist in the coordination of all services that a person may receive by ensuring that all recommended and accepted modifications to the ISP are included in the current ISP;
 - (d) Develop a support plan with measurable outcomes using the information from the DDS approved person-centered thinking tools, the ISP, Plan of Care, and other information as appropriate to assist the person in achieving their goals; and
 - (e) Review the person’s ISP and Plan of Care goals, objectives, and activities at least quarterly, and more often as necessary, and submit quarterly reports to the person, family, as appropriate, guardian, and DDS Service Coordinator in accordance with the requirements described , under Section

1908 (Reporting Requirements) and Section 1909 (Records and Confidentiality of Information) of Chapter 19 of Title 29 of the DCMR.

1915.6 In order to be reimbursed by Medicaid, the principal care provider shall provide personal supports and assistance to the person in the host home. These services shall include, but are not limited to, the following:

- (a) Room and board (not included in the ID/DD Waiver reimbursement rate);
- (b) Assistance with eating and food preparation;
- (c) Assistance with personal hygiene;
- (d) Assistance with dressing;
- (e) Assistance with monitoring the person's health and physical condition;
- (f) Assistance with the administration of medication;
- (g) Assistance with communication between the person and other health care providers;
- (h) Assistance with interpersonal and social skills;
- (i) Assistance with household chores;
- (j) Assistance with mobility;
- (k) Assistance with motor and perceptual skills;
- (l) Assistance with problem-solving and decision-making;
- (m) Maintenance of medical records;
- (n) Maintenance of financial records;
- (o) Assistance with attending health care appointments, by the coordination of transportation to and from the person's appointments;
- (p) Assistance with planning and attending events;
- (q) Habilitative support in activities of daily living and/or therapeutic goals and objectives as described in the ISP and Plan of Care;
- (r) Assistance with enhancing the person's opportunities for social, recreational, and religious activities utilizing community resources; and

- (s) Assistance with ensuring that the person's adaptive equipment is appropriate and functioning.

1915.7 In order to be reimbursed by Medicaid, the ID/DD Waiver provider shall coordinate the delivery of professional services to each person residing in a host home that may include, but are not limited to, the following disciplines or services:

- (a) Medical Care;
- (b) Dentistry;
- (c) Education;
- (d) Nutrition;
- (e) Nursing;
- (f) Occupational therapy;
- (g) Physical therapy;
- (h) Behavioral support;
- (i) Community supports;
- (j) Social work;
- (k) Speech, hearing and language therapy; and
- (l) Recreation.

1915.8 In order to be reimbursed by Medicaid, each ID/DD Waiver provider that oversees a person's host home placement shall:

- (a) Receive and review packets submitted by DDS requesting development of a host home for a particular applicant;
- (b) Respond to inquiries for host home development in a timely manner;
- (c) Recruit a principal care provider to deliver host home services;
- (d) Identify and develop on-going relationships with local medical professionals (*e.g.*, dentist, physician, psychiatrist, psychologist, occupational therapist, physical therapist, etc.);

- (e) Coordinate a minimum of one (1) visit by the person to the prospective principal care provider's home, one of which may be an overnight stay;
- (f) Coordinate transportation with the DDS Service Coordinator for visits to the prospective host home of the principal care provider;
- (g) Participate in a person centered planning process to develop the person's ISP and Plan of Care;
- (h) Arrange for essential supports, including training, supplies and equipment to be in place prior to the person's move into a host home setting;
- (i) Arrange for non-essential, but recommended and necessary supports to be put into place subsequent to a person's move into a host home setting; and
- (j) Provide information as needed to the person, the person's family or authorized representative, support team, DDS Service Coordinator, and the principal care provider.

1915.9

In order to be reimbursed by Medicaid, the ID/DD Waiver provider shall:

- (a) Coordinate the use of transportation for each person residing in a host home to their day programs, places of employment, and/or community outings as needed;
- (b) Coordinate general support monitoring at least twice per month to review conditions in the host home, the person's health status, implementation of the ISP, update activity schedules, review medical and other appointments, and draft progress notes;
- (c) Coordinate health care monitoring for each person residing in the host homes including, at a minimum, monitoring by a registered nurse at least every sixty (60) days for persons with no medications, and at least monthly for persons on medications; and complete monthly progress notes during each visit, as appropriate;
- (d) Provide respite to the principal care provider for up to a total of fourteen (14) days per year. If respite care and emergency support is provided in the host home, Medicaid reimbursement payments for host home services shall continue for fourteen (14) days. If respite is provided in another location, the host home services percentage of the reimbursement rate shall be paid to the ID/DD Waiver provider;
- (e) Provide emergency support to the person enrolled in the ID/DD Waiver, in the event that an emergency renders a principal care provider unable to provide supports;

- (f) Coordinate compliance with DDS policies and procedures;
 - (g) Provide training to ensure that the principal care provider is knowledgeable about DDS policies and procedures;
 - (h) Ensure that the principal care provider is trained on medication administration; and
 - (i) Accompany the person to annual review court hearings and provide reports to be utilized during court hearings.
- 1915.10 In order to be reimbursed by Medicaid, the principal care provider may be a family member who is not a parent, spouse or other legally responsible relative of the person enrolled in the ID/DD Waiver.
- 1915.11 In order to be reimbursed by Medicaid, the host home residence and the ID/DD Waiver provider shall meet the DDS Certification Standards as set forth in the Human Care Agreement between the principal care provider, the ID/DD Waiver provider, and DDS, if applicable.
- 1915.12 In order to be reimbursed by Medicaid, host home without transportation services shall be administered by supported living service providers or residential habilitation service providers, which in this section shall be referred to as the ID/DD Waiver provider.
- 1915.13 In order to be reimbursed by Medicaid, each ID/DD Waiver provider of host home services without transportation shall demonstrate verification of passing the DDS Provider Certification Review with experience providing In-Home Supports or Respite for at least three (3) years, unless waived by a designated DDA staff.
- 1915.14 In order to be reimbursed by Medicaid, each ID/DD Waiver provider of host home without transportation services shall agree to the following:
- (a) Be a member of the person's support team;
 - (b) Comply with Sections 1904 (Provider Qualifications) and 1905 (Provider Enrollment) of Chapter 19 of Title 29 of the DCMR;
 - (c) Maintain a signed, current Human Care Agreement with DDS when deemed necessary by DDS;
 - (d) Demonstrate that the owner(s)/operator(s) has at least five (5) years of experience in a leadership role with a residential provider that support adults with an intellectual disability, unless waived by the DDS Director or Deputy Director or their designee.

- 1915.15 In order to be reimbursed by Medicaid, each host home residence and supporting ID/DD Waiver provider located out-of-state shall be licensed and/or certified in accordance with the host state's laws and regulations and/or consistent with the terms and conditions set forth in an agreement between the District of Columbia and the host state. Each out-of-state host home and ID/DD Waiver provider shall comply with the following additional requirements:
- (a) Remain in good standing in the jurisdiction where the program is located;
 - (b) Submit a copy of the annual certification or survey performed by the host state and provider's corrective action to DDS;
 - (c) Allow authorized agents of the District of Columbia government, federal government, and governmental officials of the host state full access to all sites and records for audits and other reviews; and
 - (d) Successfully meet the certification review requirements of DDS.
- 1915.16 Each principal care provider and direct support professional (DSP) providing host home without transportation services shall meet all of the requirements in Section 1906 (Requirements for direct support professionals) of Chapter 19 of Title 29 of DCMR.
- 1915.17 In order to be reimbursed by Medicaid, each principal care provider providing host home services shall agree to cooperate and attend mandatory training sessions provided by DDS and the ID/DD Waiver provider, and to allow DDS Service Coordinator and other DDS employees' reasonable access to the Host Home.
- 1915.18 In order to be reimbursed by Medicaid, services shall be authorized for reimbursement in accordance with the following provider requirements:
- (a) DDS shall provide a written service authorization before the commencement of services;
 - (b) The provider shall conduct an assessment and develop a host home assessment plan with training goals and techniques that will assist the principal care provider, within the first thirty (30) days of service delivery;
 - (c) The service name and the ID/DD Waiver provider delivering services shall be identified in the ISP and Plan of Care;
 - (d) The ISP, Plan of Care, and Summary of Supports and Services shall document the amount and frequency of services to be received; and
 - (e) Services shall not conflict with the service limitations described under Subsection 1915.25.

1915.19 Each ID/DD Waiver provider of host home without transportation services shall maintain the following documents for monitoring and audit reviews:

- (a) Any documents required to be maintained under Section 1909 (Records and Confidentiality of Information) of Chapter 19 of Title 29 of the DCMR;
- (b) A copy of the person's most recent DDS approved ISP and Plan of Care;
- (c) A current written staffing plan, if In-Home Supports are needed;
- (d) A written explanation of staffing responsibilities when the principal care provider is unavailable to provide support to the person enrolled in the ID/DD Waiver;
- (e) Current financial records of expenditures of public and private funds for each person;
- (f) The records of any nursing care provided pursuant to a physician ordered protocol and procedure, charting, and other supports provided in accordance with a physician's order relating to the development and management of the Health Management Care Plan.
- (g) The progress notes written by the principal care provider on a weekly basis and archived at the ID/DD Waiver provider's central office, which contain the following information:
 - (1) The progress in meeting each goal in the ISP;
 - (2) Any unusual health or behavioral events or change in status;
 - (3) A listing of all community activities attended by the person and for each, a response to the following questions: "What did the person like about the activity?" and "What did the person not like about the activity?"; and
 - (4) Any matter requiring follow-up on the part of the service provider or DDS.

1915.20 In order to be reimbursed by Medicaid, each ID/DD Waiver provider of host home without transportation services shall comply with Sections 1908 (Reporting Requirements) and 1911 (Individual Rights) of Chapter 19 of Title 29 of the DCMR.

- 1915.21 Host home without transportation services shall not be reimbursed by Medicaid if they are billed for the same day of service that the following ID/DD Waiver services are provided to the person:
- (a) Supported Living;
 - (b) Residential Habilitation;
 - (c) Personal Care;
 - (d) Skilled Nursing;
 - (e) Environmental Accessibility;
 - (f) Transportation;
 - (g) Respite;
 - (h) Personal Emergency Response System (PERS); and
 - (i) In-Home Supports.
- 1915.22 In order to be eligible for Medicaid reimbursement, host home without transportation services shall not include a day when the person is hospitalized, on vacation, or other days during which the person is not residing at the host home, with the exception of days when the person is on vacation with the principal care provider.
- 1915.23 In order to be eligible for Medicaid reimbursement, host home without transportation services shall not include a day when the person is not residing at the host home, with the exception of days when the person is temporarily residing in a hotel or other facility due to an emergency situation.
- 1915.24 The following individuals shall not be authorized to enroll as an ID/DD Waiver provider of host home without transportation services for the person:
- (a) The person's legal guardian;
 - (b) The person's parent; or
 - (c) The person's spouse.
- 1915.25 Reimbursement for host home without transportation services shall not include:
- (a) Cost of room and board;

- (b) Cost of facility maintenance, upkeep, and improvement;
 - (c) Activities for which payment is made by a source other than Medicaid; and
 - (d) Time when the person is in school or employed.
- 1915.26 The reimbursement rate for host home without transportation services is a daily inclusive rate based on the person's acuity level. The acuity level shall be determined by DDS based on the results of the Level of Need Assessment and Screening Tool or as documented in the person's ISP.
- 1915.27 The basic support rate that Medicaid will reimburse shall be one hundred thirty-six dollars (\$136.00) per day; the moderate support rate shall be one hundred fifty-three dollars (\$153.00) per day; and the intensive support rate shall be one hundred ninety-six dollars (\$196.00) per day. The host home without transportation services reimbursement rate shall include:
- (a) All training for host home workers;
 - (b) Programmatic supplies;
 - (c) Oral/topical medication management;
 - (d) General and administrative fees for ID/DD Waiver services;
 - (e) Relief of the caregiver and emergency support;
 - (f) All direct support costs based on the needs of the person; and
 - (g) Additional supports provided by a DSP for up to twenty (20) hours per week.
- 1915.28 In the event that additional DSP supports are requested, the ID/DD Waiver provider shall submit to the DDS Service Coordinator, the following documents:
- (a) A written justification; and
 - (b) A summary of the responsibilities of the DSP who is scheduled to provide the additional supports.
- 1915.29 Persons with extraordinary needs may be eligible to receive a specialized reimbursement rate not to exceed five hundred dollars (\$500.00) per day, subject to DDS approval.

- 1915.30 Forty (40) percent to fifty (50) percent of the daily reimbursement rate shall be paid to the host home by the ID/DD Waiver provider for support services. The remaining fifty (50) percent to sixty (60) percent of the daily reimbursement rate shall be retained by the ID/DD Waiver provider for training, additional in-home support services based on the needs of the person, medication management, general and administrative fees for ID/DD Waiver services, general supervision, and relief and emergency coverage. The actual percentage of the daily reimbursement rate allocated between the host home and the ID/DD Waiver provider shall be negotiated between the parties based on the specific support needs of the person.
- 1915.31 The person receiving host home services shall contribute an amount based on their Social Security benefits to the principal care provider to pay towards their room and board expenses.

Section 1999 (DEFINITIONS) is amended by adding the following:

Homeowner - A person(s) who is (are) the primary owner or renter of a residential property and who provides supports to assist the person enrolled in the ID/DD Waiver.

Host Home - The residence owned or leased by the homeowner or principal care provider who provides host home services to the person enrolled in the ID/DD Waiver.

Principal care provider- The person who owns and/or leases the host home and provides host home services and supports to the person enrolled in the ID/DD Waiver.

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in An Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 774; D.C. Official Code § 1-307.02 (2012 Repl. & 2013 Supp.)) and Section 6(6) of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2012 Repl.)), hereby gives notice of the adoption of a new Section 1925, entitled “Individualized Day Supports Services”, of Chapter 19 (Home and Community-Based Waiver Services for Individuals with Intellectual and Developmental Disabilities) of Title 29 (Public Welfare) of the District of Columbia Municipal Register (DCMR).

These final rules establish standards governing reimbursement of individualized day supports services provided to participants in the Home and Community-Based Services Waiver for Individuals with Intellectual and Developmental Disabilities (ID/DD Waiver) and conditions of participation for providers.

The ID/DD Waiver was approved by the Council of the District of Columbia and renewed by the U.S. Department of Health and Human Services, Centers for Medicaid and Medicare Services, for a five-year period beginning November 20th, 2012. Individualized day supports services provide crucial habilitation supports in the community to ensure that a person’s social skills are enhanced outside of his/her home to foster independence and encourage community integration. These rules amend the previously published final rules by: (1) establishing that providers of individualized day support services shall possess at least one (1) year of experience providing day services to individuals with intellectual and/or developmental disabilities instead of five (5) years of experience; (2) amending the list of documents that providers shall maintain for monitoring and audit reviews by adding a contingency plan to describe how the individualized day supports will be provided when the regular staff person is unavailable and/or when back-up staff is unavailable; (3) changing the name of the individualized activity plan to “community integration plan” and revising its components; and (4) clarifying words and/or phrases to reflect more person-centered language and simplify interpretation of the rule.

A Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on September 27, 2013 at 60 DCR 13415 and a Notice of Second Emergency and Proposed Rulemaking was published in the *D.C. Register* on January 17th, 2014 at 61 DCR 00458. One comment was received and no substantive changes have been made. Section 1925.5(f) was deleted because it was redundant and contained the same requirements as set forth in Section 1915.5(e). The final rules were adopted on February 20, 2014 and shall become effective upon publication of this notice in the *D.C. Register*.

A new Section 1925 (Individualized Day Supports) is added to Chapter 19 (Home and Community Based Services for Individuals with Intellectual and Developmental Disabilities) of Title 29 (Public Welfare) of the DCMR to read as follows:

1925 INDIVIDUALIZED DAY SUPPORTS

- 1925.1 This section establishes standards governing Medicaid eligibility for individualized day supports services for persons enrolled in the Home and Community-Based Services Waiver for Individuals with Intellectual and Developmental Disabilities (ID/DD Waiver), and shall establish conditions of participation for providers of individualized day supports services seeking Medicaid reimbursement.
- 1925.2 The following rules pertain only to Medicaid reimbursable individualized day supports services to be received by an individual enrolled in the ID/DD Waiver, hereinafter referred to as “person” or “persons”.
- 1925.3 In order to receive Medicaid reimbursement for individualized day supports services, a provider must document that the need for the service is consistent with the person’s Individual Support Plan (ISP) and Plan of Care, and show at least one of the following:
- (a) That the person chooses to participate in habilitation services in a non-traditional community-based setting;
 - (b) That the person is transitioning into retirement or is retired and chooses to continue habilitation services;
 - (c) That the person has individual ISP goals for community integration and participation;
 - (d) That the person is likely to be successful in achieving his or her ISP goals; or
 - (e) That the person has a documented need for individualized day supports due to medical or safety issues that are consistent with the Health Care Management Plan (HCMP) and Behavioral Support Plan.
- 1925.4 Medicaid reimbursable individualized day supports services shall:
- (a) Be habilitative in nature;
 - (b) Be delivered in a community setting; and
 - (c) Be provided in a group consisting of no more than two (2) persons.
- 1925.5 Medicaid reimbursable individualized day supports services shall provide:

- (a) Highly individualized, structured activities that emphasize social skills development, and/or vocational exploration, and life skills training, within an inclusive community setting;
- (b) Activities that maximize the person's functional levels;
- (c) Activities that support the person's choice in identifying his or her own areas of interest and preferences;
- (d) Activities that provide opportunities for socialization including leisure activities that enhance adult skill development in the community; and
- (e) Training in the safe and effective use of one or more modes of accessible public transportation and/ or coordination and provision of transportation to participate in community activities consistent with this service.

1925.6 In order to be eligible for Medicaid reimbursement, each individualized day supports provider entity shall:

- (a) Comply with Section 1904 (Provider Qualifications) and Section 1905 (Provider Enrollment Process) of Chapter 19 of Title 29 of the DCMR;
- (b) Have a minimum of one (1) year of experience providing day services to persons with intellectual disabilities and/or developmental disabilities;
- (c) For current providers, provide verification of passing the Department on Disability Services (DDS) provider certification review for at least three (3) years;
- (d) Provide oversight, supervision and training of all Direct Service Personnel (DSP) providing individualized day supports; and
- (e) Maintain a staff-to-person ratio as indicated in the ISP and Plan of Care up to a maximum ratio of one to two (1:2), ensuring that services meet the person's needs and are provided appropriately and safely.

1925.7 Services shall only be authorized for Medicaid reimbursement if the following conditions are met:

- (a) DDS provides a written service authorization before beginning service delivery;
- (b) The individualized day support service name and enrolled provider are identified in the ISP, Plan of Care and Summary of Support Services;
- (c) The amount and frequency of services to be received is documented in the ISP, Plan of Care and Summary of Support Services;

- (d) Services shall not conflict with the service limitations described under Subsection 1925.11;
- (e) The staffing plan and community integration plan described under Subsection 1925.8 are submitted upon commencement of services; and
- (f) The quarterly reports shall be submitted within seven (7) business days after the commencement of the first quarter and each subsequent quarter.

1925.8 Each DSP providing individualized day supports shall meet all of the requirements in Section 1906 (Requirements for Direct Support Professionals) of Chapter 19 of Title 29 of the DCMR, in order to be eligible for Medicaid Reimbursement.

1925.9 In order to be eligible for Medicaid reimbursement each DSP providing individualized day supports services shall meet the following requirements:

- (a) Assist with the development of the community integration plan to implement the individualized day supports services;
- (b) Coordinate the scheduled activities specified under the community integration plan; and
- (c) Utilize positive behavioral support strategies and crisis interventions as described in the approved Behavioral Support Plan to address emergency situations.

1925.10 Each provider entity of individualized day supports services shall, in order to be eligible for Medicaid reimbursement, maintain documents for monitoring and audit reviews as described under Section 1909 (Records and Confidentiality of Information) of Chapter 19, of Title 29 of the DCMR and maintain the following additional records:

- (a) A contingency plan that describes how the individualized day supports will be provided when the regular staff person is unavailable; and, if the lack of immediate care poses a serious threat to the person's health and welfare, how the supports will be provided when back-up staff are unavailable;
- (b) The community integration plan containing the following information:
 - (1) The name of the person receiving the services;
 - (2) The title of the staff person rendering services;
 - (3) The schedule of activities taking place in the community, including the date, start and end time that the person receiving services will participate in;

- (4) The goals, including measurable outcomes which promote community integration, for all services identified in the ISP and Plan of Care;
- (5) The strategies that are being used to support the person to achieve his or her goals as in his or her ISP and Plan of Care;
- (6) The teaching strategies that are being implemented to achieve the goal and a response to the following questions: What worked well for the person? What didn't work well for the person?;
- (7) The observations that are noted by the DSP regarding the person receiving services' newly acquired skills that should be included in the person's amended or annual ISP; and
- (8) The learning styles of the person.

1925.11 In order to be eligible for Medicaid reimbursement, each Provider shall comply with Section 1908 (Reporting Requirements) and Section 1911 (Individual Rights) of Chapter 19 of Title 29 of the DCMR.

1925.12 Medicaid shall only reimburse individualized day supports services for six (6) hours per day, and up to five (5) days a week.

1925.13 Medicaid does not reimburse the person's family and other individuals who reside with the person receiving individualized day supports services to qualify as a DSP.

1925.14 A DSP shall not perform individualized day support services if he/she also provides the person with the following ID/DD Waiver services:

- (a) Residential Habilitation;
- (b) Supported Living;
- (c) Shared Living;
- (d) Host Home; and
- (h) In-Home Supports.

1925.15 Individualized day supports shall be billed at the unit rate. The reimbursement rate shall be six dollars and eleven cents (\$6.11) per billable unit or twenty-four dollars and forty-four cents (\$24.44) per hour. This service shall not exceed 1,560 hours per year or 6,250 units annually. A standard unit of service is fifteen (15) minutes and the provider shall provide at least eight (8) continuous minutes of services to bill for one (1) unit of service.

- 1925.16 Individualized day supports services shall not be billed concurrently with the following services:
- (a) Supported Employment;
 - (b) Employment Readiness;
 - (c) Day Habilitation;
 - (d) Respite; and
 - (e) Shared Living.

Section 1999 (DEFINITIONS) is amended by adding the following:

Community integration plan - A plan that includes structured activities and practical experiences by incorporating goals and strategies that best meets the individual's interests, needs and learning styles, and that can be implemented within a flexible time period.

Person – An individual enrolled in the Home and Community Based Services Waiver for Individuals with Intellectual and Developmental Disabilities.

DEPARTMENT OF HEALTH**NOTICE OF FINAL RULEMAKING**

The Director of the Department of Health, pursuant to the authority set forth in Section 302(14) of the District of Columbia Health Occupations Revision Act of 1985 (“Act”), effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14) (2012 Repl.), and Mayor’s Order 98-140, dated August 20, 1998, hereby gives notice of his intent to adopt the following amendments to Chapter 78 (Audiology) of Title 17 (Business, Occupations, and Professions) of the District of Columbia Municipal Regulations (DCMR).

This rulemaking establishes continuing education requirements for persons holding dual licensure in audiology and speech-language pathology.

These rules were previously published in the *D.C. Register* as a proposed rulemaking on July 12, 2013, at 60 DCR 10096. No written comments were received from the public in connection with this publication during the thirty (30)-day comment period and no changes have been made to the rules.

Final action to adopt the rules took place on September 16, 2013. These rules will be effective upon publication of the notice in the *D.C. Register*.

CHAPTER 78, AUDIOLOGY, of TITLE 17, BUSINESS, OCCUPATIONS, AND PROFESSIONS, OF THE DCMR is amended as follows:**Section 7808, CONTINUING EDUCATION REQUIREMENTS, is amended as follows:****Subsection 7808.3 is amended to read as follows:**

7808.3 An applicant for renewal of a license, who is not subject to Subsection 7808.9, shall submit proof of having completed twenty (20) hours of approved continuing education hours during the two (2) year period preceding the date the license expires, including one (1) hour in ethics. The hours must be related to audiology.

Subsection 7808.9 is added to read as follows:

7808.9 An applicant for dual licensure renewal shall submit proof of having completed thirty (30) hours of approved continuing education hours during the two year period preceding the date the license expires, including one (1) hour in ethics. Of the thirty (30) hours, the applicant shall have completed at least five (5) hours in the discipline of audiology and five (5) hours in the discipline of speech-language pathology. An applicant for dual licensure renewal shall also satisfy all applicable

requirements in Chapter 79 of Title 17 of the District of Columbia Municipal Regulations, which governs the continuing education requirements of speech-language pathologists.

Section 7899, DEFINITION, is amended as follows:

Subsection 7899.2 is amended to include:

Dual licensure renewal – renewal of both an audiology and a speech-language pathology license in the District of Columbia within the same renewal period.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF FINAL RULEMAKINGFORMAL CASE NO. 1108, IN THE MATTER OF THE INVESTIGATION OF THE PUBLIC SERVICE COMMISSION INTO ITS RULES OF PRACTICE AND PROCEDURE PERTAINING TO CONFIDENTIAL OR PROPRIETARY INFORMATION

1. The Public Service Commission of the District of Columbia (“Commission”) hereby gives notice pursuant to Sections 34-802 and 2-505 of the District of Columbia Code¹ of its final rulemaking action taken on February 20, 2014, adopting amendments to Section 150 (“Confidential or Proprietary Information”) of Chapter 1, “Rules of Practice and Procedure” of Title 15 of the District of Columbia Municipal Regulations (“DCMR”).

2. The proposed amendments modify Section 150 to clarify the Commission’s treatment of information claimed by a party to be confidential, including procedures for challenges to claims of confidentiality by other parties and procedures to be applied in the event the Commission requires a party to substantiate its claim of confidentiality for certain information. The proposed amendments were published in a Notice of Proposed Rulemaking (“NOPR”) for public comment in the *D.C. Register* on October 25, 2013.² Comments were filed by Verizon Washington, DC Inc. and Washington Gas Light Company. Reply Comments were filed by the Office of the People’s Counsel.

3. On February 26, 2014, the Commission issued Order No. 17390 adopting the proposed amendments to Section 150, with the exception of Section 150.5(b), as final, effective upon publication of this Notice of Final Rulemaking (“NOFR”) in the *D.C. Register*.

CHAPTER 1 THE PUBLIC SERVICE COMMISSION RULES OF PRACTICE AND PROCEDURE**SECTION 150 CONFIDENTIAL OR PROPRIETARY INFORMATION**

150.1 Any materials submitted by a party which it claims are confidential or proprietary shall be filed under seal and shall not be used except in connection with the proceeding in which the material is filed.

150.2 All submissions filed under seal shall include a request for confidential or proprietary treatment, including justification for such request. Such requests shall state with specificity the grounds upon which the request is based.

150.3 All requests for confidential or proprietary treatment shall be presumed granted unless the Commission on its own, or in response to a Confidential/Proprietary

¹ D.C. Official Code § 34-802 (2001 ed.); D.C. Official Code § 2-505 (2001 ed.).

² 60 DCR 14985-14990 (October 25, 2013).

Information Determination, determines that confidential or proprietary treatment is not justified. In making that determination, the Commission shall follow the procedures set forth in Section 150.7 or Section 150.8 of this chapter.

- 150.4 All submissions filed under seal shall be made available only to parties and persons who have signed an appropriate confidentiality or proprietary agreement with the party claiming that its information is confidential or proprietary. Information obtained pursuant to the execution of confidentiality or proprietary agreement shall be held solely for use in or in preparation of filings, including briefs, comments, documents, exhibits, data responses, cross-examination, other pleadings, petitions for reconsideration or appeals in the regulatory proceeding in which the information was originally obtained.
- 150.5 If any party intends to use or actually uses confidential or proprietary information in briefs, comments, testimony, exhibits, data responses, cross-examination, or other documents to be filed in a case in which the information is obtained pursuant to a confidentiality or proprietary agreement, the following shall apply:
- (a) A confidential version of the briefs, comments, testimony, exhibits, data responses, or other documents containing the alleged confidential or proprietary information shall be sealed and delivered to the Commission Secretary by that party and to those other parties who have signed an appropriate confidentiality or proprietary agreement. The pages containing the confidential or proprietary information shall be clearly marked and the cover of the filings shall indicate that confidential or proprietary information is contained inside. An original and fifteen (15) copies of the confidential or proprietary document shall be filed under seal with the Commission Secretary in non-rate proceedings and an original and twenty-five (25) copies in rate proceedings;
 - (b) [Reserved]
 - (c) Cross-examination by any party involving information which another party alleges to be confidential or proprietary shall be conducted during proceedings which shall be closed to all those who have not signed an appropriate proprietary or confidentiality agreement; provided, that there has been no prior Commission determination that such information is not confidential or proprietary. Two transcripts of the proceeding shall be prepared and filed with the Commission Secretary; one that shall include the confidential or proprietary information and one that shall exclude the confidential or proprietary information. The transcript of the proceeding containing the confidential or proprietary information shall be kept under seal; and

- (d) If any party challenges the appropriateness of a claim that information is confidential or proprietary, the procedures set forth under Section 150.7 of this chapter shall apply.

150.6 If a party who has not signed a confidentiality or proprietary agreement with the party claiming its information is confidential or proprietary desires to obtain confidential or proprietary information from a party that has the information, either through data requests, during cross-examination, or through sealed briefs, comments, testimony, exhibits, or other such documents, the requesting party shall:

- (a) Contact the party claiming its information is confidential or proprietary for an appropriate confidentiality or proprietary agreement, which shall be signed and returned to the party; or
- (b) File with the Commission for a Confidential/Proprietary Information Determination under Section 150.7.

150.7 If at any time during a Commission proceeding a party wishes to challenge a claim of the party who asserts that its information is confidential or proprietary, the following procedures shall apply:

- (a) The party challenging the claim that information is confidential or proprietary shall file with the Commission for a Confidential/Proprietary Information Determination, which shall consist of a request for a ruling on whether the particular information is confidential or proprietary, hereafter referred to as “Confidential/Proprietary Information Determination Request” (“CPID Request”). The CPID Request shall be filed with the Commission Secretary and served on the party claiming that the information sought is confidential or proprietary and on the signatories to the confidentiality or proprietary agreement. Parties to the proceeding who have not signed the confidentiality or proprietary agreement shall only receive notice from the filing party that a CPID Request has been filed in lieu of a copy of the filing;
- (b) When any CPID Request has been filed, the party claiming that its information is confidential or proprietary shall deliver under seal all of the relevant documents to the Commission Secretary for an *in camera* inspection by the Commission and shall also deliver to the Commission Secretary the relevant confidential or proprietary agreements signed by each party permitted access to the alleged confidential or proprietary information;
- (c) The party claiming that its information is confidential or proprietary shall, within five (5) days after the filing of the CPID Request, file an initial brief stating in detail the basis of its claim. Within five (5) days thereafter,

the party that filed a CPID Request shall file a brief in response to the initial brief of the party claiming that its information is confidential or proprietary. Within three (3) days after the filing of the brief in response, the party claiming that its information is confidential or proprietary may file a reply brief. If either the initial or reply brief of the party claiming that its information is confidential or proprietary, or the brief in response of the party challenging the claim, uses information that allegedly is confidential or proprietary, those briefs shall be filed under seal. In that instance, the parties shall not be required to file a public version of their briefs;

- (d) The burden of ultimately persuading the Commission that the subject information is confidential or proprietary is upon the party claiming that its information is confidential or proprietary; and
- (e) A party shall not make public information regarding the disputed confidential or proprietary information until a ruling is received from the Commission. Following the ruling, the information shall be made available only in accordance with the Commission's ruling; provided that an application for reconsideration of the Commission's order filed by the party claiming that the information is confidential or proprietary will act as a stay of such order pending reconsideration.

150. 8 The Commission, in any proceeding before it, may, at its option, elect to require that a party claiming that its information is proprietary or confidential substantiate its claim. If the Commission so elects, then the following procedures shall apply:

- (a) The Commission shall issue an order notifying the party claiming that its information is confidential or proprietary and any signatories to the confidentiality or proprietary agreement that the party must substantiate its claim before the Commission;
- (b) The party claiming that its information is proprietary or confidential shall file an initial brief stating in detail the basis of its proprietary or confidential claim within five (5) days of the notification;
- (c) Within five (5) days thereafter, any party may file a brief in response to the initial brief filed by the party claiming that its information is proprietary or confidential;
- (d) Within three (3) days of that filing, the party claiming that its information is confidential or proprietary may file a reply brief. If either the initial or reply brief of the party claiming that its information is confidential or proprietary, or the brief of any other party, uses information that is proprietary or confidential, those pleadings shall be filed under seal. In

that instance, the parties shall not be required to file a public version of their briefs;

- (e) The burden of ultimately persuading the Commission that the subject information is confidential or proprietary is upon the party claiming that its information is confidential or proprietary; and
- (f) A party shall not make public information regarding the disputed confidential or proprietary information until a ruling is received from the Commission. Following the ruling, the information shall be made available only in accordance with the Commission's order; provided, that an application for reconsideration of the Commission's order filed by the party claiming that its information is confidential or proprietary will act as a stay of such order pending reconsideration.

150.9 If an appeal is taken from a final Commission order in the proceeding, all information under seal at the time shall remain under seal until the appellate court issues a final order on the appeal.

150.10 The parties retain the right to object to the admissibility of any specific confidential or proprietary information on any proper grounds, including relevancy or materiality to the proceeding.

150.11 When the Commission's order in the proceeding is final and no longer subject to appeal, the sealed portion of the Commission's record shall be retained under seal by the Commission. All parties and persons having material furnished pursuant to a confidentiality or proprietary agreement (including, but not limited to, notes or records made from such material) or copies of confidential documents kept under seal by the Commission during the course of such proceeding (including, but not limited to, briefs, comments, testimony, exhibits, transcripts, and data responses) shall, upon request by the party claiming that its information is confidential or proprietary, deliver all such material to that party.

150.12 Access to the documents kept under seal by the Commission shall be limited to the Commission, its staff, its agents, and those parties to the proceeding in which the request is made who have executed a confidentiality or proprietary agreement.

150.13 All persons or parties executing a confidentiality or proprietary agreement shall be responsible for the protection of the confidential or proprietary information in their control.

**THE DISTRICT OF COLUMBIA
LOTTERY AND CHARITABLE GAMES CONTROL BOARD**

NOTICE OF SECOND PROPOSED RULEMAKING

The Executive Director of the District of Columbia Lottery and Charitable Games Control Board, pursuant to the authority set forth in the 2005 District of Columbia Omnibus Authorization Act, approved October 16, 2006 (Pub. L. No. 109-356, § 201, 120 Stat. 2019; D.C. Official Code §§ 1-204.24a(c)(6) (2012 Repl.)); Section 4 of the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3-172; D.C. Official Code §§ 3-1306(a), 3-1322 and 3-1324 (2012 Repl.)); District of Columbia Financial Responsibility and Management Assistance Authority Order, issued September 21, 1996; and Office of the Chief Financial Officer Financial Management Control Order No. 96-22, issued November 18, 1996, hereby gives notice of his intent to amend Chapters 15 (Raffles) and 99 (Definitions) of Title 30 (Lottery and Charitable Games) of the District of Columbia Municipal Regulations (DCMR).

Proposed regulations were published in a Notice of Proposed Rulemaking in the *D.C. Register* on November 22, 2013, at 60 DCR 16067. In response to public comments received, the proposed rulemaking was revised to expand its application to charitable foundations established by or affiliated with collegiate sports teams and to include the option for electronic raffles systems. This Second Proposed Rulemaking is necessary to implement 50/50 Raffles conducted by charitable foundations established by or affiliated with professional sports teams.

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

AMEND CHAPTER 15, “RAFFLES”, OF TITLE 30, “LOTTERY AND CHARITABLE GAMES”, OF THE DCMR AS FOLLOWS:

Add Section 1509 to read as follows:

**1509 50/50 RAFFLES CONDUCTED BY CHARITABLE FOUNDATIONS
AFFILIATED WITH COLLEGIATE OR PROFESSIONAL SPORTS
TEAMS**

1509.1 The Agency may issue a 50/50 raffle license to a recognized and qualified charitable organization affiliated with a collegiate or professional sports team.

1509.2 Operation of 50/50 Raffles.

(a) The Agency shall require a non-refundable application fee for a 50/50 raffle license.

- (b) The Agency may issue 50/50 raffle licenses for a single sporting event or game, or a period lasting the affiliated sports teams' season ("license period").
- (c) A 50/50 raffle drawing may only take place during a single game or sporting event ("licensed event").
- (d) The licensed organization shall complete all forms and provide all information to the Agency required under chapter 12 of this title.
- (e) 50/50 raffles are subject to all of the applicable requirements established by Chapters 12, 13, 15, and 17 of this title except where specifically indicated in this chapter.
- (f) 50/50 raffles maybe conducted with two-part "admission-style" tickets traditionally used for 50/50 raffles or electronically using computer software and related equipment to sell tickets, account for sales, and facilitate the drawing of tickets to determine winners.
- (g) A person may purchase one or more 50/50 raffle tickets at a licensed event.
- (h) Each 50/50 raffle ticket purchased shall represent one entry in the drawing for a winner. The equipment used to conduct 50/50 raffles and the method of play shall ensure that each and every ticket to participate shall have an equal opportunity to be drawn as a winner.
- (i) The licensed organization's game rules shall state when the 50/50 raffle drawing shall take place.
- (j) The 50/50 raffle drawing shall take place during the licensed event where the corresponding 50/50 raffle tickets are sold and must conclude before the end of the corresponding sporting event or game. If for some unforeseen reason (weather delay, power outage, emergency, or other reasonably unforeseeable event), the licensed event is not completed on the day the licensed event's 50/50 raffle tickets are sold, the licensed event may be rescheduled and completed at another eligible sporting event or game provided no other licensed event is taking place at that event.
- (k) The licensed organization's game rules shall determine the number of winners that will be chosen randomly from the 50/50 raffle tickets sold.
- (l) The total prize amount of a 50/50 raffle drawing shall be 50% of the gross proceeds collected from the sale of the 50/50 raffle tickets.

- (m) The remaining 50% of the gross proceeds collected from the sale of the 50/50 raffle tickets shall be dispersed for the lawful purpose stated in the license application.
- (n) No more than one (1) 50/50 raffle drawing shall be conducted during a licensed event.
- (o) 50/50 raffle tickets shall have consecutive numbers, and shall list the licensed organization's contact name and phone number so that the purchaser may check on winning numbers.
- (p) All 50/50 raffle tickets shall be sold at a uniform price. The licensed organization may not change 50/50 raffle ticket prices during the licensed event.
- (q) Winners need not be present at the 50/50 raffle draw. Each licensed organization shall post the winning raffle numbers on the affiliated team's website and the licensed organization's website.
- (r) The licensed organization's 50/50 raffle rules and each individual 50/50 raffle ticket shall provide the name and phone number of the individual in charge of the licensed event. Each 50/50 raffle ticket shall state where and how a 50/50 raffle ticket holder may check for the winning number after the licensed event.
- (s) Only United States currency shall be accepted by a licensed organization as payment for any raffle ticket.
- (t) No commission, salary, compensation, reward, or recompense shall be paid or given to any person for the sale or assisting with the sale of 50/50 raffle tickets. This section shall not apply to the system service provider.
- (u) 50/50 raffle tickets may not be sold in advance of the licensed event.
- (v) 50/50 raffle tickets may only be sold on the premises of the licensed event. The premises of the licensed event includes only areas where an event ticket is required for admission to view the event, and does not include event parking areas, sidewalks, streets, restaurants, shops, entertainment venues, or bars near or adjacent to the premises of the licensed event.
- (w) No single 50/50 raffle drawing shall exceed the sum of \$100,000. The aggregate value of all 50/50 raffle prizes offered or awarded by a licensed organization in any one license period shall not exceed \$1,500,000.
- (x) Subsections 1202.2(l) and (n), Subsections 1204.14, 1301.2, 1502.1(c), (d) and (h), Subsection 1502.2, Subsection 1502.3, Subsection 1502.4,

Subsection 1502.5, Subsection 1503.4, Subsection 1504.1, and Subsection 1504.2 of this title shall not apply to 50/50 raffles.

1509.3 Classes of 50/50 Raffle Licenses and Fees

- (a) Class A single licensed event raffle license:

\$500.00.

- (b) Class B season raffle license:

\$500.00 multiplied by the number of licensed events. There is a maximum of twenty (20) licensed events per Class B season raffle license period and a limit of one (1) raffle draw per licensed event.

- (c) Non-refundable application fee:

\$50.00

- (d) The Agency shall require a \$200.00 fee from the licensed organization for each individual electronic raffle sales unit and electronic random number generator used to conduct an electronic 50/50 raffle. This \$200.00 per electronic device fee shall be in addition to any licensing costs.

1509.4 Electronic 50/50 Raffles

- (a) An electronic raffle system may be used to sell and conduct a 50/50 raffle. The electronic raffle system may include stationary and portable raffle sales unit(s) and an electronic random number generator(s).
- (b) Electronic equipment used in a 50/50 raffle must be in compliance with § 1509.6 of this chapter.
- (c) Electronic 50/50 raffle tickets may only be sold by a licensed organization at a licensed event.
- (d) A licensed organization may use portable or wireless raffle sales unit(s) to sell tickets.
- (e) A licensed organization may use an electronic random number generator(s) to select the winning entries.

1509.5 The following information shall be printed on electronic 50/50 raffle tickets:

- (a) The name of licensed organization;

- (b) The license identification number of the licensed organization;
- (c) The location, date and time of the corresponding 50/50 raffle drawing;
- (d) The consecutively printed serial number of the 50/50 raffle ticket
- (e) The price of the 50/50 raffle ticket;
- (f) The list of prizes offered;
- (g) The statement: "Ticket holders need not be present to win," and the contact information, including names, phone number, and electronic mail address, of the individual from the licensed organization responsible for prize disbursements; and
- (h) Each 50/50 raffle ticket stub shall reflect the consecutively printed serial number of the 50/50 raffle ticket.

1509.6 Electronic 50/50 Raffle Equipment Standards

- (a) The electronic raffle system used must be certified by Gaming Laboratories International, Inc., or any other certifying entity recognized and approved by the Agency.
- (b) The Agency is not responsible for any costs of certification or compliance with these regulations.
- (c) All electronic raffle equipment must be pre approved by the Agency prior to being used at any raffle event.
- (d) Persons shall not sell, rent, or distribute electronic 50/50 raffle equipment or supplies to any person or organization other than a licensed organization for use during licensed events.
- (e) Licensed organizations shall not sell, rent, distribute, or share electronic 50/50 raffle equipment.

1509.7 Electronic Accounting and Reporting

- (a) The Agency may audit the licensed organizations raffle records at any time.
- (b) The licensed organization shall follow the system reporting requirements for Gaming Laboratories International, Inc., electronic raffle systems.

- (c) For each electronic raffle conducted, the licensed organization shall generate and mail reports to the Agency containing the following information:
- (1) Date and time of licensed event;
 - (2) Licensed organization running the event;
 - (3) Sales information (sales totals, refunds, etc.);
 - (4) Prize value awarded to participant;
 - (5) Prize distribution (total raffle sales vs. prize value awarded to participant);
 - (6) Refund totals by licensed event;
 - (7) Draw numbers-in-play count; and
 - (8) Winning number(s) drawn (including draw order, call time, and claim status).
- (d) The licensed organization shall provide the following reports for any raffle upon Agency request:
- (1) Exception Report - A report that includes system exception information, including but not limited to, changes to system parameters, corrections, overrides, and voids;
 - (2) Bearer Ticket Report - A report that includes a list of all bearer tickets sold including all associated draw numbers, selling price and raffle sales unit identifiers;
 - (3) Sales by Raffle Sales Unit - A report that includes a breakdown of each raffle sales unit's total sales (including draw numbers sold) and any voided and misprinted tickets;
 - (4) Voided Draw Number Report - A report which includes a list of all draw numbers that have been voided including corresponding validations numbers;
 - (5) Raffle Sales Unit Event Log - A report listing all events recorded for each raffle sales unit, including the date and time and brief text description of the event and /or identifying code;

- (6) Raffle Sales Unit Corruption Log - A report that lists all raffle sales unit's unable to be reconciled to the system, including the raffle sales unit identifier, raffle sales unit operator, and the money collected; and
 - (8) Any other report listed in the Electronic Accounting and Reporting Section of the Gaming Laboratories International, Inc., Electronic Raffle Systems Requirements but not listed above.
- (e) Each one of the reports listed above is referenced by and shall have the same definition contained in the Electronic Accounting and Reporting Section of the Gaming Laboratories International, Inc., Electronic Raffle Systems Requirements.

AMEND CHAPTER 99, "DEFINITIONS"

Amend Subsection 9900.1 by inserting the following:

50/50 Raffle - A raffle where 50% of the gross proceeds of ticket sales are awarded to one or numerous persons buying tickets and the remaining 50% of the gross proceeds are dispersed for the lawful purpose stated in the raffle application.

Draw Numbers - Numbers provided to the 50/50 raffle ticket purchaser that may be selected as the winning number(s) for the 50/50 raffle draw.

Bearer Ticket - The electronic paper ticket that contains one or more draw numbers purchased.

Electronic Raffle System - The computer software and related equipment used by 50/50 raffle licensees to sell tickets, account for sales and facilitate the drawing of tickets to determine the winner(s).

Raffle Sales Unit - A portable or wireless device, a remote hardwired connected device, or a standalone cashier station that is used as a point of sale for electronic 50/50 raffle tickets.

Electronic Raffle System(s) Requirements - The standard(s) produced by a certifying entity for the purpose of providing independent test reports and certifications indicating the state of compliance of suppliers' devices and systems within the certification requirements.

Gaming Laboratories International, Inc. - A gaming industry certification laboratory headquartered in Lakewood, New Jersey, USA.

Sporting Event - An event that requires charged admission so individual may view two or more persons participating in athletic competition for the entertainment of others and for the purpose of athletic achievement.

Sports Teams' Season - An annual time period that includes the preseason, regular season, and post season, from the playoffs through the finals or championship, of any sports team.

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 Antar Johnson, Senior Counsel, Lottery and Charitable Games Control Board, 2101 Martin Luther King, Jr., Avenue, S.E., Washington, D.C. 20020, or e-mailed to antar.johnson@dc.gov, or filed online at www.dcregs.gov. Additional copies of these proposed rules may be obtained at the address stated above.

OFFICE OF TAX AND REVENUE

NOTICE OF THIRD PROPOSED RULEMAKING

The Deputy Chief Financial Officer of the District of Columbia Office of Tax and Revenue (OTR) of the Office of the Chief Financial Officer, pursuant to the authority set forth in D.C. Official Code § 47-2023 (2012 Repl.), Section 201(a) of the 2005 District of Columbia Omnibus Authorization Act, approved October 16, 2006 (120 Stat. 2019; P.L. 109-356, D.C. Official Code § 1-204.24d (2012 Repl.)), and the Office of the Chief Financial Officer Financial Management and Control Order No. 00-5, effective June 7, 2000, hereby gives notice of its intent to amend Chapter 4, SALES AND USE TAXES, of Title 9, TAXATION AND ASSESSMENTS, of the District of Columbia Municipal Regulations (DCMR), by adding Section 476, Admissions, Rentals of Boats, and Sales of Food, Drinks, and Beverages on Boats.

The newly proposed Section 476 provides that sales tax is due on admissions to public events which occur on boats, provides that sales tax does not apply to boat charters which include the services of a captain, and provides guidance for the application of the sales tax exemption for food and drink or alcoholic beverages sold on a boat that is in the course of commerce between the District and a state. The guidance that would be provided by this rulemaking is necessary to provide clarity to taxpayers attempting to comply with District sales and use tax statutes and would aid in the fair and efficient administration of District laws.

A version of these rules was originally published in the *D.C. Register* as a proposed rulemaking on July 19, 2013 at 60 DCR 10753. A second version of these rules was originally published in the *D.C. Register* as a proposed rulemaking on November 22, 2013 at 60 DCR 16072. Based on public comments received, this second proposed regulation has been modified to clarify taxation of bundled ticket transactions.

OTR gives notice of its intent to take final rulemaking action to adopt these regulations in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Chapter 4, Sales and Use Taxes, of Title 9 DCMR, Taxation and Assessments, is amended as follows:

Section 476, Admissions, Rentals of Boats, and Sales of Food, Drinks, and Beverages on Boats, is added to read as follows:

476 ADMISSIONS, RENTALS OF BOATS, AND SALES OF FOOD, DRINKS, AND BEVERAGES ON BOATS

476.1 The charges for admission to public events subject to gross sales tax under D.C. Official Code § 47-2001(n)(1)(H) shall be subject to gross sales tax when such public events occur on a boat.

476.2 If the services of a captain or operator are provided as part of the fee for the charter of any boat, no rental of the boat has occurred. If the boat is rented from

one person and the services of the captain or operator rented from another, the gross sales tax shall apply to the boat rental.

476.3 A boat rented without the services of a captain or operator, including a bareboat charter, is a sale in which possession of tangible personal property is transferred, and the gross sales tax shall apply to such rentals.

476.4 The taxability of food and drink or alcoholic beverages sold on a boat is determined as follows:

- (a) Gross receipts from the sales of food and drink or alcoholic beverages if made in any boat operating within the District in the course of commerce between the District and a state are exempt from the gross sales tax. Generally, a boat is operating in the course of commerce between the District and a state if the boat ties up at a dock outside of the District where any or all passengers or crew disembark or if any or all of the boat's passengers or crew disembark the boat by other means and go ashore outside of the District.

Example: A boat that departs and returns to the same or different location in the District and does not tie up at a dock or allow passengers to disembark at a location outside of the District shall not be considered to be in the course of commerce between the District and a state, even if the boat enters another jurisdiction's waters.

- (b) In order to substantiate the exemption, a taxpayer must prove, via his or her books and records, that a boat is in the course of commerce between the District and a state. To the extent the taxpayer's books and records do not substantiate that a boat is in the course of commerce between the District and a state, all sales of food and drink or alcoholic beverages allocated to the District shall be presumed taxable.

- (c) For boats not operating in the course of commerce between the District and a state, a taxpayer shall substantiate in his or her books and records the allocation of sales of food and drink or alcoholic beverages between the District and non-District waters. All such allocations must be reasonable. To the extent the allocation of sales of food and drink or alcoholic beverages cannot be substantiated by the taxpayer's books and records or the allocation on the taxpayer's books is unreasonable, the Deputy Chief Financial Officer shall allocate the sales to the District.

476.5 If charges for admission to public events are included in the ticket price of a boat tour or boat cruise, but not separately stated or identified, the entire ticket price shall be subject to gross sales tax at the rate applicable to charges for admission to public events. If charges for taxable food and drink or alcoholic beverages are included in the ticket price of a boat tour or boat cruise, but not separately stated

or identified, the entire ticket price shall be subject to gross sales tax at the rate applicable to charges for food and drink. If both charges for admission to public events and charges for taxable food and drink or alcoholic beverages are included in the ticket price of a boat tour or boat cruise, but not separately stated or identified, the entire ticket price shall be subject to gross sales tax at the rate applicable to food and drink. However, this rule does not apply where the value of the food and drink or alcoholic beverage included in the ticket price is *de minimis*.

476.6 For the purposes of this section, the following definitions apply.

- (a) **“Bareboat charter”** means providing a boat only, exclusive of crew.
- (b) **“Boat”** means a vessel for transport by water and includes, but is not limited to, ships, yachts, sailboats, rowboats, motorboats, kayaks, paddleboats, and canoes.
- (c) **“Captain or operator”** means a person who is master or commander of a boat with passengers or crew, or both.
- (d) **“Dock”** means a structure or group of structures involved in the handling of boats or ships, on or close to a shore and includes piers and wharfs.

Comments on this proposed rulemaking should be submitted to Jessica Brown, Assistant General Counsel, Office of Tax and Revenue, no later than thirty (30) days after publication of this notice in the *D.C. Register*. Jessica Brown may be contacted by: mail at DC Office of Tax and Revenue, 1101 4th Street, SW, Suite 750, Washington, DC 20024; telephone at (202) 442-6462; or, e-mail at jessica.brown@dc.gov. Copies of this rule and related information may be obtained by contacting Jessica Brown as stated herein.

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

**NOTICE OF MEETING
INVESTIGATIVE AGENDA**

**WEDNESDAY, MARCH 12, 2014
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

On March 12, 2014 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#14-251-00007 LIV Nightclub, 2001 11TH ST NW B Retailer C Nightclub, License#: ABRA-074894

2. Case#14-CMP-00070 Dahlak Restaurant, 1771 U ST NW Retailer C Restaurant, License#: ABRA-074433

3. Case#14-AUD-00013 Napoleon, 1847 COLUMBIA RD NW Retailer C Restaurant, License#: ABRA-075836

4. Case#14-CMP-00056 Li'L Pub, 655 PENNSYLVANIA AVE SE Retailer C Tavern, License#: ABRA-001875

5. Case#14-AUD-00012 Mr. Smith's, 3104 M ST NW Retailer C Restaurant, License#: ABRA-000864

6. Case#14-CMP-00047 Player's Lounge, 2737 M.L. KING JR., AVE SE Retailer C Nightclub, License#: ABRA-001271

7. Case#14-CMP-00083 The Fireplace, 2161 P ST NW Retailer C Tavern, License#: ABRA-014419

8. Case#14-CMP-00050 Hanoi House, 2005 14TH ST NW Retailer C Tavern, License#: ABRA-082451

9. Case#14-CMP-00062 Uniontown Bar & Grill, 2200 MARTIN LUTHER KING JR AVE SE Retailer C Restaurant, License#: ABRA-084348

10. Case#14-CMP-00066 Da Luft Restaurant & Lounge, 1242 H ST NE Retailer C Restaurant, License#: ABRA-087780

11. Case#14-CMP-00061 Ambar, 523 8th ST SE Retailer C Restaurant, License#: ABRA-090240

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
LEGAL AGENDA

WEDNESDAY, MARCH 12, 2014 AT 1:00 PM
2000 14th STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review of Settlement Agreement dated February 24, 2014 between Good Guys and ANC 3B, *The Good Guys Restaurant*, 2311 Wisconsin Avenue NW, Retailer CN, Lic#: 00899.

2. Review of Settlement Agreement dated March 2, 2014 between Sin Bin Bar & Restuarant and ANC 6A. *Sin Bin Bar and Restaurant*, 1336 H Street NE, Retailer CN, Lic#: 93632.

3. Review of Settlement Agreement dated February 25, 2014 between 2500 Pennsylvania Avenue Investors, ANC 2A and Michael Dudich. *Avenue Suites/A Bar*, 2500 Pennsylvania Ave NW, Retailer CT, Lic#: 86545.

4. Review of Petition dated February 28, 2014 from ANC 1C for the renewal and modification of the Adams Morgan Moratorium.

5. Review of request to grandfather standing in second protest, dated February 25, 2014, 2014 from President Chris Young, Protestant against Renewal of Kiel, LLC, *MOVA*, 2204 14th Street NW, Retailer CT, Lic#: 87030

6. Review of request for off premise storage of invoices from Pearson Keyes General Manager of City Tap House. *City Tap House*, 901 9th Street NW, Retailer CR, Lic#: 93546.

7. Review of nine (9) requests from E & J Gallo to provide retailers with products valued at more than \$50 and less than \$500.

*** 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.**

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
LICENSING AGENDA

WEDNESDAY, MARCH 12, 2014 AT 1:00 PM
2000 14th STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review Manufacturer application requesting Change of Hours and Tasting Permit. *Approved Hours of Operation:* Sunday-Saturday 6am to 1am. *Sales and Consumption:* Thursday-Saturday 1pm to 9pm. *Proposed Hours of Operation:* Sunday-Saturday 6am to 1am. *Proposed Hours of Sales and Consumption:* Sunday-Saturday 7am to 12am. No Outstanding Fines/Citations. No pending enforcement matters. No Settlement Agreement. ANC 5D. SMD 5D01. *Atlas Brew Works*, 2052 West Virginia Avenue NE, Manufacturer B, License No. 092182.
-

*** 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.**

COMMUNITY ACADEMY PUBLIC CHARTER SCHOOLS (CAPCS)**REQUEST FOR PROPOSALS****Educational Consultant for ELL Program**

Community Academy Public Charter School (CAPCS) is seeking a professional learning consultant to service its English Language Learners program. Responsibilities include assessing current ELL program including staff and student needs; researching, planning, and coordinating a comprehensive English as a Second Language professional learning program for grades PK3-5th at multiple campuses; providing monthly professional learning sessions for ELL teachers; planning campus-based and ELL-wide professional learning sessions for staff. Contract period is March - June 2014, with continuation contingent on grant funding. Description of relevant experience, references and cost structure required. Final proposals submitted electronically to tobyhairston@capcs.org are due by COB, **Friday, March 14, 2014**. CAPCS RESERVES THE RIGHT TO CANCEL THIS RFP AT ANY TIME.

D.C. SCHOLARS
REQUESTS FOR PROPOSALS

Architectural, General Contractor and Project Management Services

D.C. Scholars invites all interested parties to submit proposals to provide architectural, general contractor, or predevelopment and construction project management services for the proposed renovation of an approximately 72,000 facility. The project will be delivered in phases with phase one needed for August, 2014. The complete RFP may be obtained by contacting rfp@buildinghope.org, please indicate which service you would like to provide. RFP's will be distributed starting March 12, 2014 and are due by 5:00 p.m. on April 2, 2014.

DC SCHOLARS PUBLIC CHARTER SCHOOL**N-COMPUTING DEVICES****REQUEST FOR PROPOSALS**

DC Scholars Public Charter School, in accordance with section 2204 (c) (1) (A) of the D.C. School Reform Act of 1995 (Public Law 104-134), hereby solicits proposals for janitorial services. DC Scholars Public Charter School serves grades PS -4 with approximately 340 students and 40 staff. The school is located at 5601 East Capitol Street, SE, Washington, DC 20019 and operates from 7:45am-6:00pm daily. DC Scholars PCS is requesting proposals for janitorial services.

The proposal should include:

- pricing for 132 N-Computing L300 devices

DC Scholars Public Charter School will receive proposals titled “Proposal for N-Computing Virtual Devices” until March 18, 2014. All proposals should be sent to vharris@dcscholars.org

Proposals will be opened and recorded at 9AM on March 19, 2014. A contract will be offered within one week of the bid opening. Bids may not be withdrawn after the closing period.

Bid will be evaluated on price, references, ability to meet specifications, customer service, and alignment to Scholar Academies’ mission. The school seeks a one-year contract with specified options for renewals. We are price sensitive and open to ideas to revise our scope slightly in order to generate savings.

All questions should be in writing by e-mail. Please put “N-Computing RFP” in the subject heading. No phone calls regarding this RFP will be accepted.

All quotes are due by March 18, 2014. Any further questions, please contact vharris@dcscholars.org .

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

The District of Columbia Board of Elections hereby gives notice that there are vacancies in four (4) Advisory Neighborhood Commission offices, certified pursuant to D.C. Official Code § 1-309.06(d)(2); 2001 Ed; 2006 Repl. Vol.

VACANT: 2F03, 2F08, 5A04 and 7F07

Petition Circulation Period: **Monday, March 10, 2014 thru Monday, March 31, 2014**

Petition Challenge Period: **Thursday, April 3, 2014 thru Wednesday, April 9, 2014**

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**.

DEPARTMENT OF EMPLOYMENT SERVICES

NOTICE OF FUNDS AVAILABILITY - AMENDMENT

Office of Youth Programs
2014 Summer Youth Employment Program
“Work Readiness for ages 14-15 years”

The District of Columbia Department of Employment Services (DOES) is seeking grant applications for high quality, structured, workforce development programs for youth participants between the ages of 14 and 15, as a part of Mayor Vincent C. Gray’s 2014 One City Summer Youth Employment Program (SYEP). All SYEP programs must be held in the District of Columbia. Applicants must deliver a variety of workforce exploration and work readiness experiences. All activities must provide purposeful and developmentally appropriate employment and career exploration opportunities. Applicants must employ a positive youth development philosophy in their approach and program design. Positive Youth Development (PYD) is a process in which young people seek ways to meet their basic physical and social needs and to build the competencies (knowledge and skills) necessary to succeed in adolescence and adulthood. Simply put, it is the process through which young people acquire the cognitive, social, and emotional skills and abilities required to successfully navigate life. DOES’ Office of Youth Programs (OYP) seeks qualified providers that will optimize positive youth development for 14-15 year old District residents during a six (6) weeks summer work readiness experience.

The SYEP for 14-15 year old participants strives to help youth:

- Earn money and gain meaningful work experiences;
- Learn and develop the skills, attitudes, and commitment necessary to succeed in today’s world of work;
- Gain exposure to various career industries, financial literacy, and entrepreneurship; and
- Interact with experienced working professionals in a positive work environment.

DOES is dedicated to educating youth participants about workforce readiness, financial literacy, and entrepreneurship through experiential, hands-on programs. As a result, youth participants should be able to utilize the lessons learned, put them into action, and contribute value to their communities.

The SYEP is a locally funded initiative sponsored by DOES that provides District youth (ages 14 to 21) with enriching and constructive summer work experiences through subsidized placements in the private and public sectors. Through the SYEP, DOES strives to provide young people with life changing opportunities that will lay a solid foundation for successful adulthood.

Eligibility: Applicant’s primary vision and program focus must be on serving youth ages 14-15 in programs located in the District of Columbia. Additionally, applicants must be in good financial standing with the DC Office of Tax and Revenue and the Internal Revenue Service, as well as follow all appropriate financial reporting standards. Applicants cannot be listed on the District’s or federal government’s Excluded Parties Lists.

Length of Award: Grant Awards will be made for a period of six (6) months. The actual duration of the 2014 SYEP is **June 30, 2014 through August 8, 2014.**

Available Funding for Awards: The total amount of funding that DOES anticipates to be available for this award is **\$480,000.00**, pending availability of funds. The funds for SYEP are made available through District of Columbia appropriations.

Anticipated Number of Awards: DOES intends to award at least one (1) grant award and may make multiple awards depending on funding availability.

How to Obtain the RFA: The Request for Application (RFA) will be released on **Friday, March 7, 2014**. The RFA will be available on the following websites:

- DOES website: www.does.dc.gov
- OCP website: <http://ocp.dc.gov/service/ocp-solicitations>
- DC Grants Clearinghouse: <http://opgs.dc.gov/page/opgs-district-grants-clearinghouse>

For more information regarding this grant opportunity, applicants may contact the DOES Grants Office at doesgrants@dc.gov.

**The deadline for online application submission is:
Friday, March 28, 2014, no later than 2:00pm EST.**

DEPARTMENT OF EMPLOYMENT SERVICES

NOTICE OF FUNDS AVAILABILITY - AMENDMENT

**Office of Youth Programs
2014 Summer Youth Employment Program
“Work Experience for ages 16-17 years”**

The District of Columbia Department of Employment Services (DOES) is seeking grant applications for high quality, structured, workforce development programs for youth participants between the ages of 16 and 17, as a part of Mayor Vincent C. Gray’s 2014 One City Summer Youth Employment Program (SYEP). All SYEP programs must be held in the District of Columbia. Applicants must deliver a variety of workforce exploration and work readiness experiences. All activities must provide purposeful and developmentally appropriate employment and career exploration opportunities. Applicants must employ a positive youth development philosophy in their approach and program design. Positive Youth Development (PYD) is a process in which young people seek ways to meet their basic physical and social needs and to build the competencies (knowledge and skills) necessary to succeed in adolescence and adulthood. Simply put, it is the process through which young people acquire the cognitive, social, and emotional skills and abilities required to successfully navigate life. DOES’ Office of Youth Programs (OYP) seeks qualified providers that will optimize positive youth development for 16-17 year old District residents during a six (6) week summer work experience.

The SYEP for 16-17 year old participants strives to help youth:

- Earn money and gain meaningful work experiences;
- Learn and develop the skills, attitudes, and commitment necessary to succeed in today’s world of work;
- Gain exposure to various career industries, financial literacy, and entrepreneurship; and
- Interact with experienced working professionals in a positive work environment.

DOES is dedicated to educating youth participants about workforce readiness, financial literacy, and entrepreneurship through experiential, hands-on programs. As a result, youth participants should be able to utilize the lessons learned, put them into action, and contribute value to their communities.

The SYEP is a locally funded initiative sponsored by DOES that provides District youth (ages 14 to 21) with enriching and constructive summer work experiences through subsidized placements in the private and public sectors. Through the SYEP, DOES strives to provide young people with life changing opportunities that will lay a solid foundation for successful adulthood.

Eligibility: Applicant’s primary vision and program focus must be on serving youth ages 16-17 in programs located in the District of Columbia. Additionally, applicants must be in good financial standing with the DC Office of Tax and Revenue and the Internal Revenue Service, as well as follow all appropriate financial reporting standards. Applicants cannot be listed on the District’s or federal government’s Excluded Parties Lists.

Length of Award: Grant Awards will be made for a period of six (6) months. The actual duration of the 2014 SYEP is **June 30, 2014 through August 8, 2014**.

Available Funding for Awards: The total amount of funding that DOES anticipates to be available for this award is **\$480,000.00**, pending availability of funds. The funds for SYEP are made available through District of Columbia appropriations.

Anticipated Number of Awards: DOES intends to award at least one (1) grant award and may make multiple awards depending on funding availability.

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- DC Grants Clearinghouse: <http://opgs.dc.gov/page/opgs-district-grants-clearinghouse>

For more information regarding this grant opportunity, applicants may contact the DOES Grants Office at doesgrants@dc.gov.

**The deadline for online application submission is:
Friday, March 28, 2014, no later than 2:00pm EST.**

FRIENDSHIP PUBLIC CHARTER SCHOOL
NOTICE OF REQUEST FOR PROPOSAL FOR

Friendship Public Charter School is seeking bids from prospective candidates to provide:

- Temporary / Permanent Staffing Services
- IT Services
- **FOR DESKTOP/ LAPTOP/NETWORK COMPUTERS & SUPPORTING EQUIPMENT**
- **District Wireless for Support of MAP Testing**

An electronic copy of the full Request for Proposal (RFP) may be requested by contacting ProcurementInquiry@friendshipschools.org.

DEPARTMENT OF HEALTH
HEALTH PROFESSIONAL LICENSING ADMINISTRATION

NOTICE OF MEETING

Board of Chiropractic
March 11, 2014

On March 11, 2014 at 1:00 pm, the Board of Chiropractic will hold a meeting to consider and discuss a range of matters impacting competency and safety in the practice of medicine.

In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will be closed from 1:00 pm until 2:30 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 open to the public from 2:30 pm to 3:30 pm to discuss various agenda items and any comments and/or concerns from the public. After which the Board will reconvene in closed session to continue its deliberations until 4:30 pm.

The meeting location is 899 North Capitol Street NE, 2nd Floor, Washington, DC 20002.

Meeting times and/or locations are subject to change – please visit the Board of Chiropractic website www.doh.dc.gov/boc and select BOC Calendars and Agendas to view the agenda and any changes that may have occurred.

Executive Director for the Board – Jacqueline A. Watson, DO, MBA, (202) 724-8755.

DEPARTMENT OF HEALTH**PUBLIC NOTICE**

The District of Columbia Board of Dentistry (“Board”) hereby gives notice of a change in its regular meeting and a special meeting in the month of April, pursuant to § 405 of the District of Columbia Health Occupation Revision Act of 1985, D.C. Official Code § 3-1204.05 (b)) (2012 Repl.).

The Board’s regular meeting is held on the third Wednesday of each month. However, since Wednesday, April 16, 2014 is the District of Columbia Emancipation Day and a government holiday, the meeting of the Board in the month of April will be rescheduled to Wednesday, April 9, 2014. The meeting will be open to the public from 10:30 am until 11:30 am 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, D.C. Official Code § 2-575(b), the meeting will be closed from 11:00 am to 4:45 pm to plan, discuss, or hear reports concerning licensing issues, ongoing or planned investigations of practice complaints, and or violations of law or regulations.

Additionally, the Board will hold a special meeting on Wednesday, April 30, 2014 from 8:00 am to 6:00 pm to conduct a disciplinary hearing in accordance with D.C. Official Code § 3-1205.19(a). In accordance with D.C. Official Code § 2-575(a), the meeting is open to the public.

The meetings 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 Dietetics and Nutrition hereby gives notice of a change in time of its March 2014 meeting. This notice is given 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)) (2009).

The District of Columbia Board of Dietetics and Nutrition's regularly scheduled quarterly meeting will be held on Tuesday, March 11, 2014. For this meeting only, the open (public) session will begin at **8:30 a.m.** The Board of Dietetics and Nutrition meets at 899 North Capitol Street, NE, 2nd Floor, Washington, D.C. 20002.

DEPARTMENT OF HUMAN RESOURCES

EXCEPTED SERVICE EMPLOYEES AS OF FEBRUARY 21, 2014

NOTICE OF EXCEPTED SERVICE EMPLOYEES

D.C. Official Code § 1-609.03(c) requires that a list of Excepted Service positions established under the provision of § 1-609.03(a) along with the types of excepted service appointment, names, position titles, and grades of all persons appointed to these positions be published in the *D.C. Register*. In accordance with the foregoing, the following information is hereby published for the following positions.

OFFICE OF THE MAYOR				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Murphy	Christopher	Chief of Staff	11
Excepted Service	Goulet	Eric	Budget Director	11
Excepted Service	Flowers	Brian	General Counsel	11
Excepted Service	Jackson	Janene	Dir., Pol & Legislative Affairs	11
Excepted Service	Bunn	Sheila	Deputy Chief of Staff	10
Excepted Service	Evans	Kenneth	Deputy Budget Director	10
Excepted Service	Glaude	Stephen	Director, Community and Religion	10
Excepted Service	Ribeiro	Pedro	Director of Communications	08
Excepted Service	Kaufman	Donald	Deputy General Counsel	10
Excepted Service	McGaw	John	Deputy Director	10
Excepted Service	Banta	Susan	Budget Officer	09
Excepted Service	Constantino	Justin	Senior Budget Analyst	09
Excepted Service	Fimbres	Francisco	Director of Community Relation	09
Excepted Service	Gorman	Darryl	Dir. Boards & Commissions	09
Excepted Service	Murray	Christopher	Budget Analyst	09
Excepted Service	Richardson	Jeffrey	Executive Director	09
Excepted Service	Barge	Lolita	Director of Legislative Support	08

OFFICE OF THE MAYOR				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Barnes	Lafayette	Program Analyst	08
Excepted Service	Ferguson	Ursula	Correspondence Officer	08
Excepted Service	McCoy	Doxie	Senior Communications Officer	08
Excepted Service	Pittman	James	Deputy Director	08
Excepted Service	Washington	Sterling	Director	08
Excepted Service	Anthony	Lavita	Executive Assistant	07
Excepted Service	Atkins	Latisha	Deputy Dir. Neighborhood Engage	07
Excepted Service	Bland	Stephanie	Special Assistant	07
Excepted Service	Coombs	John	Policy Analyst	07
Excepted Service	Henry	Kristen	National Service Officer	07
Excepted Service	Jennings	Cedric	Director	07
Excepted Service	Lowery	Terese	Exec Dir. for Comm on Women	07
Excepted Service	Mangum	Larry	Special Assistant	07
Excepted Service	Rogers	Jonathan	Budget Analyst	07
Excepted Service	Thompson	Tiffanie	Budget Analyst	07
Excepted Service	Desjardins	Matthew	Comm. & Initiatives Specialist	06
Excepted Service	Fluker	Clarence	Comm. & Initiatives Specialist	06
Excepted Service	George	Deborah	Policy Analyst	06
Excepted Service	Hayworth	JohnPaul	Policy Analyst	06
Excepted Service	Levine	Daryl	Special Assistant	06
Excepted Service	Marus	Robert	Writer Editor	06
Excepted Service	Muhammad	Sedrick	Special Assistant	06
Excepted Service	Nutall	Dexter	Executive Assistant	06
Excepted Service	Sereke-Brhan	Heran	Program Analyst	06

OFFICE OF THE MAYOR				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Williamson	Jason	Neighborhood Corps Specialist	06
Excepted Service	Adams	Lisa	Policy Analyst	05
Excepted Service	Hernandez Maduro	Frank	Community Relations Specialist	05
Excepted Service	Holman	Keith	Community Service Representative	05
Excepted Service	Kelly	Deborah	Contract & Reprogram. Special.	05
Excepted Service	Loudermilk	Amy	Program Analyst	05
Excepted Service	Norris	Rufus	Constituent Services Special.	05
Excepted Service	Walker	David	Staff Assistant	05
Excepted Service	Watson	Leonard	Special Assistant	05
Excepted Service	Williams	Marchim	Outreach & Service Specialist	05
Excepted Service	Wright	Brittney	Outreach & Service Specialist	05
Excepted Service	Teferi	Winta	Program Analyst	04
Excepted Service	Allen	Darin	Scheduling Specialist	03
Excepted Service	Johnson	Stephanie	Administrative Support Specialist	03
Excepted Service	Latta	Aretha	Administrative Assistant	03
Excepted Service	Pierce	Ashley	Scheduling Support Assistant	03
Excepted Service	Weaver	Zachary	Policy Analyst	02
Excepted Service	Sanders	Lorenzo	Clerical Assistant	01

OFFICE OF THE CITY ADMINISTRATOR				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Lew	Allen	City Administrator	11
Excepted Service	Graves	Warren	Chief of Staff	11

OFFICE OF THE CITY ADMINISTRATOR				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Campbell	Natasha	Director, LRCB	10
Excepted Service	Robinson	Anthony	Director	10
Excepted Service	Kreiswirth	Barry	Senior Legal Advisor	09
Excepted Service	Love	Phyllis	Management & Prog Anal Ofcr	08
Excepted Service	Moss	J	Executive Assistant	07

OFFICE OF THE INSPECTOR GENERAL				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Branson	Karen	General Counsel	10
Excepted Service	Bruce	Blanche	Deputy Inspector General	10
Excepted Service	Burke	Roger	Chief of Staff	10
Excepted Service	Kennedy	Susan	Supvy Attorney Advisor	10
Excepted Service	King	Ronald	Supervisory Auditor	10
Excepted Service	Sweeney	Brian	Supvy Criminal Investigator	10
Excepted Service	Wright	Alvin	Asst IG Inspector/Evaluation	10
Excepted Service	Lucchesi	Victoria	Deputy Gen Counsel	09
Excepted Service	Silverman	Stuart	Attorney	09
Excepted Service	Weeks	Marcus	Attorney-Advisor	09
Excepted Service	Wolfingbarger	Brentton	Supv Attorney Advisor	09
Excepted Service	Muracco	Dominick	Attorney-Advisor	08
Excepted Service	Nguyen	Dangkhoa	Attorney Advisor	08

OFFICE OF THE INSPECTOR GENERAL				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Van Croft	Keith	Attorney-Advisor	08
Excepted Service	Williams	Burnette	Attorney-Advisor	08

DEPARTMENT OF GENERAL SERVICES				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Burrell	Scott	Chief Operations Officer	11
Excepted Service	Harper	Ollie	Dep. Dir. for Facilities Mgmt.	11
Excepted Service	Bellamy	Sandy	Management and Program Analyst	08

OFFICE OF THE SECRETARY				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Ferrell Benavides	Aretha	Deputy Director	09
Excepted Service	Elwood	Patricia	Protocol Officer	08
Excepted Service	Reid	Victor	Administrator, Ofc of Document	08
Excepted Service	Davis	Clarence	Public Records Administrator	07
Excepted Service	Phipps	Richard	Notary & Authent. Officer	07
Excepted Service	Pierno	Robert	Special Assistant	05

DEPARTMENT OF CORRECTIONS				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Mynett	Beth	Medical Officer	11

DEPARTMENT OF CORRECTIONS				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Brown	Jerry	Program Analyst	06
Excepted Service	Etheridge	Lashonia	Staff Assistant	02

DC DEPARTMENT OF HUMAN RESOURCES				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Williams	Kimberly	Deputy Director	11
Excepted Service	Seed	Sudie Mae	Management and Program Analyst	07

HOMELAND SECURITIES & EMERGENCY MANAGEMENT AGENCY				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Thomas	Jorhena	Fusion Center Operations Manager	08
Excepted Service	Brannum	Robert	Community Outreach Specialist	06
Excepted Service	Boone	William	Emergency Oper & Info. Spec.	05

OFFICE ON LATINO AFFAIRS				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Sinisterra	Didier	Deputy Director on Latino Affairs	07

DEPARTMENT OF EMPLOYMENT SERVICES				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Luparello	F. Thomas	Interim Director	11
Excepted Service	Reich	Stephanie	Chief Operating Officer	09
Excepted Service	Barragan	Juan	Outreach & Service Specialist	05
Excepted Service	Becks	Valencia	Outreach & Service Specialist	05

OFFICE OF CABLE TELEVISION				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Washington	Lindsay	Producer	03

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Szegedy Maszak	Peter	Attorney Examiner	10
Excepted Service	Young	Ronald	Attorney Examiner	10
Excepted Service	Anderson	Keith	Rent Administrator	09
Excepted Service	Fields	Beatrix	Legislative Affairs Specialist	09
Excepted Service	Bailey	Milton	Chief of Staff	09

OFFICE OF PLANNING				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Levy	David	Special Assistant for Substance	09

DEPUTY MAYOR FOR PLANNING AND ECONOMIC DEVELOPMENT				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Nichols	Richard	Chief of Staff	11
Excepted Service	Palmer	Crystal	Special Assistant	10
Excepted Service	Miller	Mark	Chief Operating Officer	10
Excepted Service	Trueblood	Andrew	Deputy Chief of Staff	09
Excepted Service	Cross	Jason	Special Assistant	08
Excepted Service	Ellis	Gary	Special Assistant	08
Excepted Service	Tyus	Darnetta	Special Assistant	08

DEPARTMENT OF SMALL AND LOCAL BUSINESS				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Edwards	Ronnie	Deputy Dir of Busi Os	09

DEPARTMENT OF FORENSIC SCIENCES				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Maguire	Christopher	Deputy Director	11
Excepted Service	Funk	Christine	General Counsel	10

METROPOLITIAN POLICE DEPARTMENT				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Durham	Alfred	Chief of Staff	11
Excepted Service	Bromeland	Matthew	Special Assistant to the Chief	09
Excepted Service	Crump	Gwendolyn	Director, Office of Corporate	09

METROPOLITIAN POLICE DEPARTMENT				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Major	Jacob	Lieutenant	09
Excepted Service	O'Meara	Kelly	Executive Director, Strategic	09

FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Miramontes	David	Medical Director	11
Excepted Service	Lewis	Turna	Labor Management Liaison Specialist	10
Excepted Service	Andre	Karen	Labor Management Liaison Officer	09
Excepted Service	Roque	Sarah	Public Health Analyst	07

PS&J CLUSTER, OFFICE OF THE DEPUTY MAYOR				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Quander	Paul	Deputy Mayor	11
Excepted Service	Booth	Quincy	Chief of Staff	10
Excepted Service	Hook	Melissa	Justice Grants Administrator	09
Excepted Service	Stewart-Ponder	Gitana	Legislative & Policy Analyst	07
Excepted Service	Thompson	Emile	Legislative & Policy Analyst	07
Excepted Service	Compani	Cara	Program Analyst	05
Excepted Service	McCray	Tykisha	Staff Assistant	03

OFFICE OF THE CHIEF MEDICAL EXAMINER				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Fields	Beverly	Chief of Staff	10

OFFICE OF STATE SUPERINTENDENT OF EDUCATION				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Aguierre	Jesus	Interim State Superintendent of Education	11

OFFICE OF THE DEPUTY MAYOR FOR EDUCATION				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Calderon	Miriam	Special Assistant	10
Excepted Service	Salimi	Scheherazade	Chief of Staff	09
Excepted Service	Greenberg	Judith	Special Assistant	09
Excepted Service	Comey	Jennifer	Special Assistant	08
Excepted Service	Fejerman	Celine	Program Analyst	07

DEPARTMENT OF PARKS AND RECREATION				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Shanklin	Sharia	Interim Director	11
Excepted Service	Newman	Rachel	Writer Editor	05

DEPARTMENT OF HEALTH				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Kharfen	Michael	Senior Deputy Director	11
Excepted Service	Mehta	Rikin	Senior Deputy Director Health Reg	11
Excepted Service	Amy	Brian	Senior Deputy Director	10
Excepted Service	Shorter	Chris	Chief Operating Officer	10
Excepted Service	Chichester	Colette	Chief of Staff	09

OFFICE OF HUMAN RIGHTS				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Palacio	Monica	Acting Director	10

DEPARTMENT OF HUMAN SERVICES				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Nabors-Jackson	Nikol	Chief Operating Officer	10
Excepted Service	Thompson	Sakina	Policy & Prog Support Advisor	10

OFFICE OF THE DEPUTY MAYOR FOR HEALTH AND HUMAN SERVICES				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Otero	Beatriz	Dep Mayor for Health & Human Services	11
Excepted Service	Quinones	Ariana	Chief of Staff	10
Excepted Service	Joseph	Rachel	Special Assistant	07

OFFICE OF THE DEPUTY MAYOR FOR HEALTH AND HUMAN SERVICES				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Gomez	Sandra	Administrative Support Specialist	03

DEPARTMENT OF HEALTH CARE FINANCE				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Elam	Linda	Deputy Director	11
Excepted Service	Nathan	Ganayswaran	Dep. Dir. for Medicaid Finance	11
Excepted Service	Vowels	Robert	Medical Officer	10
Excepted Service	Rapp	Melisa	Chief of Staff	09

DEPARTMENT OF YOUTH AND REHABILITATION SERVICES				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Bellard	Alsan	Health Services Medical Officer	11

DISTRICT DEPARTMENT OF TRANSPORTATION				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Nicholson	Ronaldo	Chief Transportation Engineer	11
Excepted Service	Jackson	Carl	Assoc Dir for Prog Transp Svcs	10
Excepted Service	FitzGerald	Christopher	Community Service Representative	05
Excepted Service	Archie	Davena	Community Service Representative	05

DEPARTMENT OF PUBLIC WORKS				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Carter	Michael	Deputy Director for Operations	10
Excepted Service	Thomas	Carl	Clean City Coordinator	09

DEPARTMENT OF PUBLIC WORKS				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Lee	Sandra	Outreach & Service Specialist	05
Excepted Service	Bulger	James	Outreach & Service Specialist	05
Excepted Service	Johnson	Stephanie	Admin Support Specialist	03

CHILD AND FAMILY SERVICES AGENCY				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Rosenberg	Michele	Chief of Staff	08

DEPARTMENT OF BEHAVIORAL HEALTH				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Canavan	Patrick	Health System Administrator	11
Excepted Service	Buckson	Frances	Senior Deputy Director, APRA	11
Excepted Service	Jones	Phyllis	Chief of Staff	11

DEPARTMENT OF INSURANCE, SECURITIES AND BANKING				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	McPherson	Chester	Interim Director	10

OFFICE OF MOTION PICTURE & TELEVISION				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Bagley	Pierre	Director	10

OFFICE OF MOTION PICTURE & TELEVISION				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Green	Leslie	Senior Communications Manager	08

DC TAXICAB COMMISSION				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Linton	Ron	Chairman DC Taxicab Commission	10
Excepted Service	McInnis	Sharon	Licensing & Enforcement Ofcr.	08

OFFICE OF TENANT ADVOCATE				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Shreve	Johanna	Chief Tenant Advocate	09

OFFICE OF VETERAN AFFAIRS				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Cary	Matthew	Director, Veterans Affairs	09
Excepted Service	Fabrikant	Michael	Outreach & Service Specialist	05

**DISTRICT OF COLUMBIA POLICE OFFICERS
STANDARDS AND TRAINING BOARD**

NOTICE OF PUBLIC MEETING

The District of Columbia Police Officers Standards and Training (D.C. POST) Board will hold an open meeting on Wednesday, March 26, 2014 from 3:30 p.m. until 5:00 p.m. The meeting is open to the public and will be held in Room 5147, Henry J. Daly Building, 300 Indiana Avenue, NW, Washington, D.C. 20001. Persons wishing to attend the meeting must present photo identification to enter the building.

The mission of the D.C. POST Board is to set the minimum standards for training and to enhance the delivery of law enforcement service in the District of Columbia by ensuring the use of best practices in police officer selection and training standards for the Metropolitan Police Department and the D.C. Housing Authority.

Copies of the materials to be voted on by the D.C. POST Board may be obtained in advance beginning ten (10) business days prior to the meeting. Typed written comments on the materials may be submitted to the Office of the Board at least one (1) business day in advance of the meeting. Written comments received or postmarked after this date will not be accepted.

Members of the public who wish to present oral testimony at the meeting should contact the D.C. POST Board at least one (1) business day prior to the meeting by calling 202-727-4772 or by emailing dc.post@dc.gov.

Public comments will be limited to the first thirty (30) minutes of the meeting and will be limited to three (3) minutes. Members of the public will be scheduled on a “first come, first served” basis.

For any additional information, please contact the D.C. POST Board by calling 202-727-4772 or sending an email to dc.post@dc.gov.

POTOMAC LIGHTHOUSE PUBLIC CHARTER SCHOOL
REQUEST FOR PROPOSALS

February 26, 2014

Potomac Lighthouse Public Charter School, Washington, DC (PLPCS) is seeking competitive proposals from qualified vendors to provide computer (technology) equipment and related services.

All sealed proposals shall be forwarded to the address listed below:

Lighthouse Academies, Inc.
Attn: Patrick Kangethe
1661 Worcester Road, Suite 207
Framingham, MA 01701
Phone: 508-626-0901 ext. 224
Email: pkangethe@lighthouse-academies.org

To acquire a copy of the proposal specification or schedule a site visit, please contact Patrick Kangethe at the above phone number or e-mail address.

Proposals shall be received no later than **Friday, March 21, 2014, by 5:00 PM EST.**

Late or incomplete proposals will not be accepted. Proposals submitted via fax machine will not be accepted.

PLPCS reserves the right to reject any and all proposals without limitation. PLPCS reserves the right to award a contract as it determines to be in the best interest of the school.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DC TAXICAB COMMISSION**

NOTICE OF GENERAL COMMISSION MEETING

The District of Columbia Taxicab Commission will hold its regularly scheduled General Commission Meeting on Wednesday, March 12, 2014 at 10:00 am. The meeting will be held in the Old Council Chambers at 441 4th Street, NW, Washington, DC 20001.

The final agenda will be posted no later than seven (7) days before the General Commission Meeting on the DCTC website at www.dctaxi.dc.gov.

Members of the public are invited to participate in the Public Comment Period. You may present a statement to the Commission on any issue of concern; the Commission generally does not answer questions. Statements are limited to five (5) minutes for registered speakers and two (2) minutes for non-registered speakers. To register, please call 202-645-6018 (ext. 4) no later than 3:30 pm on March 11, 2014. Registered speakers will be called first, in the order of registration. A fifteen (15) minute period will then be provided for all non-registered speakers. **Registered speakers must provide ten (10) printed copies of their typewritten statements to the Assistant Secretary to the Commission no later than the time they are called to the podium.**

DRAFT AGENDA

- I. Call to Order
- II. Commission Communication
- III. Commission Action Items
- IV. Government Communications and Presentations
- V. General Counsel's Report
- VI. Staff Reports
- VII. Public Comment Period
- VIII. Adjournment

**DEPARTMENT OF TRANSPORTATION
POLICY, PLANNING & SUSTAINABILITY ADMINISTRATION
HIGHWAY SAFETY BEHAVIORAL GRANT PROGRAM**

NOTICE OF FUNDING AVAILABILITY

Fiscal year 2015 Grant to Non-Profit Community-Based Organizations

The Policy, Planning & Sustainability Administration (PPSA), Highway Safety Division, within the District of Columbia (District) Department of Transportation (DDOT) is soliciting detailed innovative projects that address the following identified problem areas:

Impaired driving;
Occupant protection to include seat belts and child passenger safety;
Aggressive driving;
Pedestrian/Bicycle safety; and
Traffic records.

Successful grant applications will provide solutions to identified problems, implement proven strategies, show a commitment on the part of the applicant to sustain and contribute to success, have measurable outcomes, and/or have the greatest demonstrable need or problem. The purpose of the Highway Safety (Behavioral) Grant Program is to reduce fatalities and injuries in the District of Columbia through the implementation of programs that will bring awareness to pedestrians/bicyclists, and motorists. Applicants problem statements must be data driven, have performance measures, goals and objectives.

DDOT intends to make several grant awards of up to one hundred thousand dollars (\$100,000) to fund eligible organizations. The award will be for fiscal year 2015 which begins October 1, 2014 and expires September 30, 2015. Eligible organizations must be non-profit organizations. The service and activities to be funded through these grants should have a direct impact on behavioral changes of residents of the District of Columbia and meet the requirements of the highway safety grant program.

The Request for Application (RFA) will be released on Monday April 1, 2014 and a copy of the grant application may be obtained from PPSA's Highway Safety Division's main office located at 55 M Street, SE, 5th floor, Washington, DC 20003, or can be obtained by going to the safety office's website www.ddot-hso.com. Once there click on "*Grants Information*," then click on *2015 Grant Application & Guide – Due date May 1, 2014*. For additional information please contact Carole A. Lewis by email at: carole.lewis@dc.gov.

The deadline for submission of all grant applications is Monday, May 1, 2014 at 3:00 pm

A Pre-Application Workshop is planned for Tuesday March 25, 2014 from 10 am – 12 Noon at the PPSA Offices located at 55 M Street, SE, 5th floor, Washington, DC 20003. Applicants interested in attending the Workshop should RSVP by email at: carole.lewis@dc.gov on or before Friday March 21, 2014.

NOTICE OF NON-DISCRIMINATION

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, status as a victim of an intrafamily offense, 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.

**DEPARTMENT OF TRANSPORTATION
URBAN FORESTRY ADMINISTRATION**

TREE CANOPY EXPANSION PROGRAM

NOTICE OF FUNDING AVAILABILITY

Fiscal Year 2014 Grant to Private and Non-Profit Community-Based Organizations

The Urban Forestry Administration (UFA) within the District of Columbia (District) Department of Transportation (DDOT) is soliciting detailed proposals from both private and non-profit organizations to market the tree planting program and to plant only large canopy species trees, at no cost to the land owner, throughout the District of Columbia using data that UFA will provide to the awardee. UFA is tasked with managing the city's street trees throughout the District of Columbia. UFA deploys a staff of over fifteen ISA certified arborist with field-based computers to inventory and manage the street trees. Using this system, UFA is well equipped to address the placement of trees citywide and has the expertise to establish additional tree canopy. UFA is looking to expand the tree canopy in order to achieve Mayor Gray's goal of 40% canopy cover by 2032, and to achieve the tree planting goals set forth in Mayor Gray's Sustainable DC Initiative. UFA is seeking a private or non-profit organization that can plant large canopy species trees on private land throughout the District of Columbia, market this opportunity to the citizens of the District of Columbia in an effort to raise awareness of the importance of trees and focus the majority of the effort on parcels that have the greatest potential for the establishment of new tree canopy.

DDOT intends to make one (1) grant award of up to three hundred thousand dollars (\$300,000), depending on revenues to the Tree Fund, to fund an eligible organization with a base plus four-year extension pending performance. Eligible organizations include any private or non-profit organizations. The service and activity to be funded through the grant should have an immediate and direct impact on the tree canopy within the District, and meet the requirements of the Tree Canopy Expansion Program. Proven tree planting experience, grant management and staff with strong GIS skills is required.

The Request for Application (RFA) will be released on Monday, March 11th, 2014. A copy of the RFA may be obtained from UFA's main office located at 55 M St. NE, 6th floor; Washington, DC 20003. In addition, the RFA will also be available on the City Administrator's website, located at <http://www.oca.dc.gov> under the link to the District Grants Clearinghouse. For additional information, please contact Mr. John P. Thomas at (202) 671-5133, or by email at: john.pthomas@dc.gov.

The deadline for submission of the RFA is Friday, March 28th, 2014 at 3:00 p.m.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**BOARD OF DIRECTORS****NOTICE OF PUBLIC MEETING****Governance Committee**

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Governance Committee will be holding a meeting on Wednesday, March 12, 2014 at 9:00 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water's website at www.dewater.com.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or linda.manley@dewater.com.

DRAFT AGENDA

- | | |
|--|---------------------------------|
| 1. Call to Order | Chairperson |
| 2. Government Affairs: Update | Government Relations
Manager |
| 3. Update on the Compliance Monitoring Program | TBD |
| 4. Update on the Workforce Development Program | Chief of Staff |
| 5. Emerging Issues | Chairperson |
| 6. Agenda for Upcoming Committee Meeting (TBD) | Chairperson |
| 7. Adjournment | Chairperson |

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**BOARD OF DIRECTORS****NOTICE OF PUBLIC MEETING****Human Resources and Labor Relations Committee**

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Human Resources and Labor Relations Committee will be holding a meeting on Wednesday, March 12, 2014 at 11:00 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water's website at www.dcwater.com.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or لمانley@dcwater.com.

DRAFT AGENDA

- | | | |
|----|--|-----------------------|
| 1. | Call to Order | Committee Chairperson |
| 2. | Human Resource Updates | |
| 3. | Other Business | |
| 4. | Executive Session – To discuss personnel matters pursuant to D.C. Official Code § 2-575(b)(10) | Committee Chairperson |
| 5. | Adjournment | Committee Chairperson |

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

Appeal No. 18568 of Shaw-Dupont Citizens Alliance, Inc., pursuant to 11 DCMR §§ 3100 and 3101, from the Department of Consumer and Regulatory Affairs' ("DCRA") interpretation of § 1901.6 allegedly pertaining to a drinking establishment in the ARTS/C-3-A District at premises 1346 T Street, N.W., (Square 238, Lot 88).¹

HEARING DATE: June 18, 2013

DECISION DATE: June 18, 2013

ORDER DISMISSING APPEAL

This appeal was filed on March 28, 2013 by Shaw-Dupont Citizens Alliance, Inc. ("SDCA" or "Appellant"). The Appellant challenges two DCRA interpretations of 11 DCMR § 1901.6 contained in emails that Appellant claims allowed for the resumption of a tavern use at 1346 T Street, N.W. ("the Subject Property") by its lessee, Al's Market.

On May 9, 2013, Al's Market filed a Motion to Dismiss the appeal as an untimely attack on the 2004 certificate of occupancy that first authorized a tavern use on the Subject Property. (Exhibit 30.) The motion also argued that the Appellant lacked standing. On June 13, 2013, DCRA filed a Motion to Dismiss essentially making the same arguments. (Exhibit 38.)

In its opposition to the motions, the Appellant for the first time asserted that the DCRA interpretations led to the erroneous issuance of an ownership change certificate of occupancy for the Subject Property in February 2013. (Exhibits 33, 35, and 39.) However, the Appellant never requested permission to amend the appeal to encompass that DCRA action.

Following a public hearing on June 18, 2013, the Board of Zoning Adjustment ("Board") voted to dismiss the appeal as untimely.²

PRELIMINARY MATTERS

Notice of Appeal and Notice of Hearing.

By memoranda dated March 29, 2013, the Office of Zoning ("OZ") provided notice of the appeal to the Zoning Administrator ("ZA"), at DCRA; Advisory Neighborhood Commission ("ANC") 1B, the ANC Single Member District Commissioner 1B-12; the Office of Planning; and the

¹ The caption has been changed to reflect the nature of this appeal as determined by the Board. The original caption referred to the appeal as being from a DCRA decision to allow a drinking establishment at the address. As will be explained, the interpretations complained of, which took the form of emails, never mentioned the address and did not clear the way for the issuance of a certificate of occupancy permitting such a use.

² The Board also voted to deny the motions to dismiss on the issue of standing, finding that the Appellant exists in part to respond to issues arising from the establishment or resumption of neighborhood business.

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Councilmember for Ward 1. Pursuant to 11 DCMR § 3112.14, on April 12, 2013, OZ mailed letters providing notice of the hearing to the Appellant, the owner and lessee of the Subject Property, the ZA and ANC 1B. Notice was also published in the *D.C. Register* on April 12, 2013.

Parties

The parties in this appeal were the Appellant SDCA, the Appellee DCRA, the lessee Al's Market, and ANC 1B, which is the ANC for the area within which the property that is the subject of the appeal is located. All four were automatic parties to the appeal pursuant to the definition of the term "Party," as set forth in 11 DCMR § 3199.1.³

ANC Report

By a letter dated June 11, 2013 (Exhibit 44), ANC 1B submitted a written report in which the ANC noted that at its properly noticed regularly scheduled meeting of June 6, 2013, and with a quorum present, it unanimously voted to express its full support for Compass Rose, which the Board understands to be the name proposed for the tavern. The ANC stated its belief that the business "satisfied all legal requirements to operate" and noted that a prior certificate of occupancy for an eating and drinking establishment had previously been issued for the Subject Property. The report also concluded that it would be "unfair to challenge the restaurant use now, several years after an eating and drinking business was first opened there."

FINDINGS OF FACT

1. The Subject Property is located at 1345 T Street, N.W. and is mapped in the C-3-A District and the ARTS Overlay District ("Overlay").
2. The Subject Property is located in Square 238. That Square also includes properties that front on 14th Street, N.W.
3. Certificate of Occupancy ("C of O") No. CO68314 was issued on January 7, 2004 to Kalechristo N. Jima and Fetawork B Reta, who were then the owners of the Subject Property. (Exhibit 38 C.) The C of O "type" was indicated as "new", the description of the approved use indicated "tavern", and the expiration date was "none".
4. The Subject Property was subsequently sold to Talley R. Holmes.
5. Although not required by the Zoning Regulations, § A 110.1 of the District of Columbia Construction Codes requires that a replacement certificate of occupancy must be issued when the ownership of property changes.
6. Therefore on January 26, 2009, Certificate of Occupancy No. CO091011 was issued to Talley R. Holmes. (Exhibit 38-B.) The description of occupancy was identified as "tavern",

³ It was therefore unnecessary for Al's Market to move to intervene. (Exhibit 29.)

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the type of occupancy was identified as “ownership change”, and the expiration date was left blank.

7. At some point in time the business ceased operations.
8. Subsection 1901.6 establishes limits on eating establishments, drinking establishments, and eating and drinking establishment (“Eating/Drinking Establishments”) within the ARTS Overlay.
9. Prior to its amendment on August 20, 2010, § 1901.6 provided that Eating/Drinking Establishments “shall occupy no more than twenty five percent of the linear foot frontage within the ARTS Overlay District, as measured along the lots fronting 14th Street and U Street, N.W.”
10. According to the Notice of Final Rulemaking for the 2010 amendments, the adopted rule changed “the 25% overlay-wide cap to a 50% cap that is applied to each individual Overlay square fronting 14th or U Streets, N.W. and clarifies that this limit applies only to ground floor frontage. The street frontages to be used in this calculation are listed in a chart.”
11. The chart, which is appended to § 1901.6 lists each square in the ARTS Overlay with frontage on 14th Street or U Street and as to each square indicates the number of feet of such frontage.
12. For Square 238, the chart indicates that there are 450.1 feet of frontage on 14th Street, N.W., which means that the limitation on Eating/Drinking Establishments is triggered when the ground floors of such uses occupy at least 225 feet of the portion of Square 238 that fronts 14th Street.
13. At some point prior to February 1, 2013, SDCA became aware of a proposal to resume the Eating/Drinking Establishment use at the Subject Property.
14. Mr. German Jimenez, the Chair of the Appellant’s Zoning Committee, concluded that § 1901.6, as amended, precluded the resumption of the use based upon his belief that:
 - a. At least 225 feet of the portion of Square 238 that fronted 14th Street was occupied by Eating/Drinking Establishment; and
 - b. As a result of the limit having been reached, no new Eating/Drinking Establishments were allowed on any portion of Square 238 that was mapped within the ARTS Overlay, including those portions that did not front 14th Street.
15. As to whether the 14th Street frontage limitation for Square 238 had been exceeded, Mr. Roland Reid, a Program Analyst within DCRA’s Office of the Zoning Administrator first indicated in an email to Mr. Jimenez dated March 5, 2013 that “there is zero linear frontage

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remaining for eating and/or drinking establishment for Square 238.” (Exhibit 4, Emphasis Supplied.)

16. On March 5, 2013, Mr. Jimenez replied by stating that this was his understanding as well, but that “it would be good to have this information for purposes of ... an interpretation case with BZA regarding square 238.”
17. Mr. Reid provided the information in an email dated March 8, 2013, but instead of showing zero street frontage available, the supplied chart showed 4.4 feet left.
18. In a March 9th email response, Mr. Jimenez questioned why the Source Theater was not included within the list of existing Eating/Drinking Establishments, noting that the theater held Alcoholic Beverage Regulation Administration license #79281, Class DM and therefore should be viewed as a drinking establishment.
19. On March 11, Mr. Reid emailed his response, which stated in part:

According to the Zoning Regulations the Source Theater is classified as a Legitimate Theater ... with accessory sale of pre-packaged foods, beer and wine. It is also described as such on the certificate of occupancy. Its primary use is not an eating/drinking establishment and therefore the street frontage it occupies is not included in the inventory for eating/drinking establishments on 14th St, NW.
20. As to the geographic scope of the Overlay’s limitation on Eating/Drinking Establishments, Mr. Jimenez sought to convince the Zoning Administrator that the limitation applied to all Overlay-mapped properties within a square in which the 50% cap had been exceeded.
21. In an email to the Zoning Administrator dated February 1, 2013, Mr. Jimenez refers to an earlier conversation between the two, during which the ZA apparently stated his belief that the Overlay’s limitation, once triggered, only applied to the portion of the square that fronted 14th or U Street. The email sought to convince the ZA of SDCA’s broader view. (Exhibit 10, page 2.)
22. The Zoning Administrator responded in an email dated February 6, 2013, affirming his “longstanding interpretation ... that the zoning provision that limits the street frontage for eating establishments in the Uptown Arts-Mixed Use (ARTS) Overlay District, 11 DCMR 1901.6, applies only to the frontages along 14th and U Street NW street frontages, and does not include frontages along any other street.”
23. None of the emails from or to Mr. Jimenez mentioned the Subject Property.
24. The Appellant filed its appeal of the February 6th and March 11th emails on March 28, 2013.
25. Although no exhibit was presented, the Appellant subsequently claimed that on February 20,

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2013, Certificate of Occupancy No. CO1301182 was issued for the Subject Property due to an ownership change.

CONCLUSIONS OF LAW

The Board is authorized by section 8 of the Zoning Act of 1938, D.C. Official Code § 6-641.07(g)(2) (2012 Repl.), to hear and decide appeals where it is alleged by the appellant that there is error in any decision made by any administrative officer in the administration of the Zoning Regulations. An appeal must be filed within 60 days after the date the appellant “had notice or knowledge of the decision complained of, or reasonably should have had notice or knowledge of the decision complained of, whichever is earlier.” 11 DCMR § 3112.2 (a). Although this deadline is a “claims processing rule” and therefore not jurisdictional in nature, *see Gatewood v. District of Columbia Water and Sewer Authority*, 82 A.3d 41 (2013) (WASA deadline to file appeal of water bill is non-jurisdictional), the failure to adhere to the rule will result in the dismissal of an appeal unless the 60-day deadline is extended under circumstances stated at 11 DCMR § 3112.2(d).

The Appellant claims to be appealing two decisions contained in emails dated February 6 and March 11 of 2013. The Board concludes that neither of these decisions can form the basis of any appeal and that the only decision relating to the tavern use on the Subject Property from which an appeal could have been taken was made on January 7, 2004 when Certificate of Occupancy (“C of O”) No. CO68314 was issued to Kalechristo N. Jima and Fetawork B Reta. It was this C of O that first authorized a tavern use on the Subject Property and no C of O has since been issued that amended that use or authorized a replacement use.

Neither the 2009 certificate of occupancy nor the two emails “represented ... a new decision on this issue.” *Basken v. District of Columbia Bd. of Zoning Adjustment*, 946 A.2d 356, 368 (2008). The 2009 certificate of occupancy only authorized an ownership change. The two emails merely responded to the Appellant’s assertion as to how the Overlay’s cap on Eating/Drinking Establishments should be computed and applied. Neither email “clearly signified a decision not to withhold a certificate of occupancy”, *Basken*, 946 A.2d at 370, and therefore cannot constitute the basis for an appeal. *See Appeal No. 18522 of Washington Harbour Condominium Unit Owners’ Association* (Non-binding ZA determination letter issued before building permit application may not be appealed). *Compare Appeal No. 18300 of Lawrence and Kathleen Ausubel* (2011) (Appellant’s could not wait to appeal building permit where ZA email clearly indicated permit would issue based upon resolution of zoning issue presented). In fact the emails complained of did not mention the Subject Property at all and therefore cannot plausibly be viewed as pertaining to it in any way.

Perhaps because of this the Appellant in its oppositions to the motions to dismiss first refers to a certificate of occupancy it claims was issued for the Subject Property in February of 2013. The pleadings suggest that the Certificate of Occupancy would not have been issued had DCRA interpreted § 1906.1 in the manner asserted by the Appellant. However, this certificate of

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occupancy, like the one issued in 2009, only acknowledged an ownership change and did not authorize any change to the actual tavern use.

The Board therefore concludes that the only decision authorizing a tavern use on the Subject Property was the Certificate of Occupancy issued on January 7, 2004. The Board understands that the Appellant does not claim to be challenging this C of O. Nevertheless that is the only zoning decision pertaining to the tavern use on the Subject Property for which an appeal could be filed. Clearly the 60-day period for filing such an appeal has long past and the Appellant has not argued that the deadline should be extended pursuant § 3112.2 (d). This appeal must therefore be dismissed as untimely.

The Board is required to give “great weight” to the issues and concerns raised in writing by the affected ANC. Section 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2001)). In this appeal, the ANC report expressed its support for the business that would re-establish a tavern on the Subject Property and stated its view that the Appellant’s belated attack on the 2004 certificate of occupancy is unfair. Although neither statement is legally relevant to the Board’s determination of this Appeal, the Board concludes that its decision to dismiss the appeal is consistent with the sentiment stated in the ANC’s report.

Based on the findings of fact and having given great weight to the ANC 1B report, the Board concludes that the appeal filled by Shaw-Dupont Citizens Alliance, Inc. does not satisfy the requirements of timeliness set forth in § 3112.2. The Board must therefore find the filing of the appeal untimely. Accordingly, it is therefore **ORDERED** that the appeal is **DISMISSED**.⁴

VOTE: 3-0-2 (S. Kathryn Allen, Robert E. Miller, and Jeffrey L. Hinkle to Dismiss the appeal; Lloyd J. Jordan not present, not voting; one Board seat 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.

⁴ It is not necessary for the Board to reach the claims made in the Motions to Dismiss, that the Appeal is also an untimely attack on the Certificate of Occupancy issued to the Source Theater. Whether the Source Theater was properly included within DCRA’s computation of the applicable street frontage goes to the merits of the appeal, which the Board did not reach.

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

Application No. 18701 of 1247 ESE LLC, pursuant to 11 DCMR § 3103.2, for a variance from the use provisions to operate a restaurant in the first floor space within an existing apartment house under § 330.5 in the R-4 District at premises 1247 E Street, S.E. (Square 1019, Lot 43).¹

HEARING DATE: February 4, 2014

DECISION DATE: February 25, 2014

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 (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 Advisory Neighborhood Commission ("ANC") 6B, and to owners of property within 200 feet of the site. The site is located within the jurisdiction of ANC 6B, which is automatically a party to this application. ANC 6B submitted a report dated January 15, 2014, indicating that at a regularly scheduled, properly noticed meeting on January 14, 2014, with a quorum present, the ANC voted 10-0-0 in support of the application. (Exhibit 29.) The Office of Planning ("OP") submitted a timely report in support of the application, subject to conditions. (Exhibit 32.) The District Department of Transportation ("DDOT") submitted a report raising no objection to the approval of the application. (Exhibit 31.)

Letters of support for the application were submitted by neighbors Stephen Simpson, Sarah Gavian, and Eric Hall. (Exhibits 28, 27, and 26.)

As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for a variance under § 3103.2 from the strict application of the use provisions in § 330.5. 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 ANC and OP reports filed in this case, the Board concludes that in seeking the variance relief that 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 an

¹ The Applicant amended the application from a fast food establishment to a restaurant use and the caption has been revised accordingly. (Exhibit 36.)

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undue hardship 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. Operating times shall not exceed 7:30 a.m. to 8:00 p.m., Monday through Friday, and 9:00 a.m. to 8:00 p.m., Saturday and Sunday.
2. Subject to any conditions imposed by the Public Space Committee and Historic Preservation Review Board, trash cans shall be concealed and not visible from the street.
3. Deliveries shall only be allowed between 8:30 a.m. to 5:00 p.m., Monday through Friday, and 9:30 a.m. to 2:00 p.m., Saturdays only.
4. Outdoor seating shall be permitted if approved by the Public Space Committee.
5. Outdoor seating is not permitted between the entry door on E Street and the fence line of 1245 E Street, S.E.
6. No outdoor music shall be allowed.
7. Subject to any conditions imposed by the Historic Preservation Office, the boarded-up door facing 13th Street shall be reopened.

VOTE: **3-0-2** (Lloyd J. Jordan, Jeffrey L. Hinkle, and Anthony J. Hood (by absentee ballot) to APPROVE; S. Kathryn Allen, not present or voting; one Board seat 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: February 27, 2014

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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 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. 18706 of Lawrence S. Ward and Jessica Furey, pursuant to 11 DCMR § 3104.1, for a special exception for an addition to a one-family detached dwelling under section 223, not meeting the lot occupancy (section 403) and nonconforming structure (subsection 2001.3) requirements in the R-1-B District at premises 4445 Yuma Street, N.W. (Square 1591, Lot 827).

HEARING DATE: February 11, 2014

DECISION DATE: February 11, 2014

SUMMARY ORDER

REVIEW BY THE ZONING ADMINISTRATOR

The application was accompanied by a memorandum, dated November 18, 2013, from the Zoning Administrator certifying the required relief.

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 Advisory Neighborhood Commission (ANC) 3E, and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 3E, which is automatically a party to this application. ANC 3E submitted a letter in support of the application. Numerous neighbors submitted letters expressing support for the project. The Office of Planning (OP) submitted a report and testified at the hearing in support of the application. The Department of Transportation submitted a report not objecting to the application. The Board received several letters from neighbors in support of the application.

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 a special exception under subsection 223. 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, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 223, 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.

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

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of law. It is therefore **ORDERED** that this application (pursuant to Exhibit 9 – Plans) be **GRANTED**, subject to the following **CONDITIONS**:

1. The Applicant, in consultation with the RiverSmart Home Program, shall implement a storm water mitigation plan that, in the RiverSmart representative's estimation, would control storm water runoff from the Applicant's property to a level of no more than what would be anticipated from the property if it had 40% lot occupancy. The plan shall also include post-renovation landscaping on the property.
2. The Applicant shall enter into an agreement with Advisory Neighborhood Commission 3E addressing mitigation measures; and the Applicant shall present the agreement in the form of conditions to the Zoning Administrator prior to acquiring the certificate of occupancy on the property.

VOTE: **3-0-2** (Lloyd J. Jordan, Jeffrey L. Hinkle and Michael G. Turnbull to approve. S. Kathryn Allen absent, and the third member seat 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: February 20, 2014.

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

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BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

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. 18713 of Goldstar 1500 Penn LLC, pursuant to 11 DCMR §§ 3103.2 and 3104.1, for a variance from the parking space size requirements of § 2115.2, and a special exception from the roof structure requirements under § 411, for a new apartment building in the C-2-A District at premises 1500 Pennsylvania Avenue, S.E. (Square 1077, Lot 809).¹

HEARING DATE: February 25, 2014
DECISION DATE: February 25, 2014

SUMMARY ORDER

SELF CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 3.)

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 Advisory Neighborhood Commission ("ANC") 6B, and to owners of property within 200 feet of the site. The site is located within the jurisdiction of ANC 6B, which is automatically a party to this application. ANC 6B submitted a timely report dated February 12, 2014, indicating that at a regularly scheduled, properly noticed meeting, with a quorum present, the ANC voted 8-0-0 to support the application for a variance and special exception. (Exhibit 23.) The Office of Planning ("OP") submitted a timely report in support of the application. (Exhibit 24.) The District Department of Transportation ("DDOT") submitted a report raising no objection to the approval of the application. (Exhibit 22.)

A letter of support for the application was submitted by the Capitol Hill Restoration Society. (Exhibit 25.)

Variance Relief:

As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for a variance under § 3103.2 from the strict application of the parking space size requirements of § 2115.2. 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.

¹ The Applicant amended the application to add special exception relief under § 411 and the caption has been revised accordingly. The Applicant noted in its request to amend the application that notice had been given to the community regarding the additional relief. (Exhibit 21.)

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Based upon the record before the Board and having given great weight to the ANC and OP reports filed in this case, the Board concludes that in seeking the variance relief that 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 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.

Special Exception Relief:

As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1 for a special exception from the roof structure requirements under § 411. 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 ANC and OP 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 properties in accordance with 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 APPROVED PLANS AT EXHIBIT 10.**

VOTE: **4-0-1** (Lloyd J. Jordan, Peter G. May, Marnique Y. Heath, and Jeffrey L. Hinkle to APPROVE; S. Kathryn Allen, not present or voting.)

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: February 27, 2014

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

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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 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO § 3129.9, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL TOLL OR 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.

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
441 4TH STREET, N.W.
SUITE 200-SOUTH
WASHINGTON, D.C. 20001**

PUBLIC NOTICE OF CLOSED MEETING

In accordance with § 405(c) of the Open Meetings Act, D.C. Official Code § 2-575 (c), on February 25, 2014, the Board of Zoning Adjustment voted 4-0-1, to hold closed meetings telephonically on Monday, March 3, 10, and 17, 2014, beginning at 4:00 pm for the purpose of obtaining legal advice from counsel and/or to deliberate upon, but not voting on the cases scheduled to be publicly heard or decided by the Board on the day after each such closed meeting, as those cases are identified on the Board’s agendas for March 4, 11 and 18, 2014; and in accordance with § 407 of the District of Columbia Administrative Procedure Act.

FOR FURTHER INFORMATION, CONTACT THE OFFICE OF ZONING AT (202) 727-6311.

LLOYD J. JORDAN, CHAIRMAN, S. KATHRYN ALLEN, MARNIQUE Y. HEATH, JEFFREY L. HINKLE AND A MEMBER OF THE ZONING COMMISSION ----- BOARD OF ZONING ADJUSTMENT, CLIFFORD W. MOY, SECRETARY TO THE BZA, SARA A. BARDIN, DIRECTOR, OFFICE OF ZONING.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FILING
Z.C. Case No. 14-02
(A&R Development Corporation, *et al.* – First-Stage PUD and Related Map
Amendment @ Various Lots in Squares 5862, 5865, 5866, and 5867)
February 26, 2014**

THIS CASE IS OF INTEREST TO ANC 8C

On February 24, 2014, the Office of Zoning received an application from the District of Columbia, the District of Columbia Housing Authority, A&R Development Corporation, and Preservation of Affordable Housing, Inc., (together, the “Applicant”), for approval of a first-stage PUD and related map amendment for the above-referenced property.

The property that is the subject of this application consists of Square 5862, Lots 137-143; Square 5865, Lots 243, 249, 254, 259, 260-280, 893, 963-978, and 992; Square 5866, Lots 130, 133-136, 141-144, 147-150, 152, and 831-835; and Square 5867, Lots 143, 172-174, 890-891, and 898 in Southeast Washington, D.C. (Ward 8), which is located on a site generally bounded by Suitland Parkway (north), Wade Road (east), St. Elizabeth’s West Campus (south) and Firth Sterling Avenue (west), and also known as the site of Barry Farm and Wade Apartments. The property is currently zoned R-5-A. The Applicant proposes a PUD-related map amendment to rezone the property, for the purposes of this project, to C-2-A/R-5-B and R-5-B.

The Applicant proposes to demolish the existing structures and redevelop the site with approximately 1,950,000 to 2,165,000 square feet of residential gross floor area and approximately 58,800 square feet of commercial uses. The maximum building height will be 65 feet and the proposed density is 2.5 floor area ratio (“FAR”).

This case was filed electronically through the Interactive Zoning Information System (“IZIS”), which can be accessed through <http://.dcoz.dc.gov>. For additional information, please contact Sharon S. Schellin, Secretary to the Zoning Commission at (202) 727-6311.

District of Columbia REGISTER – March 7, 2014 – Vol. 61 - No. 10 1873 – 2031